



Bassett Creek Watershed Management Commission

Regular Meeting
Thursday, March 20, 2025
8:30 a.m.

Council Conference Room
Golden Valley City Hall @ 7800 Golden Valley Rd.
Listen via Zoom:

<https://plymouthmn-gov.zoom.us/meeting/register/tZcodOCvrj8rHtZJzvg6hib82UqHHvF4lft3#/registration>

MEETING AGENDA

1. CALL TO ORDER and ROLL CALL

2. PUBLIC FORUM ON NON-AGENDA ITEMS – *Members of the public may address the Commission about any item not contained on the regular agenda. A maximum of 15 minutes is allowed for the Forum. If the full 15 minutes are not needed for the Forum, the Commission will continue with the agenda. The Commission will take no official action on items discussed at the Forum, except for referral to staff or a Commissions Committee for a recommendation to be brought back to the Commission for discussion/action.*

3. APPROVAL OF AGENDA

4. CONSENT AGENDA (10 minutes)

- A. Approval of Minutes – February 20, 2025 Commission Meeting
- B. Acceptance of March Financial Report
- C. Approval of Payment of Invoices
 - i. Keystone Waters, LLC – February 2025 Administration
 - ii. Keystone Waters, LLC – February 2025 Administrative Expenses
 - iii. Barr Engineering – February 2025 Engineering Services
 - iv. Triple D Espresso – March Meeting Catering
 - v. City of Plymouth – February 2025 Accounting Services
 - vi. Kennedy & Graven – Legal Services
 - vii. Stantec – WOMP Services
 - viii. Shingle Creek WMC – 2025 West Metro Water Alliance
- D. Approval of Work Plan from Bolton & Menk for AIS Detection Training
- E. Approval of Reimbursement Request from City of Golden Valley for Medley Park Stormwater Improvement Project (ML-12)
- F. Approval of Resolution of Appreciation for Bob Stamos

5. BUSINESS

- A. Consider Approval of Contract with Barr Engineering (10 min)
- B. Consider Approval of Engineering Services Scope and Budget for Bassett Creek Restoration Project Regent Ave. to Golden Valley Rd. (CR-M 2024) (20 min)
- C. Consider Approval of Reimbursement Agreement for Preliminary Discussions on Fruen Mill Redevelopment (10 min)
- D. Consider Approval of Scope of Work for Bassett Creek Valley Floodplain and Stormwater Management Study Update and Reimbursement Agreement with Minneapolis (20 min)
- E. Consider Agreement and Scope of Work from Bolton & Menk for Chloride Reduction Strategies in Parkers Lake Subwatershed (15 min)
- F. Reschedule June Commission Meeting (5 min)

6. COMMUNICATIONS (15 minutes)

- A. Administrator's Report
 - i. Northwood and Lost Lake TMDL status
- B. Engineer
 - i. Additional Information on Double Box Culvert Feasibility Study
 - ii. Letter to County on Parcel Shift to ECWMC
- C. Legal Counsel
- D. Chair
- E. Minnesota Watersheds
- F. Commissioners
- G. TAC Members
 - i. St. Louis Park Annual Stormwater Pollution Prevention Program Open House
 - ii. Ĥaĥá Wakpádaŋ/Bassett Creek Watershed Cleanup April 19
- H. Committees
 - i. Report on Budget Committee Meeting

7. INFORMATION ONLY (Information online only)

- A. Administrative Calendar
- B. CIP Project Updates www.bassettcreekwmo.org/projects
- C. Grant Tracking Summary and Spreadsheet
- D. WCA Notices, Plymouth and Minneapolis
- E. Metro Watersheds 2024 Annual Report

8. ADJOURNMENT

Upcoming Meetings & Events

- Minnesota Watersheds Special Meeting: Friday, March 21st, Waite Park MN
- Plan Steering Committee Meeting: Wednesday, March 19th, 11:00 a.m., Brookview
- Discover Plymouth: Saturday, March 22nd; 9:00 a.m., Plymouth Community Center
- BCWMC Technical Advisory Committee Meeting: March 31st, 10:00 a.m., Brookview
- Plan Steering Committee Meeting: Wednesday, April 2nd, 8:30 a.m., Brookview
- St. Louis Park Annual Stormwater Pollution Prevention Program Open House and Metro Blooms' Planting for Pollinators Workshop: Tuesday, April 8th, 6:00 p.m., St. Louis Park City Hall
- Metro Watersheds Quarterly Meeting: Tuesday, April 15th, 7:00 p.m., Capitol Region Watershed, St. Paul
- BCWMC Regular Meeting: Thursday, April 17th, 8:30 a.m., Golden Valley City Hall
- Ĥaĥá Wakpádaŋ / Bassett Creek Clean Up Event: Saturday, April 19th, 10:00 a.m. – 1:00 p.m., meet at Golden Valley City Hall



Bassett Creek Watershed Management Commission

AGENDA MEMO

Date: March 13, 2025

To: BCWMC Commissioners

From: Laura Jester, Administrator

RE: Background Information for 3/20/25 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 – February 20, 2025 Commission Meeting- ACTION ITEM with attachment
 - B. Acceptance of March Financial Report - ACTION ITEM with attachment
 - C. Approval of Payment of Invoices - ACTION ITEM attachments available upon request – I reviewed the following invoices and recommend payment.
 - i. Keystone Waters, LLC – February 2025 Administration
 - ii. Keystone Waters, LLC – February 2025 Administrative Expenses
 - iii. Barr Engineering – February 2025 Engineering Services
 - iv. Triple D Espresso – March Meeting Catering
 - v. City of Plymouth – February 2025 Accounting Services
 - vi. Kennedy & Graven – Legal Services
 - vii. Stantec – WOMP Services
 - viii. Shingle Creek WMC – 2025 West Metro Water Alliance
 - D. Approval of Work Plan from Bolton & Menk for AIS Detection Training – ACTION ITEM with attachment – *In 2024, the Commission received an Aquatic Invasive Species (AIS) Prevention Grant from Hennepin County for treatment of Eurasian watermilfoil on Sweeney Lake. The grant included funds for an AIS Early Detection Training Workshop for Sweeney Lake residents. The workshop is scheduled for June 17th and should be conducted by a qualified consultant. Bolton and Menk has held numerous AIS early detection trainings across the Metro in the past several years. I recommend approval of this work plan and budget for the workshop on Sweeney Lake. Attendance is limited to Sweeney Lake residents due to space constraints on boats.*
 - E. Approval of Reimbursement Request from City of Golden Valley for Medley Park Stormwater Improvement Project (ML-12) – ACTION ITEM with attachment (full document online) – *At its meeting in September 2021, the Commission approved an agreement with the City of Golden Valley for the design, construction, and maintenance of this project. At the October 2023 meeting, the Commission approved reimbursement for design and construction expenses. I reviewed all documentation for this second reimbursement request for vegetation restoration and final design elements, and I recommend approval.*
 - F. Approval of Resolution of Appreciation for Bob Stamos – ACTION ITEM with attachment – *Alternate Commissioner Stamos resigned from the commission at the end of 2024. Staff recommends approval of the resolution of appreciation.*

5. BUSINESS

- A. Consider Approval of Contract with Barr Engineering (10 min) – **ACTION ITEM with attachment** (full document online) – *At the February meeting, the Commission reviewed the performance evaluation for Barr Engineering and letters of interest proposals from Barr Engineering and MNL. The Commission Attorney reviewed the attached contract with Barr Engineering for continued engineering services. Staff recommends approval.*
- B. Consider Approval of Engineering Services Scope and Budget for Bassett Creek Restoration Project Regent Ave. to Golden Valley Rd. (CR-M 2024) (20 min) – **ACTION ITEM with attachment** – *At the November 2024 meeting, the Commission approved an [agreement with Golden Valley](#) for the implementation of this CIP project. The agreement included a provision for the Commission to provide engineering services, including project design. The attached scope and budget for engineering services was prepared by the Commission Engineer and reviewed by me and Golden Valley staff. We recommend approval. The budget is in line with the budget outlined in the feasibility study. Funding for this work will come from CIP funds collected for this project.*
- C. Consider Approval of Reimbursement Agreement for Preliminary Discussions on Fruen Mill Redevelopment (10 min) – **ACTION ITEM with attachment** – *The owner of the Fruen Mill property in Minneapolis wishes to receive preliminary review and assistance from the Commission Engineer prior to submitting a formal project review application. Because the Commission cannot collect review fees prior to receiving a formal application, the Mill owner has agreed to pay for actual expenses resulting from the Commission Engineer's and Attorney's time through the attached agreement. The Commission has had similar agreements in place for preliminary review of other complicated projects such as light rail construction projects. Staff recommends approval.*
- D. Consider Approval of Scope of Work for Bassett Creek Valley Floodplain and Stormwater Management Study Update and Reimbursement Agreement with Minneapolis (20 min) – **ACTION ITEM with attachment** – *In 2019, the Commission and the City of Minneapolis partnered to complete a floodplain feasibility study within the Bassett Creek Valley (Bassett Creek Valley Floodplain and Stormwater Management Study). Study goals were to identify opportunities to provide flood storage, improve water quality, and bring regional amenities to the area. Much has changed since 2019. The city and commission staff wish to have the study updated with current information in order to advance discussions on next steps for implementing large scale changes in the Valley. Further, the city and commission staff agreed that due to mutual interests, costs to update the study should be shared. The city agrees to pay 75% of the project costs (up to \$64,050). The Commission would be responsible for 25% of the costs or up to \$21,350. Staff recommends approval of the project scope and the agreement with the City of Minneapolis with Commission funding coming from the Special Projects Fund.*
- E. Consider Agreement and Scope of Work from Bolton & Menk for Chloride Reduction Strategies in Parkers Lake Subwatershed (15 min) – **ACTION ITEM with attachment** – *At the meeting in November 2023, the Commission received an analysis of methods and associated costs for chloride extraction from Parkers Lake in Plymouth as part of the [Parkers Lake Chloride Reduction CIP Project \(PL-7\)](#). The Commission directed staff to work with Plymouth to develop a holistic approach to reducing chloride sources in the lake's NE subwatershed. Since then, staff has been working to identify and provide outreach/education to several properties in the subwatershed, mostly through the West Metro Water Alliance staff person (a position shared with Hennepin County). To advance this outreach further, city staff, Hennepin County staff, and I recommend hiring Bolton & Menk to evaluate salt storage,*

