



Bassett Creek Watershed Management Commission

**Minutes of Regular Meeting
Thursday, December 20, 2018
8:30 a.m.**

Golden Valley City Hall, Golden Valley MN

1. CALL TO ORDER and ROLL CALL

On Thursday, December 20, 2018 at 8:35 a.m. in the Council Conference Room at Golden Valley City Hall (7800 Golden Valley Rd.), Chair de Lambert called the meeting of the Bassett Creek Watershed Management Commission (BCWMC) to order.

Commissioners and city staff present:

City	Commissioner	Alternate Commissioner	Technical Advisory Committee Members (City Staff)
Crystal	Dave Anderson	<i>Vacant Position</i>	Mark Ray
Golden Valley	Stacy Harwell	Jane McDonald Black	Jeff Oliver and Drew Chirpich
Medicine Lake	Clint Carlson	Gary Holter	<i>Absent</i>
Minneapolis	Michael Welch	<i>Vacant Position</i>	<i>Absent</i>
Minnetonka	Mike Fruen	<i>Absent</i>	Chris LaBounty and Sarah Schweiger
New Hope	<i>Absent</i>	Pat Crough	Megan Hedstrom
Plymouth	<i>Absent</i>	John Byrnes	Ben Scharenbroich
Robbinsdale	<i>Absent</i>	<i>Absent</i>	Richard McCoy and Marta Roser
St. Louis Park	Jim de Lambert	<i>Absent</i>	Erick Francis
Administrator	Laura Jester, Keystone Waters		
Engineer	Karen Chandler, Barr Engineering		
Recorder	Dawn Pape, Lawn Chair Gardener Creative Services		
Legal Counsel	Troy Gilchrist, Kennedy & Graven		
Presenters/ Guests/Public	None		

2. CITIZEN FORUM ON NON-AGENDA ITEMS

No citizens present.

3. APPROVAL OF AGENDA

MOTION: Commissioner Welch moved to approve the agenda. Alt. Commissioner Byrnes seconded the motion. Upon a vote, the motion carried 8-0. [City of Robbinsdale absent from the vote.]

4. CONSENT AGENDA

The following items were approved as part of the consent agenda: November 14, 2018 Commission meeting minutes, acceptance of the December 2018 financial report, payment of invoices, approval to reimburse City of Crystal for Winnetka Pond Dredging Project (CIP BCP-2), approval to amend agreement with Metropolitan Council for work on SWLRT, approval to direct Commission Engineer to submit flood control inspection report to cities, Minnesota DNR, and U. S. Army Corps of Engineers.

The general and construction account balances reported in the December 2018 Financial Report are as follows:

Checking Account Balance	\$ 481,296.06
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TOTAL GENERAL FUND BALANCE	\$ 481,296.06
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TOTAL CASH & INVESTMENTS ON-HAND (12/12/18)	\$3,758,521.15
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CIP Projects Levied – Budget Remaining	(\$3,964,489.38)
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Closed Projects Remaining Balance	(\$205,968.23)
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2012-2016 Anticipated Tax Levy Revenue	\$ 4,038.75
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2017 Anticipated Tax Levy Revenue	\$ 3,219.59
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Anticipated Closed Project Balance	(\$198,709.89)
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MOTION: Commissioner Welch moved to approve the consent agenda. Commissioner Anderson seconded the motion. Upon a vote, the motion carried 8-0. [City of Robbinsdale absent from the vote.]

5. BUSINESS

A. Consider Administrative Services Committee Recommendations for Soliciting Technical and Legal Services

Administrator Jester noted that this item was tabled at the November meeting and reminded the Commission that by State Law, once every two years the Commission must solicit proposals for professional services including technical/engineering and legal. She noted the Commission last solicited proposals in December 2016 and that the Administrative Services Committee recommends that the Commission solicit “letters of interest” proposals from interested firms rather than complete proposals as the Commission is not seeking to change its current engineering and legal firms.

Administrator Jester noted that the following motion was tabled at the November meeting:

MOTION: Alt. Commissioner Crough moved to approve the Administrative Services Committee recommendation to solicit letters of interest proposals for engineering and legal services. Commissioner Fruen seconded the motion.

Commissioner Welch reported that he had looked into the fact that the Commission's legal counsel also represents the City of Crystal and that other attorneys with Kennedy & Graven represent other member cities. He wanted to make sure there is no conflict of interest and that there is apt transparency regarding this situation. Commissioner Welch noted that Kennedy & Graven has provided good legal service to the Commission for many years and they remain the best option for the Commission. Commissioner Welch indicated that if a conflict of interest were to arise the Commission should affirmatively waive the conflict of interest. Commission Attorney Gilchrist further added that Kennedy & Graven has been representing member cities within the BCWMC for 30 years and isn't hiding the fact that the firm represents several different cities and watersheds in this area.

