



Bassett Creek Watershed Management Commission

AGENDA MEMO

Date: February 13, 2025

To: BCWMC Commissioners

From: Laura Jester, Administrator

RE: Background Information for 2/20/25 BCWMC Meeting

1. **CALL TO ORDER and ROLL CALL**
2. **PUBLIC FORUM ON NON-AGENDA ITEMS**
3. **APPROVAL OF AGENDA – ACTION ITEM with attachment**
4. **CONSENT AGENDA**
 - A. **Approval of Minutes – January 16, 2025 Commission Meeting- ACTION ITEM with attachment**
 - B. **Acceptance of Financial Reports - ACTION ITEMS with attachments**
 - i. January (2024 Fiscal Year End)
 - ii. February 2025
 - C. **Approval of Payment of Invoices - ACTION ITEM attachments available upon request – I reviewed the following invoices and recommend payment.**
 - i. Keystone Waters, LLC – January 2025 Administration
 - ii. Keystone Waters, LLC – January 2025 Administrative Expenses
 - iii. Barr Engineering – January 2025 Engineering Services
 - iv. Triple D Espresso – February Meeting Catering
 - v. City of Plymouth – January 2025 Accounting Services
 - vi. Kennedy & Graven – Legal Services
 - vii. Stantec – WOMP Services
 - viii. Metro WaterShed Partners – 2025 Member Contribution
 - ix. INCase LLC – Watershed Map Development and Printing
 - x. Minnesota Watersheds – 2025 Member Dues
 - D. **Acceptance of Bassett Creek Tunnel Double Box Culvert Inspection Report – ACTION ITEM with attachment** – *The Commission Engineer inspected the Double Box Culvert in 2024 and prepared a report with findings (attached). The structure was found to be in fair condition. The Commission Engineer recommends repairs be made through an upcoming CIP project. See Item 6F for a feasibility scope for that project.*
 - E. **Approval of 36th Avenue Rehabilitation Project, Plymouth – ACTION ITEM with attachment** – *The proposed linear project is in the City of Plymouth, in the Medicine and Northwood Lake subwatersheds. The proposed project includes street reconstruction, trail improvements, and utility improvements resulting in 11.3 acres of grading. The proposed project creates 8.2 acres of new and fully reconstructed impervious surfaces and an increase of 0.50 acres of impervious surfaces. Because the project does not create an acre or more of new impervious surface, water quality and rate control requirements are not triggered. The project meets erosion and sediment control requirements. Staff recommends approval.*
 - F. **Approval of Plymouth Ice Center and 38th Avenue Culvert Extension Project, Plymouth – ACTION ITEM with attachment** – *The proposed project is located at the Plymouth Ice Center, along 38th Avenue,*

and a trail east of Plymouth Creek. The proposed project includes parking lot rehabilitation, trail improvements, utility improvements, and ADA improvements, resulting in 3.4 acres of grading. The proposed project creates 0.8 acres of new and fully reconstructed impervious surfaces and an increase of 0.1 acres of impervious surfaces. The project involves work in the floodplain, and as proposed, meets floodplain impact mitigation requirements. Because the project does not create an acre or more of new impervious surface, water quality and rate control requirements are not triggered. The project meets erosion and sediment control requirements. Staff recommends approval.

- G. Conditional Approval of Station 73 Transit and Regional Improvement Program, Plymouth – **ACTION ITEM with attachment** – *The proposed linear project is located near the intersection of County Rd 73 and Hwy 55 in the Medicine Lake and Bassett Creek Main Stem subwatersheds in Plymouth. The proposed project involves realignment of County Rd 73, and includes road reconstruction, mill and overlay, trail and sidewalk improvements, storm sewer network improvements, and stormwater management, resulting in 29.23 acres of proposed site grading. The proposed project creates 16.82 acres of new and fully reconstructed impervious surfaces, and results in an increase of 4.43 acres of new impervious surfaces. The attached memo outlines proposed practices designed to meet rate control and water quality requirements (needed due to creation of more than an acre of new impervious surface). Staff recommends approval with the conditions outlined in the memo.*

- H. 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 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.*