equipment, and salting practices for four properties in the subwatershed. See the attached scope and budget along with the contract for services which was reviewed by the Commission Attorney. I recommend approval with funding to come from the Parkers Lake Chloride Reduction Project CIP budget (which has a balance of \$250,000).

- F. Reschedule June Commission Meeting (5 min) – **ACTION ITEM no attachment** – *The 3rd Thursday of June (June 19th) falls on Juneteenth, a statutory holiday in Minnesota. No public meetings can take place and no public business can be transacted on this holiday. The Commission will need to reschedule this meeting.*

6. COMMUNICATIONS (15 minutes)

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Bassett Creek Watershed Management Commission

DRAFT 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
Administrator	Laura Jester, Keystone Waters, LLC		
Engineers	Karen Chandler and Stephanie Johnson– Barr Engineering Co.		
Recording Secretary	<i>Vacant Position</i>		
Legal Counsel	Dave Anderson, Kennedy & Graven		
Guests/Public	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 38th 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, Chowan, 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 21st 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 21st 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 1st 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 1st.

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 \$75,000. Commissioner Carlson seconded the motion. Upon a vote the motion carried 7-0 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 7-0 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 5th 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
- 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.

Bassett Creek Watershed Management Commission				Item 4B. BCWMC 3-20-25	
Statement of Financial Position as of 02/28/2025					
Unaudited				400	100
				Capital Improvement Projects	General Fund
					TOTAL
ASSETS					
Current Assets					
Checking/Savings					
	•	102 · 4MP Fund Investment	3,501,986.62	458,485.35	3,960,471.97
	•	103 · 4M Fund Investment	4,195,753.29	1,078,830.85	5,274,584.14
		104 · US Bank Checking	0.00	-5,107.13	-5,107.13
		Total Checking/Savings	7,697,739.91	1,532,209.07	9,229,948.98
Accounts Receivable					
	•	111 · Accounts Receivable	150,000.00	0.00	150,000.00
	•	112 · Due from Other Governments	0.00	0.00	0.00
	•	113 · Delinquent Taxes Receivable	22,306.08	0.00	22,306.08
		Total Accounts Receivable	172,306.08	0.00	172,306.08
Other Current Assets					
	•	114 · Prepaids	0.00	3,294.00	3,294.00
	•	116 · Undeposited Funds	0.00	0.00	0.00
		Total Other Current Assets	0.00	3,294.00	3,294.00
		Total Current Assets	7,870,045.99	1,535,503.07	9,405,549.06
TOTAL ASSETS				7,870,045.99	9,405,549.06
LIABILITIES & EQUITY					
Liabilities					
Current Liabilities					
Accounts Payable					
	•	211 · Accounts Payable	120,997.58	94,538.91	215,536.49
		Total Accounts Payable	120,997.58	94,538.91	215,536.49
Other Current Liabilities					
	•	212 · Unearned Revenue	150,000.00	0.00	150,000.00
	•	251 · Unavailable Rev - property tax	22,306.08	0.00	22,306.08
		Total Other Current Liabilities	172,306.08	0.00	172,306.08
		Total Current Liabilities	293,303.66	94,538.91	387,842.57
		Total Liabilities	293,303.66	94,538.91	387,842.57
Equity					
	•	311 · Nonspendable prepaids	0.00	3,294.00	3,294.00
	•	312 · Restricted for improvements	4,562,582.00	0.00	4,562,582.00
	•	314 · Res for following year budget	0.00	149,700.00	149,700.00
	•	315 · Unassigned Funds	0.00	256,519.07	256,519.07
	•	32000 · Retained Earnings	3,135,157.91	620,746.98	3,755,904.89
		Net Income	-120,997.58	410,704.11	289,706.53
		Total Equity	7,576,742.33	1,440,964.16	9,017,706.49
TOTAL LIABILITIES & EQUITY				7,870,045.99	9,405,549.06

Bassett Creek Watershed Management Commission									
Actual vs Budget Year to Date Comparison - General Fund									
2/28/2025									
Unaudited									
				Annual Budget	February	March	Year to Date	Budget Balance	
Ordinary Income/Expense									
Income									
			411 · Assessments to Cities	662,888.00	4,851.00	0.00	4,851.00	658,037.00	
			412 · Project Review Fees	70,600.00	0.00	0.00	0.00	70,600.00	
			413 · WOMP Reimbursement	5,000.00	0.00	0.00	0.00	5,000.00	
			414 · Grants	0.00	0.00	0.00	0.00	0.00	
			415 · Investment earnings	44,000.00	30,865.05	0.00	30,865.05	13,134.95	
			416 · Transfer from CIP and LT Accounts	50,570.00	0.00	0.00	0.00	50,570.00	
			Total Income	833,058.00	35,716.05	0.00	35,716.05	797,341.95	
Expense									
			1000 · Engineering						
			1010 · Technical Services	133,000.00	0.00	18,206.00	18,206.00	114,794.00	
			1020 · Development/Project Reviews	82,500.00	0.00	7,731.00	7,731.00	74,769.00	
			1030 · Non-fee and Preliminary Reviews	23,000.00	0.00	1,654.50	1,654.50	21,345.50	
			1040 · Commission and TAC Meetings	10,700.00	0.00	1,594.50	1,594.50	9,105.50	
			1050 · Surveys and Studies	7,000.00	0.00	0.00	0.00	7,000.00	
			1060 · Water Quality / Monitoring	133,500.00	0.00	7,660.30	7,660.30	125,839.70	
			1070 · Water Quantity	8,250.00	0.00	819.10	819.10	7,430.90	
			1080 · Annual Flood Control Inspection	45,000.00	0.00	5,558.00	5,558.00	39,442.00	
			1090 · Municipal Plan Review	2,000.00	0.00	0.00	0.00	2,000.00	
			1100 · Watershed Outlet Monitoring Progr	29,300.00	0.00	1,334.42	1,334.42	27,965.58	
			1110 · Annual XP-SWMM Model Updates	0.00	0.00	0.00	0.00	0.00	
			1120 · APM/AIS Work	40,000.00	0.00	0.00	0.00	40,000.00	
			Total 1000 · Engineering	514,250.00	0.00	44,557.82	44,557.82	469,692.18	
			2000 · Plan Development						
			2010 · Next Gen Plan Development	75,000.00	0.00	11,605.00	11,605.00	63,395.00	
			Total 2000 · Plan Development	75,000.00	0.00	11,605.00	11,605.00	63,395.00	
			3000 · Administration						
			3010 · Administrator	75,088.00	0.00	5,869.50	5,869.50	69,218.50	
			3015 · Additional Staff	10,000.00	0.00	0.00	0.00	10,000.00	
			3020 · MAWD Dues	7,500.00	7,500.00	0.00	7,500.00	0.00	
			3030 · Legal	24,300.00	0.00	978.00	978.00	23,322.00	
			3040 · Financial Management	18,150.00	47.11	1,374.00	1,421.11	16,728.89	
			3050 · Audit, Insurance & Bond	22,000.00	0.00	0.00	0.00	22,000.00	
			3060 · Meeting Catering	2,200.00	197.53	197.53	395.06	1,804.94	
			3070 · Administrative Services	4,015.00	0.00	227.06	227.06	3,787.94	
			Total 3000 · Administration	163,253.00	7,744.64	8,646.09	16,390.73	146,862.27	
			4000 · Education						
			4010 · Publications / Annual Report	1,300.00	0.00	0.00	0.00	1,300.00	
			4020 · Website	12,000.00	0.00	0.00	0.00	12,000.00	
			4030 · Watershed Education Partnership	14,850.00	3,500.00	15,000.00	18,500.00	-3,650.00	
			4040 · Education and Public Outreach	27,000.00	108.39	0.00	108.39	26,891.61	
			4050 · Public Communications	1,200.00	0.00	0.00	0.00	1,200.00	
			Total 4000 · Education	56,350.00	3,608.39	15,000.00	18,608.39	37,741.61	
			5000 · Maintenance						
			5010 · Channel Maintenance Fund	25,000.00	0.00	0.00	0.00	25,000.00	
			5020 · Flood Control Project Long-Term	35,000.00	0.00	0.00	0.00	35,000.00	
			Total 5000 · Maintenance	60,000.00	0.00	0.00	0.00	60,000.00	
			6000 · Special Projects						
			6010 · Medicine Lake TMDL Assess	31,033.00	0.00	12,882.50	12,882.50	18,150.50	
			6020 · Street Sweeping Prioritization Proje	48,494.00	0.00	1,847.50	1,847.50	46,646.50	
			Total 6000 · Special Projects	79,527.00	0.00	14,730.00	12,882.50	66,644.50	
			Total Expense	948,380.00	11,353.03	94,538.91	91,161.94	777,691.06	



