



## Bassett Creek Watershed Management Commission

### Minutes of Regular Meeting Thursday, February 20, 2025 8:30 a.m.

7800 Golden Valley Rd., Golden Valley MN

#### 1. CALL TO ORDER and ROLL CALL

On February 20, 2025 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	Terri Schultz	<i>Absent</i>
Golden Valley	Paula Pentel	<i>Vacant</i>	Eric Eckman
Medicine Lake	Clint Carlson	Shaun Kennedy	<i>Absent</i>
Minneapolis	Jodi Polzin	<i>Vacant</i>	Liz Stout
Minnetonka	<i>Vacant</i>	<i>Absent</i>	<i>Absent</i>
New Hope	Jere Gwin-Lenth	Jen Leonardson	Nick Macklem (online)
Plymouth	Catherine Cesnik	Monika Vadali	Ben Scharenbroich
Robbinsdale	Wayne Sicora	<i>Vacant</i>	Jenna Wolf
St. Louis Park	RJ Twiford	<i>Absent</i>	Erick Francis
<b>Administrator</b>	Laura Jester, Keystone Waters, LLC		
<b>Engineers</b>	Karen Chandler and Stephanie Johnson– Barr Engineering Co.		
<b>Recording Secretary</b>	<i>Vacant Position</i>		
<b>Legal Counsel</b>	Dave Anderson, Kennedy & Graven		
<b>Guests/Public</b>	None		

#### 2. PUBLIC FORUM ON NON-AGENDA ITEMS

None.

#### 3. APPROVAL OF AGENDA

Administrator Jester requested the addition of an agenda item to consider approval of the agreement with Met Council for operation of the WOMP station.

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

#### 4. CONSENT AGENDA

Items 4D, 4G, 4J, and 4K were 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 16, 2025 Commission Meeting
- Acceptance of February Financial Report
  - FY24 Year End
  - FY25 February Report
- Approval of Payment of Invoices
  - Keystone Waters, LLC – January 2025 Administration
  - Keystone Waters, LLC – January 2025 Administrative Expenses
  - Barr Engineering – January 2025 Engineering Services
  - Triple D Espresso – February Meeting Catering
  - City of Plymouth – January 2025 Accounting Services
  - Kennedy & Graven – Legal Services
  - Stantec – WOMP Services
  - Metro WaterShed Partners – 2025 Member Contribution
  - INCase LLC – Watershed Map Development and Printing
  - Minnesota Watersheds – 2025 Member Dues
- Approval of 36th Avenue Rehabilitation Project, Plymouth
- Approval of Plymouth Ice Center and 38<sup>th</sup> Avenue Culvert Extension Project, Plymouth
- Approval to Designate *Finance and Commerce* as the Official News Publication of the BCWMC
- Approval to Adopt Data Practices Policy
- Approval of TAC Recommendation on Use of Channel Maintenance Funds
- Approval of Agreement for FY24 Financial Audit

#### **Item 4D: Acceptance of Bassett Creek Tunnel Double Box Culvert Inspection Report**

Commissioner Hauer indicated the inspection report was good and asked about the frequency of inspections. Commission Engineer Chandler reported that, based on the Commission’s Flood Control Project policies (approved 2016, revised 2021), the double box culvert is inspected once every 5 years and that maintenance in 2004 was done by the City of Minneapolis. Minneapolis TAC member Stout reported that the Bassett Creek tunnel is one of many underground structures maintained by the city. She noted that it’s possible the city has not regularly reported all maintenance activities to the Commission. She committed to making sure reporting to the Commission is standard practice moving forward.

**MOTION:** Commissioner Hauer moved to accept the Tunnel Double Box Culvert Inspection Report. Commissioner Pentel seconded the motion. Upon a vote, the motion carried 8-0 with the City of Minnetonka absent from the vote.

#### **Item 4G: Conditional Approval of Station 73 Transit and Regional Improvement Program, Plymouth**

Commissioner Hauer noted that she does not feel comfortable approving a project with conditions. Plymouth TAC member Scharenbroich noted that this is a large city project that should get started soon and that the city is working through the Commission Engineer’s comments. Commission Engineer Johnson noted that commission engineers would not request conditional approval if they didn’t have a high level of assurance that the outstanding items would be addressed by the applicant. She noted there is a level of comfort that they will be addressed and if the comments are not addressed, then the project will not be approved.