- I. Approval to Adopt Data Practices Policy – **ACTION ITEM with attachment online only** – *Commission Attorney Anderson recommends annually adopting this policy. There have been no changes to the from the version adopted in May 2020.*

- J. Approval of Resolution 25-04 Approving Electronic Fund Transfers – **ACTION ITEM with attachment** – *This is a new resolution recommended to be annually adopted by the Commission’s Deputy Treasurer. It was drafted by Attorney Anderson and reviewed by the Deputy Treasurer and the auditor. Policy language is included in the resolution itself this year but may be incorporated into the BCWMC Policy Manual later this year. Staff recommends approval.*

- K. Approval of Resolution 25-05 Designating Depositories – **ACTION ITEM with attachment** – *The Commission must annually designate official depositories for its funds. The Deputy Treasurer reviewed this resolution. Staff recommends approval.*

- L. Approval of TAC Recommendation on Use of Channel Maintenance Funds – **ACTION ITEM with attachment** – *The Commission has a long-term account for “Channel Maintenance Funds” that can be utilized by member city for smaller channel repairs or to help fund larger projects. The TAC recently reviewed a request from the City of Golden Valley to use their portion of the funds. Please see further information and the TAC recommendation in the attached memo.*

- M. Approval of Agreement with LB Carlson for FY24 Financial Audit – **ACTION ITEM with attachment** (full document online) – *Staff recommends approving the agreement with and engagement letter from LB Carlson to perform the FY2024 financial audit. Plymouth staff and I will assist with providing auditors*

with necessary information.

5. ORGANIZATIONAL MEETING (30 minutes)

- 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 Pentel, and Secretary/Treasurer Sicora.*
- B. Review Roles and Responsibilities Document and Bylaws – **INFORMATIONAL ITEM with attachment** - *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 was updated in August 2023. The organization’s bylaws should also be reviewed at this time. They are available with policy documents online at: <https://www.bassettcreekwmo.org/document/policy-documents>*
- C. Review 2025 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.*
- D. Appoint Committee Members - **ACTION ITEM see Item 5C** - *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 members of the public can also sit on Commission committees. See the document in 5C 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>.*
- i. Administrative Services Committee
 - ii. Budget Committee
 - iii. Education Committee
 - iv. Plan Steering Committee
 - v. Technical Advisory Committee Liaison
- E. 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.*

6. BUSINESS

- A. Appoint Delegates for Special Meeting of the Minnesota Watersheds (5 min) – **ACTION ITEM with attachment** – *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. The MN Watersheds Board of Directors will discuss this at their February meeting and is likely to set a special meeting of the membership to consider the proposed process changes. Members are asked to mark their calendars for a special meeting of the MN Watersheds membership on Friday, March 21 in Waite Park, MN. The Commission should appoint official delegates for this potential meeting.*
- B. Review Results of Performance Evaluations for Administrator and Engineers (15 min) – **INFORMATION ITEM no attachment** - *Commissioner Pentel will present results of the staff evaluations at this meeting.*
- C. Review Letter of Interest Proposals from Engineering Companies and Legal Firms (5 min) – **INFORMATION ITEM no public attachments** – *An official notice soliciting letters of interest proposals for engineering and legal services was published in the State Register on December 23rd. One proposal for legal services (from Kennedy and Graven) and two engineering proposals (from Barr Engineering and MNL Corporation) were received. These are considered non-public data and will be sent only to commissioners/alternates via email. The Commission could discuss the proposals at this meeting, if needed.*
- D. Consider Approval of Updated Contracts (15 min) – **ACTION ITEMS with attachments** – *Pending results of the evaluations and proposals above, it is prudent for the Commission to consider approving updated contracts with consultants. Contracts with Administrator Jester and Attorney Anderson are included here. Attorney Anderson reviewed the Administrator contract and vice versa. The engineering contract is still under review and will be presented at a future meeting. The existing contract with Barr Engineering does not expire until May 1st.*
- i. Keystone Waters, LLC - Administrator Jester – *Please note this contract assumes an hourly rate increase from \$75/hour to \$78/hour, in line with the 2025 budget but still negotiable.*
 - ii. Kennedy & Graven, Chartered - *Please note the agreement and rates will not take effect until the current agreement expires on May 1.*
- E. THIS ITEM MOVED TO MARCH MEETING
- F. Consider Approval of Scope and Budget for Feasibility Study for CIP Project: Double Box Culvert Repair Project (FCP-1) (20 min) – **ACTION ITEM with attachment** – *The BCWMC 5-year CIP includes a project to repair a critical portion of the Bassett Creek Tunnel: the Double Box Culvert. Although it was originally slated as a 2027 project, staff recommends shifting this project to 2026 because other projects once slated for 2026 are not ready to proceed at this time. In order to set a maximum levy for the project in 2026, a feasibility study must be completed by this June. Please see the attached feasibility study proposal from the Commission Engineer. Staff recommends approval.*
- G. Consider Recommendation from Budget Committee for 2025 Budget Amendment (15 min) – **ACTION ITEM with attachment** – *At the January meeting, the Commission received a report on the 2024 budget status including a significant budget shortfall. The Commission directed the Budget Committee to review the issues and recommend action, if needed. The committee met on February 4th and developed the recommendation for a 2025 budget amendment as outlined in the attached memo.*