Bassett Creek Watershed Management Commission

MEMO

To: BCWMC Commissioners
From: Administrator Jester
Date: March 13, 2025

RE: Invoices for March 20th BCWMC Meeting

I have reviewed the invoices listed below and attached here and I recommend payment by the Bassett Creek Watershed Management Commission at the March 20, 2025 regular meeting:

Vendor	Service	Amount
Keystone Waters, LLC	February 2025 Administration	\$7,800.00
Keystone Waters, LLC	February 2025 Administrative Expenses	\$227.06
Barr Engineering	February 2025 Engineering Services	\$69,735.00
Triple D Espresso	March Meeting Catering	\$197.53
City of Plymouth	February Accounting Services	\$1,374.00
Kennedy & Graven	Legal Services	\$978.00
Stantec	WOMP Services	\$1,34.42
Shingle Creek WMC	2025 West Metro Water Alliance Education partnership	\$15,000



Real People. Real Solutions.

Item 4D.
BCWMC 3-20-25

3300 Fernbrook Lane
Suite 300
Plymouth, MN 55447

Phone: (763) 544-7129
Bolton-Menk.com

March 3, 2025

Laura Jester, Administrator
Bassett Creek Watershed Management Commission

RE: AIS Early Detection Training
Sweeney Lake

Dear Laura,

Thank you for asking us to provide aquatic invasive species early detection training to the residents of Sweeney Lake. Please sign and return the proposal on the following page to confirm approval.

We appreciate this opportunity. Please contact me at 612-750-2940 or kathryn.farber@bolton-menk.com if you have any questions.

Sincerely,
Bolton & Menk, Inc.

Katie Farber
Water Resources Education Specialist

PROJECT UNDERSTANDING

- **What:** Bolton & Menk will provide AIS Early Detection Training to residents of Sweeney Lake
 - Outdoor classroom portion – 1 hour
 - On-water survey – 1.5 hours
- **When:** Summer of 2025
- **Where:** Location to be determined

WORK PLAN

- Bolton & Menk will provide approximately 2.5 hours of AIS Early Detection Training to residents of Sweeney Lake
- The training will include approximately 1-hour of “classroom” instruction and approximately 1.5 hours of on-lake hands-on training components
- The training will include information on AIS risks and concerns; AIS identification tips and skills practice; and hands-on AIS survey technique instruction and practice

KEY PERSONNEL

Katie Farber, or other qualified Bolton & Menk staff

FEES

AIS Early Detection Training	
Task	Fee
AIS Early Detection Training (1 visit)	\$2,150

These prices are good through December 31, 2025.

ACCEPTANCE

The undersigned represents that it is the Client or has been authorized to accept this Proposal on behalf of Client. The Client agrees to the Terms and Conditions as stated above and as attached to this Proposal. Unless otherwise replaced or modified by a separately executed, written Agreement, this Proposal shall constitute the full and complete agreement between Bassett Creek Watershed Management Commission and Bolton & Menk, Inc.

Accepted by:

Print Name/Title

Signature and Date



7800 Golden Valley Road
Golden Valley, MN 55427

February 10, 2025

Laura Jester, Administrator
Bassett Creek Watershed Management Commission
P.O. Box 270825
Golden Valley, MN 55427

Subject: Medley Park Stormwater Improvement Project
City Project 20-26; BCWMC Project ML-12
Reimbursement Request 2

Consistent with the terms of the Cooperative Agreement for this project, the City of Golden Valley is requesting reimbursement for eligible costs incurred by the City during the design and construction of the subject project. Enclosed is an invoice from the City of Golden Valley for Reimbursement Request 2 in the amount of **\$118,890.48**.

Reimbursement Request 2

Restoration and Landscape Contract

Traverse des Sioux Garden Center \$108,960.98
through pay voucher 2

Professional Services

Barr Eng Invoices 24-32	\$ 9,929.50
Total	\$118,890.48

Summary of Reimbursement Requests

Request 1	\$1,121,028.11 (paid)
Request 2	\$ 118,890.48 (pending)
Total	\$1,239,918.59

The heavy construction phase of the project was completed by Peterson Companies in summer 2023. Traverse des Sioux Garden Center started the restoration and landscape phase immediately following construction. Establishment and management of the native prairie and wetland vegetation will continue over three growing seasons. Additional requests for reimbursement can be expected until the project is completed.

Thank you and the BCWMC for supporting this important water quality and flood reduction project. If you have any questions, please contact me at 763-593-8084.

Sincerely,

A handwritten signature in blue ink that reads "Eric Eckman". The signature is fluid and cursive, with the first name "Eric" and last name "Eckman" clearly distinguishable.

Eric Eckman
Environmental Resources Supervisor

Enclosures

C: Lyle Hodges, Finance Director



BASSETT CREEK WATERSHED MANAGEMENT COMMISSION

A RESOLUTION OF APPRECIATION FOR THE SERVICES OF BOB STAMOS
TO THE BASSETT CREEK WATERSHED MANAGEMENT COMMISSION

WHEREAS, the Bassett Creek Watershed Management Commission (the "Commission") is a joint powers organization formed by the cities of Crystal, Golden Valley, Medicine Lake, Minneapolis, Minnetonka, New Hope, Plymouth, Robbinsdale and St. Louis Park; and

WHEREAS, the Commission serves as the duly constituted watershed management organization for the Bassett Creek watershed pursuant to the Metropolitan Surface Water Management Act); and

WHEREAS, under the Act and the Commission's joint powers agreement the Commission is charged with responsibility for the management of storm water to protect persons and property from flooding and to protect and preserve the water quality of lakes, streams and wetlands of the Bassett Creek Watershed and downstream receiving waters; and

WHEREAS, Bob Stamos served as a representative from the City of Robbinsdale from February 2023 through December 2024; and

WHEREAS, Bob provided insights and guidance during workshops to help develop the 10-year watershed management plan; and

WHEREAS, Bob has adopted and regularly cleans out two storm drains in his neighborhood through the Adopt-A-Drain Program due to knowledge he gained during his time as a commissioner; and

WHEREAS, Bob gave his time and talents, without compensation, to protect and improve the environment and to serve the public with integrity, vision, and respect for others.

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of the Bassett Creek Watershed Management Commission, its member cities, and the public hereby express its sincere and grateful appreciation to Bob Stamos for his distinguished service to the public.

Adopted by the Board of Commissioners of the Bassett Creek Watershed Management Commission this 20th day of March 2025.

Chair

March 5, 2025

Catherine Cesnik, Chair
Bassett Creek Watershed Management Organization
Attn: Laura Jester
Laura.jester@keystonewaters.com

**Re: Agreement for Engineering Services
Bassett Creek Watershed Management Commission**

Dear Chair Cesnik:

Thank you for retaining us as the Commission Engineers. We will do our best to justify your expression of confidence in us. This letter, together with the Standard Terms, (attached) sets forth the Agreement between Bassett Creek Watershed Management Organization (Commission or Client) and Barr Engineering Co., its affiliates and subsidiaries (Barr) for engineering, assessment, and planning services as assigned and approved by the Commission in accordance with the attached terms and conditions and fee schedule.