It was noted that a similar situation arises with Barr Engineering and in some cases the Commission contracts with a different engineering firm to avoid conflict. Commissioner Welch noted that transparency goes a long way and that instances of potential conflict are rare.

Commission Attorney Gilchrist indicated that waivers are not typically drafted for individual issues but he would draft a blanket waiver to acknowledge potential conflicts and would propose having a general consent. It was noted the waiver could be considered by the Commission at their February meeting where solicitation responses are presented.

VOTE: Upon a vote on the motion from the November meeting, the motion carried 8-0. [City of Robbinsdale absent from the vote.]

B. Receive Update on Decision by MAWD Regarding Watershed Management Organization Membership and Consider Options

Administrator Jester reported that on November 30th, the MN Association of Watershed Districts (MAWD) approved a bylaws change allowing watershed management organizations like the BCWMC to join MAWD with full membership rights. The Commission discussed whether or not to become a MAWD member in 2019 and participate in affiliated sub groups such as Metro MAWD and the MAWD Administrators group.

Administrator Jester reported that the dues for 2019 are \$500 and that after 2019, there is a formula for member dues with a not to exceed amount of \$7,500. She noted that benefits of being a member include educational and training opportunities, although BCWMC does have access to those trainings without being a member. She noted MAWD also lobbies and does advocacy work with the MN Legislature and if the Commission is a member, the BCWMC would be able to have input legislative priorities.

Commissioner Welch summarized the MAWD as being a "League of Minnesota Cities" for watersheds. Commissioner Welch noted that he has been pushing for WMOs to be members of MAWD for several years and he sees it as being a beneficial organization for professional development for staff and commissioners.

There was a brief discussion about the positive changes happening with MAWD. Commissioner Welch noted that 2020 membership fees would likely be about \$5,000. Alt. Commissioner McDonald Black thought the Commission should be part of MAWD because lobbying and advocacy are important.

MOTION: Commissioner Welch moved that the BCWMC become a member of MAWD for 2019. Commissioner Harwell seconded the motion. Upon a vote, the motion carried 8-0. [City of Robbinsdale absent from the vote.]

Administrator Jester indicated she would like to begin attending the Metro MAWD meetings each quarter and agreed to provide Metro MAWD information to commissioners.

C. Consider Ideas for Aquatic Invasive Species Prevention Grant Application

Administrator Jester reported that the Hennepin County Aquatic Invasive Species (AIS) pass-through grant applications are due January 14th. She noted that she had checked with a few partners and gathered ideas for activities that could be included in a grant application. She noted that although there are still conversations to have

with city staff, TRPD, MPRB, and lake groups regarding ideas for programs, projects, and collaboration for AIS prevention, she is requesting approval to submit a grant application on behalf of the BCWMC for up to \$20,740.

Administrator Jester also reported on a meeting with the AMLAC Board (Association of Medicine Lake Area Citizens) about this grant opportunity. She reported that AMLAC is supportive of a grant application and indicated that training volunteers to identify AIS is an AMLAC priority. She also noted that lake service providers (companies that put in and take out docks for lakeshore residents) have been caught multiple times with zebra mussels on equipment. She noted there is a need to educate homeowners on their responsibilities for AIS prevention.

Administrator Jester reviewed the grant proposal ideas as outlined in the memo in the meeting packet including:

1. Send several lake residents through the U of M's AIS Detector Training.
2. Host a "starry trek event" where volunteers meet in a central location, learn how to identify starry stonewort and other AIS, then split up to go look for it.
3. Hire consultant to host an AIS identification workshop for lake resident volunteers.
4. Host AIS education workshop for law enforcement representatives. This could be an overview of AIS laws and a brief hands-on identification lesson.
5. Hire intern/consultant (perhaps through West Metro Water Alliance) to attend community events and lake association meetings in the summer to educate the public about AIS.
6. Perform aquatic plant surveys on lakes where monitoring isn't scheduled in 2019 in order to detect starry stonewort or other invasive plants early when a rapid response may still be feasible

Commissioner Welch added that he viewed numbers one and six of the above list as most important. Administrator Jester then reviewed the AMLAC support she received via email. Engineer Chandler noted that early detection is key and reaching homeowners is very important, so number five is important too.