- H. Consider Approval of Resolution 25-06 to Adopt the Hennepin County All-Hazard Mitigation Plan (15 min) – **ACTION ITEM with attachment** – *Last year the Commission approved moving forward with a large project to update the BCWMC hydrologic and hydraulic model and to seek grant funding, including FEMA funding. We recently learned that in order to be eligible for FEMA grant funding we need to adopt the Hennepin County All-Hazard Mitigation Plan. This plan was already approved by all nine member cities. Due to its length, Commission Engineer and Attorney Anderson each reviewed the plan at a high level. From their review, it's clear that the plan serves as a guide/policy document intended to identify the major hazards in the county, assess vulnerability, and reduce risk of various public hazards using data, best practices, etc. to implement mitigation goals. The plan identifies goals, objectives, and recommended actions by reviewing and identifying various initiatives throughout the county. Attorney Anderson notes the plan is not an agreement or legally binding document. Rather, it provides guidance for coordinating mitigation efforts prior to or following a major disaster. The volumes of the plan are found online:*
Volume 1: Background and County Profile [2024 HCHMP VOL 1 - Background and County Profile](#)
Volume 2: Hazard Inventory [2024 HCHMP VOL 2 - Hazard Inventory](#)
Volume 3: Community Mitigation Strategies [2024 HCHMP VOL 3 - Mitigation Action Plan](#)
Staff recommends approval of the resolution and to continue seeking FEMA funding.
- I. Review Plan Progress Tracker (5 min) – **INFORMATION ITEM with attachment** – *The Plan Steering Committee continues its work. Please see the plan progress tracker attached.*

7. COMMUNICATIONS (15 minutes)

- A. Administrator's Report
 - i. Update on use of Watershed Based Implementation Funding
- B. Engineer
- C. Legal Counsel
- D. Chair
- E. Commissioners
- F. TAC Members
 - i. Appoint Liaison to March 5th TAC Meeting
- G. Committees
 - i. Report on Education Committee Meeting
 - ii. Upcoming Budget Committee Meeting, Feb 26

8. INFORMATION ONLY (Information online only)

- A. CIP Project Updates 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

9. ADJOURNMENT - Upcoming Meetings & Events

- Minnesota Watersheds Legislative Briefing Event: Wednesday, February 19th, 3:00 – 7:00 p.m., St. Paul
- BCWMC Budget Committee Meeting: Wednesday, February 26th, 1:00 p.m., Plymouth City Hall
- Plan Steering Committee Meeting: Wednesday, March 5th, 8:30 a.m., Brookview
- BCWMC Technical Advisory Committee Meeting: Wednesday, March 5th, 10:30 a.m., Brookview
- BCWMC Regular Meeting: Thursday, March 20th, 8:30 a.m., Golden Valley City Hall
- **Tentative**: Minnesota Watersheds Special Meeting: Friday, March 21st, Waite Park MN