The scope of professional consulting services Barr will provide include:

- a. Technical Services: day-to-day technical operations of the Commission, such as preparing for, and follow-up from, the Commission, TAC and other meetings, communicating with and advising the Commission and/or Administrator or designated staff on general technical matters, and communicating with Commissioners, Administrator, member cities, developers, agencies, and other entities.
- b. Development/Project Reviews: technical reviews of developments within the watershed and related correspondence.
- c. Non-Fee and Preliminary Reviews: technical reviews of MDNR permit applications and preliminary development proposals within the watershed, performance of other non-fee reviews and correspondence.
- d. Commission and TAC Meetings: attend monthly Commission meetings, periodic TAC meetings and, as requested, any other meetings.
- e. Surveys & Studies: Commission-directed special studies, feasibility studies, surveys, watershed tours, questions and other items that arise during the year, as requested by the Commission and its Administrator.
- f. Water Quality/Monitoring: lake and stream monitoring, aquatic plant management/aquatic invasive species management, general water quality-related tasks that arise, and reporting.
- g. Water Quantity: tasks associated with the Commission's lake and stream level gauging program including measuring water levels at designated lakes in the Bassett Creek watershed; periodically reading stages or gauging the stream at selected locations during periods of high flow; and periodic surveys of benchmarks.

- h. Flood Control Project: regular annual inspections of flood control project features completed by the Commission in Minneapolis, Golden Valley, Crystal and Plymouth; and periodic inspections of the Bassett Creek tunnel including the box culvert, Third Avenue deep tunnel and Second Street deep tunnel in Minneapolis. Includes design of maintenance and repairs at the direction of Commission and its Administrator. Includes other Flood Control Project related tasks and review of agreements involving the Commission, the United States Army Corps of Engineers (USACE), the City of Minneapolis (as the local Flood Control Project sponsor) and other member municipalities, and other entities at the direction of the Commission and its Administrator.
- i. Review Municipal Plans: review member cities' local water management plans and amendments, adjacent WMO plans and amendments, and member cities' official controls for conformance with the BCWMC Watershed Management Plan.
- j. Watershed Outlet Monitoring Program: continue collecting flow data to maintain the rating curve at the WOMP station, in cooperation with the Metropolitan Council, and additional services as requested.
- k. Annual XP-SWMM Model Updates/Reviews: update the XP-SWMM model and converting the model to PCSWMM.
- l. TMDL Implementation Reporting: update the P8 model to be used in support of TMDL implementation reporting.
- m. Outreach and Education: assist with the annual report, education and public communications at the direction of Commission and its Administrator.
- n. Capital Improvement Projects (CIP): assist in administering the CIP program, including reviewing CIP feasibility studies and construction plans and preparing memos for Commission meetings, preparing CIP feasibility studies (by separate work scope approval), designing CIP projects (by separate work scope approval), developing/updating the 5-year CIP, developing the maximum levy request to Hennepin County and attending the County committee meeting, developing/certifying the annual levy request, and assisting with grant applications and administration/reporting for CIP projects,
- o. Planning: assist with watershed management planning at the direction of Commission and its Administrator.
- p. Perform other duties as assigned and at the direction of Commission and its Administrator.

This Agreement will be effective until April 30, 2027, unless terminated earlier by either Commission or Barr. Barr's Letter of Interest for professional services is not a part of this Agreement except as specifically indicated or referred to in this letter Agreement.

For the services provided, Commission will pay Barr according to the attached Standard Terms. Barr will bill Commission monthly.

Barr acknowledges that the Commission has the ability to contract with other firms for specific projects or studies.

Barr's BCWMC leadership team and its day-to-day contacts include Stephanie Johnson, Senior Water Resources Engineer and Project Manager, Jim Herbert, Vice President and Project Principal, and Karen Chandler, Vice President and Senior Water Resources Engineer.

During the term of this Agreement, Barr agrees to maintain with a company or companies lawfully authorized to do business in the jurisdiction in which the project is located, the type of insurance and policy limits as set forth below (USD):

Workers' Compensation and Employers' Liability

- | | |
|----------------|-----------------------------------|
| 1. Coverage A: | Per State Statute |
| 2. Coverage B: | \$500,000 Each Accident |
| | \$500,000 Disease – Policy Limit |
| | \$500,000 Disease – Each Employee |

Commercial General Liability

- | | |
|----------------|---|
| 1. \$2,000,000 | General Aggregate |
| 2. \$2,000,000 | Products – Completed Operations Aggregate |
| 3. \$1,000,000 | Each Occurrence |
| 4. \$1,000,000 | Personal Injury |

Commercial Automobile Liability

- | | |
|----------------|---|
| 1. \$1,000,000 | Combined Single Limit Bodily Injury and Property Damage |
|----------------|---|

The Commercial Automobile Liability shall provide coverage for the following automobiles:

1. All Owned Automobiles
2. All Non-Owned Automobiles
3. All Hired Automobiles

Umbrella Liability

- | | |
|--|------------------|
| 1. \$10,000,000 | Each Claim |
| \$10,000,000 | Annual Aggregate |
| 2. The Umbrella Liability provides excess limits for the Commercial General Liability, Employers' Liability, and Commercial Automobile Liability policies. | |

Professional and Pollution Incident Liability

Professional Liability insurance including Pollution Incident Liability coverage with limits of not less than \$5,000,000 Per Claim / \$5,000,000 Annual Aggregate.

Certificates of Insurance

Certificates of Insurance will be provided upon request.

Commission shall be named as an additional insured on Barr's Commercial General Liability, Employer's Liability, and Commercial Automobile Liability policies.

Barr and Commission waive all rights, including their insurers' subrogation rights, against each other, their subcontractors, agents, and employees, and the other's consultants, separate contractors, and their subcontractors, agents, and employees for losses or damages covered by their respective property or casualty insurance, or Builder's Risk insurance.

Site remediation services may involve risk of contamination of previously uncontaminated air, soil, or water. If Commission is requesting that Barr provide services that include this risk, Commission agrees to hold Barr harmless from such contamination claims, damages, and expenses, including reasonable attorneys' fees, unless and to the extent the loss is caused by Barr negligence

If this Agreement is satisfactory, please sign the enclosed copy of this letter in the space provided and return it to Barr.

Sincerely,

BARR ENGINEERING CO.



Jim Herbert, PE
Its Vice President

Accepted this _____ day of _____, 20____

BASSETT CREEK WATERSHED MANAGEMENT COMMISSION

By _____
Its Commission Chair

BASSETT CREEK WATERSHED MANAGEMENT COMMISSION

By _____
Its Commission Secretary

Attachments

- Standard Terms—Professional Services—Bassett Creek WMC
- BCWMC Addressing Potential Conflicts of Interest (Updated February 16, 2023)
- Labor Fee Schedule
- Addendum to Fee Schedule
- Copy Production Rate Schedule
- Rental Equipment Rate Schedule
- Specialty Software Services Rate Schedule

Memorandum

To: Bassett Creek Watershed Management Commission
From: Barr Engineering Company (Jessica Olson, P.E. and Karen Chandler, P.E.)
Subject: Item 5B – Consider Approval of Engineering Services Scope and Budget for Bassett Creek Main Stem Restoration Project, Regent Avenue to Golden Valley Road (CR-M 2024)
BCWMC March 20, 2025 Meeting Agenda
Date: March 13, 2025

5B. Consider Approval of Engineering Services Scope and Budget for Bassett Creek Main Stem Restoration Project, Regent Avenue to Golden Valley Road (CR-M 2024)

Recommendations:

1. Consider approving the scope of work and \$603,000 total project budget (\$530,000 base project budget and \$73,000 contingency budget) presented in this memorandum and direct the Commission Engineer to prepare final design, develop plans and specifications, and provide permitting assistance, bidding assistance and construction services for the Bassett Creek Main Stem Restoration, Regent Avenue to Golden Valley Road (CR-M 2024), tentatively scheduled for construction in winter 2025-2026; and restoration, planting and native vegetation establishment in 2026-2028. The Commission Engineer will seek authorization from the Commission Administrator before proceeding with the work associated with the contingency budgets.

Background

At the September 21, 2023 meeting, the Commission passed resolution 23-06 officially ordering the Bassett Creek Main Stem Restoration Project (2024 CIP Project CR-M), at an estimated cost of \$2,241,000. The project's funding sources include:

- Up to \$1,741,000 available to the Commission through a Hennepin County tax levy on watershed taxpayers (CIP levy), with \$434,000 levied in 2023 for collection in 2024, \$653,500 levied in 2024 for collection in 2025, and an estimated \$653,500 to be levied in 2025 for collection in 2026.
- Up to \$200,000 from the Commission's Closed Project Account.
- \$200,000 from the City of Golden Valley's portion of the Commission's Channel Maintenance Fund.
- Up to \$100,000 from the City of Golden Valley's capital improvement program.

The Commission executed a cooperative agreement with the City of Golden Valley (City) that specifies the Commission will provide engineering services for the project and the City will bid, award, and administer construction of the project. The engineering services provided by the Commission Engineer include project design, preparation of bid documents, assisting with community engagement, preparation of exhibits for necessary property rights, permitting and environmental review, construction observation, environmental oversight, and inspections, all in cooperation and close coordination with the City. The City will use its best efforts to obtain property rights for the project, advertise for bid and award contracts for the work, administer the construction of the project, and pay the contractor. The Commission will reimburse the City for all eligible project costs as outlined in the cooperative agreement.