**MOTION:** Commissioner Hauer moved to conditionally approve the Station 73 Transit and Regional Improvement Program. Commissioner Twiford seconded the motion. Upon a vote, the motion carried 8-0 with the City of Minnetonka absent from the vote.

**Items 4J and 4K: Approval of Resolution 25-04 Approving Electronic Fund Transfers and Approval of Resolution 25-05 Designating Depositories**

Commissioner Polzin indicated that she pulled the resolutions off the consent agenda so that they were not approved through blanket approval. Commission Attorney Anderson noted that the consent agenda is intended to be for non-controversial items where discussion is not anticipated. He noted it is not unusual for resolutions and other formal decisions to be on consent agendas, including those of city councils.

**MOTION:** Commissioner Polzin moved to approve resolutions 25-04 and 25-05. Commissioner Twiford seconded the motion.

**Discussion:** Attorney Anderson reported that resolution 25-04 allows for the policy language contained in the resolution to be administratively added to the Commission’s policies. Administrator Jester noted she would bring the revised policy to the Commission as information.

**VOTE:** Upon a vote, the motion carried 8-0 with the City of Minnetonka absent from the vote.

[Chair Cesnik stepped out of the meeting.]

**5. ORGANIZATIONAL MEETING**

**A. Elect Officers**

With Chair Cesnik briefly absent from the meeting, Vice Chair Pentel facilitated the election of officers. Administrator Jester noted that Chair Cesnik had indicated her willingness to be re-elected chairperson. Vice Chair Pentel indicated she was willing to remain as vice chair. Commissioner Sicora noted that he would like to step down from the secretary/treasurer position and recommended Commissioner Polzin for that position. Commissioner Polzin indicated she would be willing to serve as the secretary/treasurer, or that the position could be split into two positions if others were also interested.

[Chair Cesnik returned to the meeting]

**MOTION:** Commissioner Gwin-Lenth moved to elect the slate of candidates as Chair Cesnik, Vice Chair Pentel, and Secretary/Treasurer Polzin. Commissioner Hauer seconded the motion. Upon a vote, the motion carried 8-0 with the City of Minnetonka absent from the vote.

**B. Review Roles and Responsibilities Document and Bylaws**

Administrator Jester reminded commissioners about the various guidance documents including the roles and responsibilities document and the Commission’s bylaws, along with the joint powers agreement and the Commission’s policies.

**C. Review 2025 Commission Calendar and Areas of Work**

Administrator Jester briefly reviewed the calendar of work noting that there is no proposed change to the Commission meeting time, place, or day of the month. She noted that the calendar is not an exhaustive list of work the Commission will undertake and is updated and included in the “information only” part of the agenda each month. She also noted the document includes a list of all contractors and agreements along with a description of commission committees.

**D. Appoint Committee Members**

Chair Cesnik commented on the important work of committees. Administrator Jester noted the Administrative Services Committee did not meet in 2024 but is likely to work on staff issues and administrator succession planning in 2025. She also reported that some former commissioners currently serving on committees indicated they would like to continue serving. The following committee appointments were made:

- i. **Administrative Services Committee** – Chair Cesnik, Commissioners Hauer, Gwin-Lenth, Polzin
- ii. **Budget Committee** – Chair Cesnik, Commissioners Hauer, Polzin, Sicora, Carlson, former commissioner Anderson [Commissioners Carlson and Gwin-Lenth noted their concerns about future budgets given current economic uncertainties.]
- iii. **Education Committee** – Chair Cesnik, Commissioners Twiford, Pentel; Alternate Commissioners Leonardson and Schultz; former commissioners Gould, Chohan, and Lawrence

- iv. **Plan Steering Committee** – Chair Cesnik, Commissioners Twiford, Hauer, Pentel, Polzin; Alternate Commissioner Kennedy; TAC members Eckman and Scharenbroich; former commissioner Loomis.
- v. **Technical Advisory Committee Liaison** – Commissioner Pentel as standing TAC liaison (rather than a rotating position)

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

**E. Review Open Meeting Law**

Commission Attorney Anderson briefly reviewed provisions of the open meeting law and how it is most often broken. He noted the law is intended to provide transparency. He noted there are very limited exceptions for meeting attendance from a remote location and that texting and emailing threads among commissioners should be avoided. He noted that discussions about commission business among a quorum of commissioners outside of a meeting is not allowed, including during social events.

