



## Bassett Creek Watershed Management Commission

**Minutes of Regular Meeting  
Thursday, January 21, 2021  
8:30 a.m.**

**Via video conference due to the COVID-19 global pandemic**

### 1. CALL TO ORDER and ROLL CALL

On Thursday, January 21, 2021 at 8:32 a.m. via video conference. Commissioner Cesnik was appointed to act as the interim chair and she 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	<i>Absent</i>	Jeff Oliver
Medicine Lake	Clint Carlson	Gary Holter	<i>Absent</i>
Minneapolis	<i>Absent</i>	<i>Vacant Position</i>	Liz Stout
Minnetonka	Mike Fruen	<i>Vacant Position</i>	<i>Absent</i>
New Hope	<i>Absent</i>	Patrick Crough	Megan Hedstrom
Plymouth	Catherine Cesnik (voted interim Chair)	James Prom	Ben Scharenbroich
Robbinsdale	Wayne Sicora	<i>Vacant Position</i>	Marta Roser and Richard McCoy
St. Louis Park	<i>Absent</i>	Patrick Noon	Erick Francis
<b>Administrator</b>	Laura Jester, Keystone Waters		
<b>Engineer</b>	Karen Chandler, Barr Engineering		
<b>Recorder</b>	Dawn Pape, Lawn Chair Gardener		
<b>Legal Counsel</b>	Dave Anderson, Kennedy & Graven		
<b>Presenters/ Guests/Public</b>	Suzanne Jiwani, MnDNR		

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

No members of the public were present.

**3. APPROVAL OF AGENDA**

**MOTION:** Alternate Commissioner Noon moved to approve the agenda. Commissioner Carlson seconded the motion. Upon a roll call vote, the motion carried 8-0, with the City of Minneapolis absent from the vote.

**4. CONSENT AGENDA**

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

- Minutes of the December 17, 2020 Commission meeting
- January 2021 financial report
- Payment of invoices
- Resolution 21-01 to transfer funds from CIP Account to administrative account
- Resolution 21-02 to transfer funds from administrative account to Channel Maintenance Fund, Long-Term Maintenance Fund, and Next Generation Plan Development Savings Account
- Watershed-Based Implementation Funding Grant Agreement for Main Stem Lagoon Dredging Project
- Contract for 2021 Administrative and Education and Outreach Services
- Residential Shoreline Restoration Project, Golden Valley
- Direction to Commission Engineer to Submit Flood Control Inspection Report to Cities, Minnesota DNR, U.S. Army Corps of Engineers
- Acceptance of the Bassett Creek 3rd Avenue and 2nd Street Tunnel (Deep Tunnel) Inspection Report

The general and construction account balances reported in the January 2021 Financial Report are as follows:  
 Checking Account Balance \$ 430,545.43

TOTAL GENERAL FUND BALANCE	\$430,545.43
TOTAL CASH & INVESTMENTS ON-HAND (1/12/2021)	\$ 3,418,824.14
CIP Projects Levied – Budget Remaining	( \$3,806,836.46)
Closed Projects Remaining Balance	\$ 948,311.10
2015-2018 Anticipated Tax Levy Revenue	\$1,429.11
2019 Anticipated Tax Levy Revenue	\$4,499.30
Anticipated Closed Project Balance	\$ 954,239.51

Before the consent agenda was approved, Interim Chair Cesnik asked Commission Engineer Chandler how the recommendations from the deep tunnel inspection report were going to be carried out. The short answer was to do the repairs at the same time as the next inspection. Engineer Chandler explained that she could come back with a list and cost estimates for the recommendations at a future meeting.

**MOTION:** Alternate Commissioner Crough moved to approve the consent agenda. Commissioner Harwell seconded the motion. Upon a roll call vote, the motion carried 8-0, with the City of Minneapolis absent from the vote.

**5. BUSINESS**

**A. Consider Proposal for Bassett Creek Lagoon Dredging Project Engineering Services**

At the November meeting the Commission approved a timeline for project implementation and to receive a scope of work from the Commission Engineer to design the project and provide engineering services. Commission Engineer Chandler provided an overview of the proposed scope and budget including services over two years for an estimated \$238,000. She noted the construction is scheduled to happen two years from now at an estimated cost of \$2.7 million which will be funded over several years of levy. She noted that implementation of this project is different than usual because the Commission is designing and constructing the project, which will include bidding and contracting.

Commission Engineer Chandler also pointed out the project will be relatively easy to design because of its simplicity and much of it was already done with the feasibility study. She noted permitting will be a larger cost than design since there are so many different requirements and entities to coordinate with. She noted that there is a lot of material to be dredged that will all need to be landfilled, which is expensive. But, unlike the project at Winnetka Pond, we already know the material needs to be landfilled before the project begins. She acknowledged that one consideration is that if some dredged material appears to be contaminated with unexpected materials, there may need to be additional soil testing to ensure safe disposal of contaminated soils at a landfill. The estimated cost includes a “contingency environmental soil testing” task to cover such additional testing.