To: Bassett Creek Watershed Management Commission
From: Barr Engineering Company (Jessica Olson, P.E. and Karen Chandler, P.E.)
Subject: Item 5B – Consider Approval of Engineering Services Scope and Budget for Bassett Creek Main Stem Restoration Project, Regent Avenue to Golden Valley Road (CR-M 2024)
BCWMC March 20, 2025 Meeting Agenda
Date: March 13, 2025
Page: 2

The Commission completed a feasibility study in June 2023 (Feasibility Report for Bassett Creek Main Stem Restoration, Regent to Golden Valley Road, June 2023) that identified, mapped, and prioritized stream sections in need of restoration along a 7,000-foot section of Bassett Creek (known as Hąhą Wakpádaŋ in the Dakota language) in Golden Valley from Regent Avenue to Golden Valley Road. At their June 15, 2023 meeting, the Commission approved the implementation of "alternative 3," to stabilize all eroding streambanks including those ranked high, medium, and low priority. The project is expected to reduce pollution in Hąhą Wakpádaŋ / Bassett Creek and downstream in the Mississippi River by an estimated 82 lbs. of total phosphorus and 136,000 lbs. of total suspended solids on an average annual basis.

The feasibility report for the project will form the basis of the project design. The feasibility report and further project information can be found online at [Bassett Creek Watershed Management Commission :: Bassett Creek Restoration Project: Regent Ave. to Golden Valley Rd.](#)

Proposed Scope of Work

Below is a summary of the work scope components for this project:

1) Project Coordination and Project Meetings

- a) Kick-off meeting with BCWMC staff, commissioners, and City staff to review project expectations, schedule, and scope. The Commission Engineer will prepare and distribute the agenda, attend the meeting, and provide meeting notes for the kick-off meeting.
- b) Meeting with BCWMC staff and City communications and equity staff to discuss ideas for public engagement (virtual). The Commission Engineer will develop the agenda in coordination with City staff, attend the meeting and provide meeting notes.
- c) Utility coordination meeting (virtual).. The Commission Engineer will develop the agenda in coordination with City staff, attend the meeting and provide meeting notes.
- d) 50% design review meeting with BCWMC staff, commissioners, City staff, Metropolitan Council Environmental Services (MCES) staff, and Three Rivers Park District (TRPD) staff and preparation of meeting notes (virtual). This meeting would take place before BCWMC Meeting #1 and after preliminary 50% plans are developed.
- e) BCWMC Meeting #1: Commission meeting to present 50% design plans, including memo and presentation.
- f) 90% design review meeting with BCWMC staff, commissioners, City staff, MCES staff, and TRPD staff and preparation of meeting notes (virtual). This meeting would take place before BCWMC Meeting #2 and after preliminary 90% plans are developed.
- g) BCWMC Meeting #2: Commission meeting to present 90% design plans, including memo and presentation.
- h) BCWMC Meeting #3: Commission meeting to present final report upon project completion.

Meetings related to bidding and construction are incorporated under other tasks.

2) Public Engagement/Communications

The Commission Engineer will coordinate with the BCWMC Administrator, City staff, and TRPD staff to determine the best means to gather public input on project plans and keep the public informed during construction. Engagement will include adjacent property owners, nearby residents, park users, and the larger community including underserved groups. The BCWMC and City staff will collaborate and coordinate to lead and facilitate the public engagement efforts together. The budget for this task includes time to prepare for and attend two public meetings, including preparing handouts and displays, and preparing materials to assist City staff and the Commission Administrator in their meetings/interviews with individuals or small groups, potentially as outlined in the BCWMC's Incentive Policy for Participation in Input-Gathering Activities (December 15, 2022). The first public meeting would take place after 50% design plans are complete, likely prior to the Commission meeting to present the 50% plans. The second public meeting would take place after 90% design plans are complete, prior to the Commission meeting to present the 90% plans. This task also includes assisting with updates to the Golden Valley and BCWMC project webpages and responses to public questions and comments. City staff and the BCWMC Administrator will coordinate meeting set-up, facilitation, and expenses. The City can host and disseminate information through its website, media channels and platforms.

3) Permitting

Based on the concepts developed, input from agency meetings that were held during the feasibility study, and follow up communications with agency staff, below is a list of anticipated permitting and approvals that will be required for the project before construction can begin. Per the Commission Engineer's recent email communications with Minnesota Department of Natural Resources (MDNR) staff, an Environmental Assessment Worksheet (EAW) will not be required for this project. The estimated costs include payment of anticipated permit fees. The City will designate the Commission Engineer as its agent for permitting, as applicable, allowing Barr to coordinate directly with regulatory agencies as questions arise.

- a) *Minnesota Wetland Conservation Act (WCA) Approval* - The City is the Local Government Unit (LGU) for the project location. The Minnesota Board of Water and Soil Resources (BWSR) oversees administration of the WCA statewide. While the desktop wetland evaluation completed in the feasibility study indicates wetlands of varying types and sizes along the length of the creek, the Commission Engineer will complete the joint application form and submit for approval, assuming that the entire project footprint above the MDNR ordinary high water level (OHWL) is wetland and requesting a no-loss determination.
- b) *US Army Corps of Engineers (USACE) permit (Section 404 Permit and Section 401 Certification)*
 - The Commission Engineer will submit the joint permit application to both the LGU and the USACE. It is likely the proposed project would fall under a USACE Nationwide Permit (either NWP 27, Aquatic Habitat Restoration or NWP 13, Bank Stabilization). However, it is ultimately up to the discretion of the USACE. USACE decisions on Nationwide permits typically happen within 90 days of submittal. It is assumed that compensatory wetland mitigation will not be required for this project.
- i) *Section 106: National Preservation Act* – Section 106 of the National Historic Preservation Act and its implementing regulations 36 Code of Federal Regulations (CFR) Part 800 (Section 106) requires that federal agencies assess the effects of their projects on cultural

resources eligible for or listed in the National Register of Historic Places (NRHP). Section 106 applies to any federal agency undertaking that has the potential to affect NRHP-eligible or listed cultural resources, should they be present. The project will seek permitting from the USACE, thereby constituting an undertaking subject to Section 106. As a result, the Commission Engineer will update the cultural resources literature review completed in 2022 for the feasibility study. The literature review will focus on identifying previously recorded archaeological sites, historic structures, and other cultural resources relevant to the project area. The Commission Engineer will also access county records, historic maps, historic aerials, and other informed sources for supporting data as necessary. Research will be conducted through a review of Minnesota's Statewide Historic Inventory Portal (MnSHIP), and the online Portal maintained by the Office of the State Archaeologist (OSA). The literature review completed for the feasibility study in 2022 indicates that two previously recorded cultural resources appear to be within or directly adjacent to the project area. The updated literature review will include any additional cultural resources that have been documented after the 2022 review.

If the USACE determines an archeological survey is necessary, the Commission Engineer will develop a scope of work for a Phase I archaeological reconnaissance and technical report for the project. The cost of this work would range from approximately \$10,000 to \$15,000; however, cost will be dependent on guidance from the USACE (shown as contingency budget item 3(A) in cost estimate table).

- c) *United States Fish and Wildlife Service (USFWS)* – The federal government protects federally listed species under the Endangered Species Act and requires consideration of the impacts on these species for projects involving federal permits. The feasibility study identified one federally listed species and one proposed threatened species potentially occurring in the project area: respectively, the northern long-eared bat (*Myotis septentrionalis*) and the monarch butterfly (*Danaus Plexippus*).
- d) *MDNR public waters work permit* – Ĥaĥá Wakpádaŋ / Bassett Creek is a public watercourse, so the proposed work will require a MDNR public waters work permit. The Commission Engineer will prepare and submit this permit application.
 - i) *Minnesota's Threatened and Endangered Species* – State-listed species are protected, and the impacts on these species must be considered for state-level permitting requirements. One state-listed threatened species occurs within one mile of the project area: the Blanding's Turtle.
- e) *Minnesota Pollution Control Agency (MPCA) permitting* – this project is anticipated to disturb more than one (1) acre of upland and therefore requires a National Pollutant Discharge Elimination System / State Disposal System Construction Stormwater (CSW) General Permit issued by the MPCA. The CSW requires the preparation of a stormwater pollution prevention plan (SWPPP); the Commission Engineer will prepare a SWPPP for the project. The contractor will be responsible for obtaining the CSW permit.

- f) *BCWMC floodplain requirements* – The Commission Engineer will refine the existing XP-SWMM model for Ĥaĥá Wakpádaŋ / Bassett Creek during the design process to demonstrate that the project does not increase flood elevations. The stability of design elements will also be evaluated using refined model velocities.
- g) *City permits* – The City requires a Stormwater Management Permit for land-disturbing activities that remove soils or vegetation, including but not limited to clearing, digging, dredging, draining, or filling. This project exceeds the thresholds that trigger this permit. The City also requires a Right-of-Way Management Permit to access and work in City easements and rights-of-way. The contractor will obtain all required City permits as part of the project.