**6. BUSINESS**

**Added Agenda Item: Consider Approval of Agreement with Met Council for Watershed Outlet Monitoring Program Operation**

Administrator Jester reported this is a routine, biennial agreement for operation of the critical monitoring site at the downstream end of Bassett Creek. She noted Attorney Anderson had reviewed the agreement.

**MOTION:** Commissioner Pentel moved to approve the WOMP agreement with Met Council. Commissioner Gwin-Lenth seconded the motion. Upon a vote, the motion carried 8-0 with the City of Minnetonka absent from the vote.

**A. Appoint Delegates for Special Meeting of the Minnesota Watersheds**

Administrator Jester reported that MN Watersheds is developing a new process for resolutions and legislative priorities to allow for resolutions to be developed and voted on by the membership earlier in the year. She noted that MN Watersheds is likely to set a special meeting of the membership for March 21<sup>st</sup> to consider the proposed process changes. She requested that the Commission appoint official delegates to attend the meeting.

Alternate Kennedy reported that he would be attending the meeting as a member of the MN Watersheds Board. Commissioner Hauer expressed interest in attending and Commissioner Twiford said he could be an alternate delegate.

**MOTION:** Commissioner Carlson moved to appoint Alternate Commissioner Kennedy and Commissioner Hauer as delegates to the MN Watersheds meeting on March 21<sup>st</sup> and to appoint Commissioner Twiford as the alternate delegate. Commissioner Pentel seconded the motion. Upon a vote, the motion carried 8-0 with the City of Minnetonka absent from the vote.

**B. Review Results of Performance Evaluations for Administrator and Engineers**

Commissioner Pentel reviewed the results of the performance evaluation for the administrator (11 responses) and the commission engineers (9 responses). She read through all responses and noted that Administrator Jester received 3 responses of “very good” and 8 responses of “outstanding” for overall performance. Among the responses were a few areas for improvement including budget tracking, providing meeting materials further ahead of meetings for more time to review, and bringing items to the commission at least a month ahead of the critical decision-making time period. Administrator Jester noted her appreciation for the good feedback and said she is happy to take performance or process improvement feedback any time.

Commissioner Pentel read through the responses for the Commission Engineers and reported they received 8 responses of “very good” and 1 response of “outstanding” for overall performance. Among the responses were notes on the over budget work on the watershed plan and a request for more consistent information on cost benefits of projects. Commission Engineer Chandler noted that she also appreciates the feedback now and at any time of the year.

**C. Review Letter of Interest Proposals from Engineering Companies and Legal Firms**

Administrator Jester reported that in response to the official publication soliciting letters of interest proposals, the Commission received two proposals for engineering - one from Barr Engineering and one from MNL; and one legal services proposal from Kennedy & Graven. There was brief discussion about how there are currently some changes to the engineering industry with many smaller firms to consider. Commissioner Carlson noted that the Commission may need to be flexible with budgets and that even if good work is being done it shouldn't mean that the same firm should always be hired. He asked that commission engineers look carefully at their costs and suggested the Commission and Barr should watch for opportunities to save money. Chair Cesnik agreed that the Commission may need to be nimble with contracts.

Commissioner Gwin-Lenth praised the work of Commission Attorney Anderson including counsel and knowledge. Attorney Anderson said he enjoys working with public entities and tries to take a practical approach to the law.

[Commissioner Sicora departs the meeting.]

**D. Consider Approval of Updated Contracts**

**i. Keystone Waters, LLC - Administrator Jester**

Administrator Jester pointed out that her proposed contract assumes a rate increase that was approved with the 2025 budget but still negotiable. Attorney Anderson pointed out the contract is retroactive to the 1<sup>st</sup> day of February.

**MOTION:** Commissioner Carlson moved to approve the contract with Keystone Waters LLC. Commissioner Gwin-Lenth seconded the motion. Upon a vote the motion carried 7-0 with the Cities of Minnetonka and Robbinsdale absent from the vote.