Commission Engineer Chandler reviewed the various tasks laid out in the scope including meetings, public engagement, permitting with several entities, design and contract documents, bidding services and construction services. She reviewed the budget and schedule.

Attorney Anderson mentioned that the contracts and bidding will be subject to the lowest responsible bidder. Administrator Jester brought up that Commissioner Welch had previously noted that BCWMC will need land use rights and release from liability.

Commissioner Harwell wondered about the amount budgeted for permitting and observation. Engineer Chandler replied that those tasks are included in the budget and there is also a contingency for additional testing, if needed. Engineer Chandler noted the proposal does not include budget for addressing cultural resources, if discovered.

**MOTION:** Commissioner Harwell moved to approve the proposal for Bassett Creek Lagoon Dredging Project Engineering Services for the amount not to exceed \$238,000. Commissioner Carlson seconded the motion. Upon a roll call vote, the motion carried 8-0, with the City of Minneapolis absent from the vote.

**B. Review Proposals for Accounting Services**

At the December meeting, the Commission approved a request for proposals (RFP) for accounting services and directed the administrator to distribute to various firms. Three proposals were received and reviewed by Administrator Jester, the BCWMC Deputy Treasurer, Commissioner Prom, and Alt. Commissioner McDonald Black. Administrator Jester explained that one proposal’s budget was double the other two proposals and was dismissed immediately from consideration. She noted the proposals from Redpath and Smith-Shafer were similar in price and services. She noted that the Smith-Shafer proposal didn’t follow two RFP requirements and they were too slow in responding to questions. Commissioner Harwell suggested removing Smith-Shafer from consideration due to the concerns noted.

Administrator Jester also noted that she checked Redpath’s references and they were very positive. She further noted that BCWMC only paid the city of Golden Valley about \$4,000 a year for accounting services and since this change in accounting services was not anticipated, this increase is not included in the 2021 budget. The additional approximately \$8,000 will need to be taken from other areas to fill in the budget gap.

Commissioner Harwell asked if using Redpath will save her time. Administrator Jester replied that there might be a little time savings once Redpath is on board.

Commissioner Carlson asked who does the audit now. Jester replied that MMKR currently does the auditing and that she assumes that wouldn't need to change. She also noted that Redpath also provides auditing services, but the attorney advises using a separate firm.

Attorney Anderson reminded the Commission that the proposals submitted for consideration are private data and not to be shared until there is a signed contract.

**MOTION:** Commissioner Harwell moved to approve development of an agreement with Redpath and Company for accounting services and to continue using MMKR for auditing for a minimum of one year. Commissioner Carlson seconded the motion. Upon a roll call vote, the motion carried 8-0, with the City of Minneapolis the absent from the vote.

#### **C. Consider Approval to Submit Hennepin County AIS Prevention Grant Application**

Administrator Jester reported that grant applications for the Hennepin County AIS Prevention Grant were due January 14th. She reported that after receiving support from member cities, TRPD, MPRB, and county staff, she decided to submit a grant application to develop new and updated AIS signage at fishing piers, boat launches, and carry-in sites throughout the watershed. She noted there is no cash match required and the project is in line with recommendations of the Commission's APM/AIS Committee. Administrator Jester apologized for bringing this grant application to the Commission "after the fact" and assured the Commission that the application can be pulled from consideration if requested.

Commissioner Harwell thanked Administrator Jester finding the opportunity and taking initiative. Commissioner Cesnik also applauded her efforts.

Education consultant Dawn Pape expressed interest in helping with the messaging since she is currently working with a state-wide AIS group on developing key messaging.

**MOTION:** Commissioner Carlson moved to approve submitting the AIS Prevention Grant Application to Hennepin County. Commissioner Anderson seconded the motion. Upon a roll call vote, the motion carried 8-0, with the City of Minneapolis absent from the vote.

#### **D. Receive Update on FEMA Modeling and Mapping Project**

Commission Engineer Chandler provided the following background on the project and noted the Commission Engineers recently submitted all modeling and mapping data to the MnDNR. Background: In February 2018, the Commission approved a grant agreement with the MnDNR to perform updated modeling and mapping in a collaborative effort to improve flood risk identification within the watershed (FEMA maps). As the MnDNR staff member working on this project, Commissioner Harwell and her colleague, Suzanne Jiwani, provided an update on project status and next steps. Ms. Harwell is working with the entire metro area in partnership with watersheds, MnDNR, and FEMA to accomplish this mapping project.