4) Site Visits and Data Collection

- a) The Commission Engineer will complete up to two site visits to verify suitability of proposed design elements, evaluate current channel geomorphic parameters, and photograph any changed conditions since the feasibility study was conducted. The Commission Engineer will coordinate with City staff should they wish to participate in the site visits.
- b) The Commission Engineer will complete a survey of the channel, obtaining detailed topographic and bathymetric data through the reaches where restoration measures and/or construction access are planned. Additionally, the Commission Engineer will survey visible/detectable property boundary markers within or adjacent to the proposed work areas to facilitate preparation of property access agreements. Survey equipment is anticipated to include a total station, survey-grade GPS, and an unmanned aerial vehicle (UAS) with Lidar equipment. We assume that City staff will send letters to all properties in advance of the UAS flight and notify city police prior to the effort.
- c) The Commission Engineer will assess the potential for contamination in the project area as a follow-up to the desktop review in the feasibility study. The Commission Engineer will conduct a file review of MPCA regulatory files associated with a fuel oil release at ISD 281 Noble Elementary School, which was identified during the feasibility study as having the potential to impact the site (LS0021641 and SA0010038). If the regulatory file review indicates it is unlikely that contamination from the release has impacted the creek, additional environmental investigation will likely not be warranted; however, the Commission Engineer will develop a construction contingency plan (CCP) to provide guidance on how to proceed if unexpected contamination is encountered during construction. If the MPCA file review indicates contamination from the release may have impacted the creek, the Commission Engineer will develop a scope of work and plan for soil sampling. The cost of soil sampling and analysis could range from approximately \$15,000 to approximately \$30,000; however, cost will be dependent on the results of the MPCA file review, the number of samples, and the types of laboratory analysis (shown as contingency budget item 4(A) in cost estimate table). If contamination is identified during sampling, next steps would include enrolling the site in MPCA's Voluntary Remediation Program and developing a Response Action Plan (RAP) to address the contamination during construction. The Commission Engineer will develop costs for sampling, MPCA program enrollment and RAP preparation if they become necessary. It is likely that grant funding is available through the MN

Brownfields program or the Hennepin County Environmental Response Fund for investigation and clean-up, if the amount of contamination is significant.

5) Preparation of Design Plans and Specifications

The Commission Engineer will build upon the feasibility study concept design to develop the project design, including two plan sets: one for Phase One to include heavy equipment construction, including earthwork and structure placement, and one for Phase Two to include site restoration and vegetation establishment with a multi-year vegetation management component. The Commission Engineer will prepare documents to be used for bidding and construction.

- a) *Construction Drawings*: The Commission Engineer will develop the following and provide to the Commission Administrator and City staff for review and comment:
- i. 50% design plans and memo to the Commission
 - ii. 90% design plans and memo to the Commission
 - iii. 100% plans for bidding and construction
 - iv. Following each submittal, the Commission Engineer will edit the plans based on reviews from City staff, Commission Administrator and the Commission.

Anticipated drawings for Phase One include:

- Cover sheet
- Construction SWPPP
- Construction notes and general notes
- Estimated quantities
- Existing conditions, removals, and erosion control plan
- Site access & traffic control plan (if necessary)
- Plan and profile sheets with stream structures and grading plans
- Stream cross-sections
- Project details
- Restoration plans

Anticipated drawings for Phase Two include:

- Cover sheet
- Estimated quantities
- Project details
- Vegetation establishment plan(s)

- b) *Specifications*: The Commission Engineer will develop separate contract “front-end” documents (starting with City standard specifications and making any required updates) for Phase One and Phase Two including instructions to bidders, bid form, contract (form of agreement), performance and payment bonds, general and supplementary conditions, etc., and technical specifications for the 90% and 100% submittals.
- c) *Easement acquisition and other property access*: The Commission Engineer will prepare and provide exhibits to City staff to support the City’s efforts throughout development of the design plans to obtain all property rights necessary for project implementation. Exhibits will include property boundaries, based on GIS parcel data and plat maps, and approximate locations of project components including construction access routes, as well as proposed temporary and

permanent easement boundaries and legal descriptions. City staff will take the lead on sending letters and engaging with property owners. These maps will not constitute or represent boundary surveys for the impacted parcels.

- d) *Engineer's opinion of cost*: The Commission Engineer will prepare an engineer's opinion of probable construction costs for the 50%, 90% and 100% submittals. The Commission Engineer will report the opinion of costs to the Commission in a unit price and total cost format.
- e) *Pollutant removal estimates update*: This scope includes additional refinements to the pollutant removal estimates for total phosphorous (TP) and total suspended solids (TSS) based on final design components and the incorporated constructed improvements. The Commission Engineer will incorporate the TP and TSS pollutant removal evaluation results into the 50% and 90% design submittal memos to the Commission.

6) Bidding Services

This scope includes the following bidding services:

- a) Prepare bidding documents and issue addenda, as necessary
- b) Attend a pre-bid meeting, as necessary
- c) Coordinate with City staff to respond to questions from prospective bidders and prepare any required addenda. Post the bid via QuestCDN online bidding and administer the bidding process with the City.
- d) Prepare the bid tabulation and assist City staff with review of bids, checking references, and selection of a contractor.

7) Construction Services

This scope includes the following construction services:

- a) *Pre-construction Meeting*: City staff will host a pre-construction meeting. The Commission Engineer will prepare and distribute the agenda, attend the meeting, and provide meeting minutes for the pre-construction meeting.
- b) *Construction Progress Meetings*: This scope includes budget for up to 76 hours for the Commission Engineer to attend weekly construction progress meetings, and prepare agendas and meeting notes.
- c) *Construction Observation*: This scope includes budget for up to 760 hours for the Commission Engineer to observe the CIP project features during the construction phase of the project—40 hours per week for up to 18 weeks during heavy-equipment construction phase and 20 hours per week for up to 2 weeks during vegetation establishment and site restoration phase.
- d) *Survey and Construction Staking*: The Contractor will provide all construction-related survey and construction staking for the project. The Commission Engineer will provide design survey data and CAD drawing files to the Contractor upon request.
- e) *Construction Administration*: The Commission Engineer will provide the following services:
 - i. Submittals: Coordinate with City staff to manage submittals (any products or documentation requiring the engineer's review and/or approval) including tracking, review, resubmittals and approvals.

- ii. Pay applications: Coordinate with City staff to manage and review pay applications, including verification of pay quantities.
 - iii. Change orders: Coordinate with City staff to review contractor's change order requests and assist City with preparation of all change orders.
 - iv. Updates and modifications: Coordinate with City staff to prepare and distribute updated construction documents for any changes made during construction. This assumes the changes are small adjustments to the design and not substantial changes in construction scope or duration.
 - v. Contractor communication: Coordinate with the City staff to communicate with the contractor to clarify plans and specifications and answer questions that arise during construction.
- f) *Record drawings*: The Commission Engineer will receive record survey information from the Contractor. The Commission Engineer will prepare record drawings following completion of the work and will provide the record drawings to the Commission and City.
- g) *Contingency Environmental Soil Testing and Management during Construction*: If contaminated material is encountered during construction, the Commission Engineer will develop an additional scope and budget for recommended soil sampling and analysis (see contingency budget item 7(A) in cost estimate table).

8) Project Management

The Commission Engineer will manage project scheduling and budgeting, in close coordination with City staff and the Commission Administrator, and prepare and send bi-weekly project email updates that briefly summarize:

- a) Work completed since the previous updates
- b) Upcoming work
- c) Information, data or actions needed from others

Deliverables

The Commission Engineer will provide the Commission and the City with the following deliverables during the proposed work:

- a) 50%, 90% and 100% construction drawings
- b) 90% and 100% specifications
- c) 50%, 90% and 100% opinions of cost
- d) Memos to the Commission accompanying the 50% and 90% construction plans. The memos will describe the CIP project, how the CIP project follows or departs from the feasibility study, estimated project costs, and the water quality impacts.
- e) Presentations for the Commission meetings to present the 50% and 90% construction plans
- f) Graphics and materials for community engagement and public information efforts.

To: Bassett Creek Watershed Management Commission
From: Barr Engineering Company (Jessica Olson, P.E. and Karen Chandler, P.E.)
Subject: Item 5B – Consider Approval of Engineering Services Scope and Budget for Bassett Creek Main Stem Restoration Project, Regent Avenue to Golden Valley Road (CR-M 2024)
BCWMC March 20, 2025 Meeting Agenda
Date: March 13, 2025
Page: 9

- g) Exhibits for property rights and access.
- h) Record drawings
- i) Project meetings including kick-off meeting; pre-design meetings with utility representatives, City communications and equity staff; interim design meetings with Commission and City staff; Commission meetings; pre-bid meeting; pre-construction meeting; and construction progress meetings, including agendas and meeting notes or minutes
- j) Project email updates

Cost Estimate

The table below summarizes our cost estimate for the scope of work outlined above.