**ii. Kennedy & Graven, Chartered**

Attorney Anderson noted that the legal counsel contract is effective starting May 1<sup>st</sup>.

**MOTION:** Commissioner Carlson moved to approve the contract with Kennedy & Graven. Commissioner Hauer seconded the motion. Upon a vote the motion carried 7-0 with the Cities of Minnetonka and Robbinsdale absent from the vote.

**E. THIS ITEM MOVED TO MARCH MEETING**

**F. Consider Approval of Scope & Budget for Feasibility Study for CIP: Double Box Culvert Repair Project (FCP-1)**

Commission Engineer Chandler reported that the feasibility study scope is directly related to the inspection report for the double box culvert approved earlier in the meeting. She noted that this CIP project was originally slated for construction in 2027 but there is a recommendation to move it to 2026 due to timing of other projects on the CIP list. Hence, she says, the feasibility study should be completed in June and started as soon as possible. Engineer Chandler reviewed the tasks outlined in the scope, noting that this study is not as complicated as those for other CIP projects.

There was a question about whether the sediment removed would be tested for contaminants and how water flow would be managed in the tunnel during the work. Engineer Chandler said she wasn't sure if the sediment would be tested but would bring more information on that back to the Commission. She went on to describe that the water control mechanism would be up to the contractor and acknowledged that safety measures are a big part of the project. She further noted that the project could be implemented (constructed) by either the City of Minneapolis or by the Commission, a decision that would come after completion of the feasibility study. There was a question about how/why the U.S. Army Corps of Engineers (USACE) would be involved. It was noted that the city has an agreement with the USACE regarding repairs and maintenance in the tunnel and that coordination with the USACE is included in the scope.

Commission Engineer Johnson noted that when the Mississippi Watershed Management Organization removed sediment from the old Bassett Creek tunnel, they did sediment analysis to understand disposal requirements and estimate pollutant removal benefits.

Administrator Jester further explained the reason for the requested scope approval at this meeting. She noted that when the TAC met in February it became evident that the CIP project originally slated for 2026 is not ready to move forward this year. She indicated that it is fortunate that this tunnel repair project can move forward quickly so that there is not a significant gap in levy requests across years.

**MOTION:** Commissioner Polzin approved the scope and budget for the Double Box Culvert Repair Project. Commissioner Twiford seconded the motion. Upon a vote the motion carried 7-0 with the of Minnetonka and Robbinsdale absent from the vote.

[Chair Cesnik called for a 5-minute break. Commissioner Pentel leaves the meeting.]

**G. Consider Recommendation from Budget Committee for 2025 Budget Amendment**

Budget Committee Chair Polzin reminded commissioners about the presentation of the Plan Development Budget status and the implications on the overall Commission budget at the January meeting. She reported that the Budget Committee met to review options for addressing the low fund balance going into 2025. Committee Chair Polzin reviewed the 3 options including 1.) removing or reducing 2025 budgets in specific line items; 2) utilizing investment income to augment the fund balance; and 3) settling for a lower than recommended fund balance knowing that other sources of emergency funds exist. She noted that there is not a cash flow issue but the committee felt strongly that the Commission's policy to keep the fund balance at 50% of annual operating expenses should be met (removing #3 from consideration). She also noted that several budget lines in the 2025 budget had already been lowered during the budgeting process, reducing the budget to a "bare bones" budget (removing #2 from consideration).

Committee Chair Polzin reported the committee recommends using \$44,000 of the Commission's Special Project Fund (investment income) to backfill the gap in the fund balance for 2025. It was noted that the TAC also approved this recommendation at their meeting in February. Committee Chair Polzin went on to recommend another amendment to the 2025 budget to revise the Watershed Plan Development budget from \$32,600 to \$75,000. She acknowledged the \$75,000 figure was different than what was included with meeting materials and indicated that additional information had come forward since the meeting materials went out. Finally, Committee Chair Polzin committed the Budget Committee to keeping close track of budgets going forward. Alternate Commissioner Kennedy recommended that the annual operating budget always include a line item for future plan development projects.