Ms. Harwell provided a project update and reviewed maps from 1980, compared with 2015 and explained that we have better topographic data now. She also explained the difference between Zone AE and Zone A in the maps, noting that AE has more detail, and LiDAR data is collected from detailed images obtained by planes flying over, etc.

Ms. Harwell noted that there will be a BCWMC TAC meeting on February 4<sup>th</sup> that will include a discussion of floodways and management of other (upstream) storage areas that are tributaries to floodways. She also reported there is a Bassett Creek Flood Risk Review meeting for decision makers on February 24<sup>th</sup> to comment on and finalize maps. Ms. Harwell said they are working with individual cities to find out how each city manages upstream storage areas. Ms. Jiwani stressed that input from cities is very important and that because the mapping process is still in the review stage, it does not involve the public yet. Residents won't need flood insurance until map panels are finalized in a few years. However, she noted the information can be presented to residents prior to FEMA map production.

TAC member Ben Scharenbroich noted that cities have a process to deal with inaccuracies and changes that need to happen in regards to these maps. Commissioner Carlson asked questions and Scharenbroich clarified the difference between floodplains and the Wetland Conservation Act.

**E. Consider Approval of Revision to Requirements for Improvements and Development Proposals**

Background: The Commission Engineer has noticed a recent increase in applications for single-family home shoreline improvement projects that currently require review by the Commission Engineer and action at a Commission meeting. These projects are typically very straightforward and involve fairly quick and simple review by the Commission Engineer. However, the need for action at a Commission meeting results in approval occurring 3-6 weeks after the project is submitted for review. Commission Engineer Chandler recommended revising Section 3.1.3 of the BCWMC Requirements Document to allow single-family home shoreline and streambank improvement projects to be reviewed administratively, rather than requiring action at a Commission meeting. Other minor edits and verbiage clarifications are included as part of this recommended update to the document.

Commission Engineer Chandler clarified that these types of projects would still be reviewed, but through a more streamlined process for residents. There was discussion about making the revised language clearer to indicate that the project indeed requires review, just not approval at a Commission meeting. It was decided that Administrator Jester, Engineer Chandler, and Attorney Anderson will further revise the language and bring it to the next Commission meeting. Administrator Jester asked members to email comments to her.

**6. COMMUNICATIONS**

**A. Administrator's Report**

Administrator Jester noted her written report was included with the meeting materials and provided the following reminders and updates.

- i. Reminder: February Meeting of Election of Officers and Committee Assignments – Administrator Jester will send a description of committees and asked commissioners to seriously considered official positions or committee work
- ii. Reminder: State Campaign Finance Forms and Auditor Conflict of Interest Forms - Commissioners shared tips on filling out the forms. Administrator Jester announced that she would send a conflict of interest form soon.
- iii. Update on Bryn Mawr Meadows Water Quality Improvement Project – Administrator Jester noted that a draft agreement was prepared and presented to MPRB and Minneapolis staff who are currently reviewing it.

**B. Chair**

Nothing to report

**C. Commissioners**

- i. Report on Dougherty Family College Environmental Justice Panel Session— Administrator Jester was on the panel and learned a lot. Commissioner Cesnik asked about handouts and follow up materials, but Administrator Jester did not know of any.

**D. TAC Members**

- i. Upcoming Meeting February 4th
- ii. TAC member Liz Stout updated the commission that the Main Stem Erosion Repair Project has been completed and that Administrator Jester has a good summary in the report.

**E. Committees**

None

**F. Education Consultant**

Dawn Pape stated she is excited to continue working with BCWMC and asked people to continue sharing the educational videos.

Commissioner Harwell asked about getting a summary of what's going on statewide concerning AIS. Administrator Jester replied that if we get the Hennepin County grant, the consultant will be asked to gather that information from the statewide forum and share it with the committee.

G. Legal Counsel  
Nothing to report

H. Engineer  
Nothing to report

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

- A. Administrative Calendar
- B. CIP Project Updates <http://www.bassettcreekwmo.org/projects>
- C. Grant Tracking Summary and Spreadsheet
- D. Met Council Water Resources 2021 Update
- E. Bassett Creek Chloride Data 2001 – 2013 (chloride pollution seems to leveling off)
- F. [Bassett Creek Coloring Book](#), designed by an artist that was funded by Freshwater.
- G. WCA Notice of Decision, Plymouth
- H. WCA Notice of Application, Plymouth

**8. ADJOURNMENT**

Meeting adjourned at 10:50 a.m.

**Upcoming Meetings & Events**

- BCWMC Technical Advisory Committee Meeting: Thursday February 4, 10:30 a.m.
- Bassett Creek Watershed Management Commission Regular Meeting: Thurs February 18, 8:30 a.m.

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Signature/Title                  Date

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Signature/Title                  Date