Tasks	Estimated Total
1) Project Coordination and Project Meetings	\$22,000
2) Public Engagement	\$17,000
3) Permitting	\$21,000
4) Site Visits and Data Collection	\$29,000
5) Design	\$192,000
6) Bidding Services	\$12,000
7) Construction Services	\$204,000
8) Project Management	\$33,000
Subtotal Base Project Budget	\$530,000
3(A) Contingent Budget for Phase I Archeological Survey	\$15,000
4(A) Contingent Budget for Environmental Investigation	\$28,000
7(A) Contingent Budget for Addressing Contamination During Construction	\$30,000
Subtotal Contingency Budget	\$73,000
Total Project Budget	\$603,000

The Commission Engineer will seek authorization from the Commission Administrator before proceeding with the work associated with the contingency budgets.

Schedule

The Commission Engineer will complete the tasks and milestones outlined in the scope of work on the following schedule.

Tasks and milestones	Estimated Schedule
Design – complete 50% plans for review and permitting	Summer 2025
Permitting	Summer / Fall 2025
Design – complete 90% plans for review	Fall 2025
Design – complete 100% plans for review	Fall 2025
Bidding	Fall 2025
Construction	Fall / Winter 2025/2026
Restoration, Planting and Vegetation Establishment	2026-2028
Record construction drawings, final restoration, project closeout	Fall / Winter 2026

**BASSETT CREEK WATERSHED MANAGEMENT COMMISSION
PRE-APPLICATION REIMBURSEMENT AGREEMENT**

This Pre-Application Reimbursement Agreement (“Agreement”) is entered into as of the _____ day of _____, 2025, by and among the Bassett Creek Watershed Management Commission, a municipal joint powers entity established under the laws of the State of Minnesota (“Commission”), and Graffiti Mill, LLC, a Delaware limited liability company (the “Owner”).

Recitals

- A. The Owner seeks to pursue and undertake a redevelopment project (the “Project”), which as contemplated will eventually require the submission of a development review application to the Commission pursuant to the Commission’s Requirements for Improvements and Development Proposals. The Project is proposed to be on the Owner’s property located at 303 Thomas Avenue North, Minneapolis, Minnesota (Hennepin County PID 2002924430143).
- B. Prior to finalizing redevelopment plans and submitting a development review application for the Project, and because of the complexity of the Project, the Owner seeks review and assistance from the Commission engineer related directly to the Project’s planning and development (“Professional Costs”). Because there is no pending application yet, said Professional Costs fall outside of the Commission’s general fee/reimbursement structure.
- C. Notwithstanding for foregoing, and in order to facilitate the aforementioned pre-application review and work by the Commission engineer, the parties desire to enter into this Agreement to ensure that the Commission will be reimbursed for its actual Professional Costs incurred and related to the Project.

Agreement

The parties to this Agreement hereby agree as follows:

- 1. **Reimbursement Required.** The Owner agrees to fully reimburse the Commission for the Professional Costs the Commission incurs related to the Project, along with the costs incurred by the Commission in drafting this Agreement (collectively, the “Reimbursable Costs”). To that end, the Owner shall reimburse the Commission in full for such Reimbursable Costs within 30 days of receipt of any invoice from the Commission. Should the Owner fail to fully reimburse the Commission for any Reimbursable Costs as required herein, the Commission may exercise any other remedy available to it, in law or equity, to recover such costs from the Owner, including, without limitation, Minn. Stat. § 514.67.
- 2. **No Obligation.** The Commission desires to facilitate projects that are proposed in a way consistent with its review standards; however, the Commission entering into this Agreement does not obligate it to provide any particular level or timing of service, either directly or through its consultants, and such services shall in no way give rise to any guarantees or warranties. Furthermore, by entering into this Agreement the Commission is not expressly or implicitly agreeing to approve any proposals or applications which the Owner or its affiliates may submit to the Commission, whether related to the Project or otherwise. Any such proposals and requests will need to be processed and acted on in accordance with the Commission’s established procedures and regulations.
- 3. **Term and Termination.** This Agreement is effective as of the date first written above and will terminate on the earlier of two years from the effective date or the date that all obligations have

been satisfactorily fulfilled. This Agreement may also be terminated upon 30 days' written notice by either party, or immediately upon mutual agreement of the parties. Termination of this Agreement will not relieve the Owner from its obligation to reimburse the Commission for its actual Reimbursable Costs incurred until the effective date of the termination.

4. Waiver. The failure by a party to insist in any one or more instances upon the performance of any term or condition of this Agreement shall not be construed as a waiver or relinquishment of the right to such performance, or to future performance, of such term or condition by the other party, and the obligation of both parties for performance of that term or condition shall continue in full force and effect.
5. Notices. Notice for purpose of this Agreement shall be sufficient if sent via certified mail to the other party at the following addresses:

To the Owner: Graffiti Mill, LLC
 Attn: Mike Daugherty
 225 Thomas Avenue N, #200 Upper
 Minneapolis MN 55405

To the Commission: Bassett Creek Watershed Management Commission
 Attn: Administrator
 P.O. Box 270825
 Golden Valley, MN 55427

6. Severability. The provisions of this Agreement shall be deemed severable . If any part of this Agreement is rendered void, invalid, or unenforceable, such rendering shall not affect the validity and enforceability of the remainder of this Agreement unless the part(s) which are void, invalid or otherwise unenforceable shall substantially impair the value of the entire Agreement with respect to the parties.
7. Data Practices. The parties will comply with the Minnesota Government Data Practices Act, Minnesota Statutes, Chapter 13, to the extent it applies to all data created, collected, received, stored, used, maintained, or disseminated in accordance with this Agreement.
8. Amendments and Assignments. The terms of this Agreement may be changed only by mutual agreement of the parties. Such changes shall be effective only on the execution of written amendment(s) signed by both parties. Neither party shall transfer its rights or obligations under this Agreement without the express written consent of the other party.
9. No Joint Venture; Liability; Rights. Nothing herein constitutes the creation of a joint venture or joint undertaking between the Commission and the Owner. The parties shall be responsible for their own acts and omissions and the results thereof to the extent authorized by law. This Agreement is simply providing a means for reimbursing the Commission for its Reimbursable Costs, as defined herein. Furthermore, nothing herein shall constitute, or be construed as constituting, a waiver of any limitation on, or exemption from, liability available to the Commission under Minn. Stat. Chap. 466 or other law. Finally, this Agreement is not intended to confer any rights to third parties.

[signatures to follow]

IN WITNESS WHEREOF, the parties have duly affixed their signatures under hand and seal on this instrument as of the date first written above.

OWNER:

By: _____

Its: _____

COMMISSION:

By: _____
Chair

By: _____
Secretary

Memorandum

To: BCWMC Board of Commissioners
From: Barr Engineering Co. (Stephanie Johnson, PhD, PE, and Karen Chandler, PE)
Subject: Item 5D. Consider Approval of Scope of Work for Bassett Creek Valley Floodplain and Stormwater Management Study Update
BCWMC March 20, 2025 Meeting Agenda
Date: March 5, 2025

5D. Consider Approval of Scope of Work for Bassett Creek Valley Floodplain and Stormwater Management Study Update

Recommendations:

1. Consider approving this scope of work and budget along with cost share agreement with the City of Minneapolis and direct the Engineer to complete an update to the Bassett Creek Valley Floodplain and Stormwater Management Study to incorporate existing conditions within the area.

Background

The Bassett Creek Valley is located within the Bryn Mawr Neighborhood of the City of Minneapolis, extending along the Bassett Creek corridor from Interstate 94 to Cedar Lake Road. The area receives stormwater runoff from over 20,000 acres of upstream and surrounding drainage areas and lies within a natural low area where the open channel of Bassett Creek enters the Bassett Creek tunnels. The Bassett Creek Valley area is plagued by historic contamination, poor soils, and high groundwater. In addition, the 100-year floodplain within the Bassett Creek Valley extends up and beyond the creek's channel and into surrounding neighborhood and commercial areas, negatively impacting existing properties and hindering redevelopment opportunities.

The BCWMC and City of Minneapolis partnered to complete a floodplain feasibility study within the Bassett Creek Valley in 2019 (the "Bassett Creek Valley – Floodplain and Stormwater Management Study"). This study also included an additional 70 acres to the west of the Bassett Creek Valley (along the creek) as part of the study area. Stated goals for the 2019 study were to identify opportunities to provide flood storage, improve water quality, and bring regional amenities to the study area. Results from the study included several concepts for large capital improvement projects to improve floodplain and stormwater management within the study area, including a proposed concept to expand the Bassett Creek cross-sectional channel area throughout the valley to increase available floodplain storage. Concepts also included the identification of potential regional stormwater management opportunities to provide supplemental storage within the local drainage area and achieve some water quality treatment.