**MOTION:** Commissioner Gwin-Lenth moved to approve the Budget Committee's recommendation for an amendment to the 2025 operating budget to use \$44,000 in Special Projects funding towards the 2025 fund balance and revise the Plan Development budget line to \$75,0000. Commissioner Carlson seconded the motion. Upon a vote the motion carried 6-0 with the cities of Minnetonka, Golden Valley, and Robbinsdale absent from the vote.

**H. Consider Approval of Resolution 25-06 to Adopt the Hennepin County All-Hazard Mitigation Plan**

Commission Engineer Johnson reported that staff was asked to seek grant funding for the hydrologic and hydraulic (H&H) update and conversion project getting underway this year. She noted that staff is seeking FEMA funding which requires the Commission to adopt the Hennepin County All Hazard Mitigation Plan. Engineer Johnson gave a high-level outline of the plan and reported that each of the nine member cities had adopted the plan and been involved with its development. Commission Attorney Anderson also reported that the plan is very lengthy and provides guidance for a large variety of disasters, noting cities are much more involved in disaster response activities and responding to emergencies. He reported that he reviewed the plan at a high level and did not find anything inconsistent with Commission activities or policies, nor anything requiring action by the Commission during emergencies. Engineer Johnson gave a brief overview reminding commissioners about the H&H model update and conversion project.

**MOTION:** Commissioner Polzin moved to approve the resolution adopting the Hennepin County All-Hazard Mitigation Plan. Commissioner Hauer seconded the motion. Upon a vote the motion carried 6-0 with the cities of Minnetonka, Golden Valley, and Robbinsdale absent from the vote.

**I. Review Plan Progress Tracker**

Administrator Jester briefly reviewed the progress of the Plan Steering Committee. Committee Chair Kennedy noted that the committee will soon be reviewing actual activities and budgets for the next 10 years. Engineer Chandler noted that the Plan TAC group had met and provided good feedback.

**7. COMMUNICATIONS****A. Administrator's Report**

- i. Update on use of Watershed Based Implementation Funding – Administrator Jester reported that the WBIF will no longer be slated for the Bassett Creek Restoration Project in Golden Valley because the grant agreement requires construction contracts with prevailing wages which may drive the price of the project higher than the grant amount of \$137,000. She reported the convening partners will meet again to find a different project.

- B. Engineer – Engineer Johnson reported on the status of the Street Sweeping Prioritization Project: still gathering data from cities; project is on track and on budget. Engineer Chandler reported that the Medicine Lake TMDL Status Assessment Project partners recently met to review preliminary results. Commissioner Carlson requested that the final report include alternatives for meeting water quality standards in addition to an alum treatment.

- C. Legal Counsel – Attorney Anderson reported that the City of Minneapolis responded to requests for draft language for the agreement regarding the Bassett Creek Tunnel and that he plans to bring recommendations to the March commission meeting. He also thanked the Commission for continuing his contract as Commission Attorney and noted he enjoys working with the Commission.

- D. Chair – No report

- E. Commissioners – Commissioner Hauer urged commissioners to contact State representatives about the recent proposal for mining near the Boundary Waters Canoe Area Wilderness. Alternate Commissioner Kennedy provided more background on Minnesota Watershed's need for a special meeting: to update the resolutions and legislative process.

**F. TAC Members**

- i. Appoint Liaison to March 5<sup>th</sup> TAC Meeting – Alternate Commissioner Kennedy was appointed TAC liaison for March due to Commissioner Pentel's absence.

**G. Committees**

- i. Report on Education Committee Meeting – Committee Chair Leonardson reported the committee discussed how/where to distribute the watershed map and will be reviewing the education and engagement plan and discussing website updates and potential signage at various locations. She also noted that the education budget in the 2026 watershed plan should reflect actual needs.
- ii. Upcoming Budget Committee Meeting, Feb 26 – The committee will meet with Deputy Treasurer Vadnais.

**2. INFORMATION ONLY (Information online only)**

- A. CIP Project Updates [www.bassettcreekwmo.org/projects](http://www.bassettcreekwmo.org/projects)
- B. Grant Tracking Summary and Spreadsheet
- C. Hennepin County Natural Resources Partnership Coalition Public Survey
- D. Recording of January AIS Webinar

**7. ADJOURNMENT** – The meeting adjourned at 11:13 a.m.