



Bassett Creek Watershed Management Commission

AGENDA MEMO

Date: February 9, 2023

To: BCWMC Commissioners

From: Laura Jester, Administrator

RE: **Background Information for 2/16/23 BCWMC Meeting**

1. **CALL TO ORDER and ROLL CALL**
2. **CITIZEN FORUM ON NON-AGENDA ITEMS**
3. **APPROVAL OF AGENDA – ACTION ITEM with attachment**
4. **CONSENT AGENDA**
 - A. Approval of Minutes – January 19, 2023 Commission Meeting- **ACTION ITEM with attachment**
 - B. Acceptance of February Financial Report - **ACTION ITEM with attachment**
 - C. Approval of Payment of Invoices - **ACTION ITEM with attachments (online) – I reviewed the following invoices and recommend payment.**
 - i. Keystone Waters, LLC – January 2023 Administrative Services
 - ii. Keystone Waters, LLC – January 2023 Meeting Expenses
 - iii. Barr Engineering – January 2023 Engineering Services
 - iv. Kennedy & Graven – December 2022 Legal Services
 - v. Redpath – January 2023 Accounting Services
 - vi. Triple D Espresso – Meeting Catering
 - vii. Stantec – WOMP Services
 - D. Approval of Updated Conflict of Interest Policy – **ACTION ITEM with attachment – At the January meeting, it was apparent the BCWMC’s Conflict of Interest policy needed one revision to add clarity. The revision is shown in red here and was reviewed by the Commission Attorney. Staff recommends approval.**
 - E. Approval of Letter of Engagement from MMKR for 2022 Financial Audit - **ACTION ITEM with attachment – Staff recommends approving the proposal from MMKR to perform the FY2022 financial audit. Golden Valley staff, Redpath staff and I will assist with providing auditors with necessary information. The audit is expected to cost \$12,800 which is about 10% more than last year’s audit but still within the Commission’s annual budget.**
 - F. Approval of Updated Agreement for Legal Services - **ACTION ITEM with attachment – At the January meeting, the Commission approved the reauthorization of the contract with Kennedy & Graven. The current agreement expires at the end of April 2023. The provisions of the attached agreement are unchanged from the current agreement aside from the hourly rate and the term of the agreement. Staff recommends approval.**
 - G. Approval of Updated Agreement for Engineering Services - **ACTION ITEM with attachment – At the January meeting, the Commission approved the reauthorization of the contract with Barr Engineering. The current agreement expires at the end of April 2023. The provisions of the attached agreement are unchanged from the current agreement aside from the fee schedule and the term of the agreement. Staff recommends approval.**

- H. Approval to Submit Comments on MPCA Construction Stormwater Permit - **ACTION ITEM with attachment** – *At the January meeting, the Commission Engineer was requested to review the draft MPCA Construction Stormwater Permit and bring recommended comments to this meeting. Staff recommends the attached comments be submitted to the MPCA and recommends subsequent updates to the BWCMC Requirements Document once the permit language is finalized.*
- I. Approval to Designate Finance and Commerce as the Official News Publication of the BCWMC – **ACTION ITEM no attachment** – *Staff recommends continuing to designate Finance and Commerce as the only BCWMC official publication as it covers the entire watershed, and to continue the practice of sending notices to local news outlets (such as the Sun Post) and neighborhood newsletters when appropriate.*
- J. Approval of Resolution 23-01 Designating Depositories for BCWMC Funds - **ACTION ITEM with attachment** – *The Commission annually designates official depositories for its funds. Staff (including Deputy Treasurer Sue Virnig) recommends approval of the attached resolution.*
- K. Approval of Resolution 23-02 to Transfer Funds from CIP Account to Administrative Account - **ACTION ITEM with attachment** – *Per its fiscal policies, each year the Commission transfers up to 2.5% of the taxes levied for CIP projects to the Commission’s administrative account (annual operating funds) to offset the administrative costs of managing the CIP projects. In 2022, the Commission levied \$1,700,000 through Hennepin County. Staff recommends approving the resolution to transfer 2.0% of the levy amount or \$34,000 from the CIP account to the administrative account.*
- L. Approval of Resolution 23-03 Transferring Funds from TMDL Studies, Next Generation Plan Development and Flood Control Project Long Term Accounts to Administrative Fund - **ACTION ITEM with attachment** – *The Commission’s 2022 budget includes reimbursement to the Administrative Fund from the Flood Control Project (FCP) Long Term Maintenance Account for expenses related to this fiscal year’s FCP inspections (\$21,290). Additionally, the 2022 budget includes the transfer of the balance of the long unused TMDL Studies account (\$27,149.85) to help offset city assessments. Finally, the 2022 budget includes the use of \$11,000 from the Next Generation Plan Development long term account to offset Plan development activities this year. Staff recommends approval of the resolution.*
- M. Approval of Resolution 23-04 to Transfer Funds from Administrative Account to Channel Maintenance Fund and Long-Term Maintenance Fund - **ACTION ITEM with attachment** – *Per its fiscal policies, each year the Commission transfers up to \$25,000 from the administrative account into the Channel Maintenance Fund and up to \$25,000 from the administrative account into the Flood Control Project Long Term Maintenance Fund. Staff recommends approval of the attached resolution to transfer the funds accordingly.*
- N. Approval to Adopt Data Practices Policy - **ACTION ITEM with attachment** - *Commission Attorney Anderson recommends annually adopting this policy. There have been no changes to the from the version adopted in May 2020.*

5. ORGANIZATIONAL MEETING

- A. Elect Officers – **ACTION ITEM no attachment** - *The Commission should elect a Chair, Vice Chair, Secretary and Treasurer. Officers hold one-year terms and positions can only be held by commissioners. The Secretary and Treasurer can be combined into one position. Current officers are Chair Cesnik, Vice Chair Welch, and Secretary/Treasurer Harwell.*
- B. Review Roles and Responsibilities Document and Bylaws – **DISCUSSION ITEM with attachments** – *The*

annual organizational meeting is a good time to review the roles and responsibilities of commissioners and alternates, staff, and TAC members. A description of roles and responsibilities was developed and adopted in 2013 and is attached here for review. Similarly, the organization's bylaws should be reviewed at this time and are included with meeting materials and always available with policy documents online at: <https://www.bassettcreekwmo.org/document/policy-documents>.