TAC member Scharenbroich stated that a training geared towards homeowners (particularly those that contract with lake service providers) should be in early spring because that is when docks are put in by homeowners. He continued that Plymouth may be able to help fund these activities.

MOTION: Commissioner Carlson moved to approve giving Administrator Jester authority to use her best judgment to develop and submit an appropriate AIS Prevention Grant application. Alt. Commissioner Byrnes seconded the motion. Upon a vote, the motion carried 8-0. [City of Robbinsdale absent from the vote.]

Commissioner Carlson also asked for a report from Three Rivers Park District on the use of the decontamination unit in 2018.

D. Consider Approval of Resolution Approving Crystal Surface Water Management Plan

Commission Engineer Chandler reported that she had reviewed the Crystal Surface Water Management Plan and provided comments to the city on November 21st. She noted the city revised the plan according to the Commission's comments and the plan is consistent with the Bassett Creek Watershed Management Plan and its requirements. She recommended approving Crystal's Local Surface Water Management Plan.

MOTION: Commissioner Anderson moved to approve the Resolution 18-10 approving the Crystal Surface Water Management Plan. Commissioner Welch seconded the motion. Upon a vote, the motion carried 8-0, City of Robbinsdale absent from the vote.

E. Consider Approval of Resolution Approving Minnetonka Water Resources Management Plan

Administrator Jester reported that she reviewed the Minnetonka Water Resources Management Plan on behalf of the Commission and provided comments to the city on October 29th. She reported the city revised the plan according to the Commission's comments and the plan is consistent with the Bassett Creek Watershed Management Plan and its requirements. She recommended approving the Minnetonka's Water Resources Management Plan Resolution with the caveat that if additional changes are made to the plan to satisfy other watershed requirements, the provisions applicable to the BCWMC remain unchanged.

MOTION: Commissioner Fruen moved to approve Resolution 18-11 approving the Minnetonka Water Resources Management Plan. Alt. Commissioner Byrnes seconded the motion. Upon a vote, the motion carried 8-0. [City of Robbinsdale absent from the vote.]

6. COMMUNICATIONS

A. Administrator's Report

- i. MAWD Annual Meeting – Administrator Jester briefly reported on attending the MAWD annual meeting including co-presenting with Commission Engineer Rattei on the Commission's AIS Rapid Response Plan.
- ii. AMLAC Meeting— As noted earlier, Administrator Jester attended the AMLAC Board meeting on 12/19 where the AIS Prevention Grant was the main topic.
- iii. Developing Scope for Further Study in Bassett Creek Valley – Administrator Jester reported that she and the Commission Engineer recently met with Minneapolis staff and others regarding development of a scope of work for a study.

B. Chair

Nothing to report.

C. Commissioners

Commissioner Fruen reported that he attended part of the MAWD Annual Meeting. He reported on an impressive educational program that is based on a book called "Paddle to the Sea" where kids create a small canoe and release it into the river.

Commissioner Carlson asked about the questions and details that are asked on the Campaign Finance and Conflict of Interest form. Legal Counsel Gilchrist's advice was to fill out the detailed form to the best of the Commissioners' abilities to avoid liability.

Commissioner Fruen reported that his great, great grandfather has the patent on the first vending machine which was used to dispense mineral spring water at Glenwood Englewood. He noted the spring is in BCWMC near the Fruen Mill and that this story was featured on CBS Sunday Morning with Jane Pauley at this link: https://www.cbsnews.com/news/almanac-the-first-vending-machine/?fbclid=IwAR1TQ8sv0IU2NUemT66XCwA9a8gXgPK39WUKazyQvnWZR-UDQeJfE--OK_Y

D. TAC Members

- i. Chris LaBounty, from the City of Minnetonka, introduced Sarah Schweiger – the city's new Water Resource Engineering Coordinator. She will be representing the City of Minnetonka on the TAC.

E. Committees

- i. CIP Prioritization Committee met on Dec. 5th and will meet again on Jan. 9th. Commissioner Harwell noted her preference for Thursday meetings.

F. Legal Counsel

Attorney Gilchrist updated the Commission that it is a misdemeanor to omit known details on the Campaign Finance Conflict of Interest forms.

G. Engineer

- i. Tunnel Inspection Update—the inspection is scheduled for the week of February 25-March 1, which could include a tour. The tour could be called off if it is too cold. Engineer Chandler needs a head count by January. A liability waiver form would need to be completed. There was also a reminder to cities to maintain and record maintenance of Flood Control Project components.