- C. Discuss Commissioner Appointments and Attendance Expectations – **DISCUSSION ITEM no attachment** - At the December meeting, I was asked to include this discussion item on the January or February agenda. Commissioners and city staff can discuss the status of vacant positions which currently include Minnetonka and Robbinsdale alternate and St. Louis Park primary. Meeting attendance expectations could also be discussed. There are no attendance requirements currently set forth in BCWMC policy documents.

- D. Review 2023 Commission Calendar and Areas of Work – **DISCUSSION ITEM with attachment** - February 1st marks the beginning of the Commission's business and fiscal year. The attached document shows items the Commission considers annually and/or will consider over the next 12 months. The document also lists the various Commission committees, the approximate timing of committee meetings, and work areas for the committees this year. Please mark your calendars with Commission meeting dates.

- E. Appoint Committee Members – **ACTION ITEM see Item 5D** - Committees are an important part of the Commission. Commissioners and Alternate Commissioners should consider participating on at least one committee. Committee meetings will be held in person, the timing of which will depend on availability of members. TAC members and other non-commissioners can also sit on Commission committees. See the document in 5D for a description of committees and their work slated for this year. Current committee members are listed here: <http://www.bassettcreekwmo.org/about/our-members>. Please note the Plan Steering Committee currently includes all commissioners but should be refined this year to include those willing and able to meet almost every month starting in June or July to guide the development of goals, strategies, policies, and actions in the 2025 Plan and bring recommendations to the full Commission.
 - i. Administrative Services Committee
 - ii. Budget Committee
 - iii. Education Committee
 - iv. Plan Steering Committee
 - v. Technical Advisory Committee Liaison

- F. Review Open Meeting Law – **INFORMATION ITEM with attachment** - The attached document is included to remind Commissioners about key provisions of the open meeting law, ways in which the law can be easily broken, and links to further information. The document was updated last year by Commission Attorney Anderson.

- G. Review Year End Financial Report (Feb 1, 2022 - Jan 31, 2023) – **INFORMATION ITEM see ITEM 4B** - The Commission is in good financial standing and ended the year in the black when expenses are adjusted with revenue. Total revenue (which includes investment earnings) and transfers from long term accounts = \$950,500 while expenses total \$847,200. While some expenses were higher than expected for some line items, revenue was also higher than budgeted. I will walk through the year-end report at the meeting.

Break - Chair's Discretion

6. BUSINESS

- A. Receive Update and Consider Approving Payment Request for Lagoon Dredging Project (10 min) – **ACTION ITEM with attachment** - *As you know, the Lagoon Dredging Project is well underway in Theodore Wirth Regional Park. As a reminder, the Commission is implementing this project and holds the contract with the contractor doing the work. The first pay request from the contractor is attached here along with a project update. Commission Engineers reviewed this pay request and recommend approval of payment.*
- B. Consider Providing Direction to Staff on Linear Projects Standards in 2025 Watershed Management Plan (40 min) – **DISCUSSION ITEM with attachment** – *This item regarding next steps in considering how to handle linear projects in the 2025 Watershed Plan was tabled at the January meeting. You'll note a revised memo from Commission Engineers and me in this month's packet. After discussions with the TAC and TAC Chair, it was apparent that our January memo did not accurately convey our request from the Commission with regards to this item. (We also had more time to brainstorm additional options for consideration!). At this time, staff is seeking guidance from commissioners on which options should be further explored.*
- C. Update on Planning for February 28th Public Open House (15 min) – **DISCUSSION ITEM with attachment** – *At this meeting we will refine plans for the public open house and hopefully land on a schedule of commissioner and alternate attendance in order to ensure a quorum.*

7. COMMUNICATIONS (10 minutes)

- A. Administrator's Report
 - i. Clarification on Interim Administrator Role
- B. Chair
- C. Commissioners
- D. TAC Members
- E. Committees
- F. Legal Counsel
- G. Engineer
 - i. Update on Bryn Mawr Construction

8. INFORMATION ONLY (Information online only)

- A. BCWMC Administrative Calendar
- B. CIP Project Updates www.bassettcreekwmo.org/projects
- C. Grant Tracking Summary and Spreadsheet
- D. WCA Notice of Application, Crystal
- E. [Star Tribune Article: Low Salt No Salt Minnesota Campaign](#)
- F. [CCX News Story: Low Salt No Salt Minnesota Campaign](#)
- G. Correspondence on Proposed Golden Valley Land Use Amendment
- H. Loppet Sustainability Fair

9. ADJOURNMENT

Upcoming Meetings & Events

- BCWMC Watershed Plan Public Open House: Tuesday February 28th 4:00 – 7:00 p.m., GV Library
- Bassett Creek Restoration Project Public Open House: Wed March 1st; 5:30 – 7:00 p.m., Brookview
- BCWMC Regular Meeting: Thursday March 16th, 8:30 a.m., Golden Valley City Hall
- Metro Watersheds Meeting: Tuesday April 18th, 7:00 – 9:00 p.m., Capitol Region Watershed District