Outcomes of the 2019 study included several recommendations for next steps and future phases of planning for improvements within the study area, including:

- Meeting with regulatory agencies to confirm permitting requirements for proposed work within the creek corridor;

- Gathering additional information on environmental and geotechnical conditions within the proposed project area;
- Updating the most recent XPSWMM models for this area with proposed project concepts and also quantifying impacts under additional storm events;
- Advancing project concepts to the next level of planning by refining designs to incorporate comments from agency partners and regulatory agencies;
- Considering land availability and potential for acquisitions, as needed, for advancing project concepts.

Since completion of the 2019 study, additional information has become available on soil and groundwater conditions within the Bassett Creek Valley study area, updated regional stormwater modeling and floodplain extents have been developed, and surrounding capital improvement projects that were considered as opportunities to provide additional stormwater management as part of the 2019 effort have now been completed.

We understand that the BCWMC and their partners at the City of Minneapolis would like to revisit results of the 2019 study and update the estimated costs and benefits of the proposed project concepts taking into account new information on: current land ownership and development considerations within the Bassett Creek Valley; capital projects completed over the past 5 years; updated hydrologic and hydraulic models; and recently completed environmental review and capital improvement projects within the study area.

We also understand that the BCWMC has identified additional agency partners to be included within the next phase of planning for floodplain and stormwater management improvements within the Bassett Creek Valley. The information developed within this study will be used to help inform next steps for evaluating the feasibility of proposed floodplain and stormwater improvements within the Bassett Creek Valley.

Proposed Scope of Work

The core tasks involved within the proposed scope of work include:

1. Gather and review past materials.
2. Reconvene project stakeholders to continue discussion on the planning for proposed concepts to increase flood resiliency, reduce flood risk, and improve stormwater management within the Bassett Creek Valley. A project kickoff meeting with project partners will be focused on: the review of outcomes from previous planning initiatives, confirming project partner goals for improved water management, and identifying additional and updated data that's available for use.
3. Update most recently available stormwater models for the study area to reflect current conditions, including key capital improvement projects completed within the past few years, and to incorporate regional planning-level scenarios.

4. Revise previously proposed project concepts to incorporate new information. Review and identify potential alternatives for regional water management. Considerations regarding environmental contamination and permitting requirements based on our past project experience in the proposed project corridor will be included.
5. Update cost-benefit estimates.
6. Develop recommendations for next steps based on findings.

Following is a description of proposed tasks to complete this work:

Task 1: Project Kickoff Meeting with Project Partners

We will begin the project with a project kick-off meeting between Barr, BCWMC staff, staff from the City of Minneapolis, Minneapolis Park and Recreation Board, and Hennepin County. The intent of this meeting will be to bring the project partners back together, introduce new partner representatives to the water management challenges within the Bassett Creek Valley, review recommended concepts and findings from the previous phase of work, confirm partner goals and priorities related to floodplain and stormwater management within the study area, and identify any updated / newly available information that should be included within this next phase of the study.

We assume that the project kickoff meeting will be held in-person. We also assume that the BCWMC Administrator will schedule the meeting and secure the meeting location. In preparation for the kick-off meeting, Barr will gather and perform an initial review of the available files and final deliverables for the 2019 study and compare those with Barr's most recent understanding of stormwater conditions within the study area. Following the meeting, we will distribute meeting notes that include documenting any requests for additional information.

Deliverables

- Project kickoff meeting agenda, meeting materials, and notes, including requests for information.

Task 2: Review and Update Watershed Models

Within this task, Barr will compile the best available stormwater modeling and stormwater infrastructure information for the study area with the primary focus on the portion of the study area from the tunnel inlet upstream to Highway 55. We believe this will include, but may not be limited to, the following information:

- Models from Stantec (formerly Wenck) for the scenarios evaluated in the 2019 Bassett Creek Valley Study
- Most current version of the BCWMC XPSWMM model (approved in 2022)
- Most current version of the City of Minneapolis XPSWMM or PCSWMM models for the study area
- Construction drawings for capital improvements and other projects recently implemented in the study area including the improvements at Bryn Mawr Meadows Park and the BNSF Bridge Replacement project

- Other project information provided by project partners (including information provided as a result of Task 1)

Barr will update the BCWMC XPSWMM model, adding in the major capital improvement projects completed since the model was last updated (as noted above) to create a baseline existing conditions model. Additionally, using the City of Minneapolis modeling, we will add resolution to the BCWMC XPSWMM model subwatersheds, storage, and storm sewer conveyance immediately adjacent to Bassett Creek in up to 6 locations. To identify locations that may benefit from additional resolution, we will review and compare the updated BCWMC model results with the City's model results for the creek as well as key inflows to the creek within the study area to confirm similar performance for the 100-year event. However, given the original development of the BCWMC model was based on the City's model we assume the models will perform similarly and no other revisions will be needed to achieve similar results.

We will run the existing conditions model for the Atlas 14 100- and 500-year, 24-hour rainfall events. We will summarize results and develop existing conditions inundation mapping for the study area for these events. This information will be presented in a single plan view map of the study area. Additionally, using the inundation mapping and available parcel data, we will estimate impacted properties for flooding under existing conditions.

Using the updated BCWMC existing conditions model, we will then review and segregate the key inflow hydrographs for the main storm sewer inflows to the creek in the project area for the 100-year event. The goal of this assessment is to identify those discharges having the most significant impact on the first flood peak observed within the Bassett Creek channel just upstream of the tunnel inlet. Previous studies identified that this first flood peak is primarily the result of local runoff from drainage areas downstream of Highway 55 that first drain through this location before the larger regional drainage area peak comes through later.

Next, we will model the three creek expansion scenarios of the Bassett Creek corridor as presented in the 2019 Bassett Creek Valley Floodplain and Stormwater Management Study to evaluate expected impacts of the proposed concepts based on current conditions for both the 100- and 500-year events. We assume that these concepts will not include the proposed potential additional storage within Bryn Mawr Meadows Park, as the park redevelopment project has now been completed.

Deliverables

- Updated BCWMC XPSWMM model for existing conditions within study area.
- Existing conditions inundation mapping.
- Summary of results for the Atlas 14 100- and 500-year, 24-hour rainfall events under existing conditions and the three creek expansion scenarios.

Task 3: Refine Preferred Water Management Scenarios

Task 3a: Refine Preferred Water Management Scenarios / Review for Additional Regional Treatment Options

Based on information received in Task 1 related to partner goals, input on project concepts from the 2019 plan, current state of capital projects, land ownership considerations, etc., and the evaluation of previously recommended scenarios, Barr will review the study area in terms of additional water

management opportunities. We assume we will identify up to three water management scenarios, including further refinement of the channel storage and modification concept considering findings from Barr's work up to this point. If the recommended opportunities for regional treatment identified in the 2019 study are no longer viable, we will identify other potential stormwater management opportunities targeting alternative locations within the local watershed that could potentially reduce flood elevations and/or provide water quality treatment.

Also, within this task, Barr will review information that we have previously collected and developed related to area contamination, soils, top of bank estimates as a proxy for MNDNR ordinary high water levels, and regulated wetlands within the proposed project corridor as part of past projects. Referencing this information, we will perform a screening-level review of properties immediately adjacent to the creek within the proposed project corridor, and classify them as having a 'high', 'medium', or 'low' potential for environmental contamination.

Based on the information reviewed and Barr's past project experience within the study area, we will identify the various state and federal permits that we anticipate would be needed or should be confirmed if needed for the proposed creek expansion scenarios. Findings from this and the environmental contamination screenings will be referenced when developing the three water management scenarios noted above. Results will also be used to inform the cost-benefit analysis (Task 4).

We will develop up to three concept figures for the three water management scenarios. We will model these scenarios in the updated BCWMC XPSWMM model for the 100- and 500-year, 24-hour rainfall events and will summarize the results in comparison to the baseline conditions.

Task 3b: Meeting #2 with Project Partners

A second (in-person) meeting will be held with staff from the BCWMC, City of Minneapolis, Minneapolis Park and Recreation Board, and Hennepin County to share the updated water management scenarios and supporting information developed in Task 3a. The desired outcome of this meeting will be to receive feedback on the three refined water management scenarios before moving forward into quantifying benefits. Feedback received in this meeting will be incorporated back into the concepts before proceeding to the next tasks.

Deliverables

- Updated BCWMC XP-SWMM model for proposed water management scenarios.
- Preliminary results on impacts to area flooding for up to 3 refined water management scenarios for the Atlas 14 100- and 500-year, 24-hour rainfall events, including modeling, results summary, and concept figures.
- Project area map with parcels ranked for potential for contamination.
- List of anticipated permits.
- Project meeting agenda, materials, and notes.

Task 4: Benefits and Costs Analysis

Task 4a: Estimate Costs / Benefits

Within this task, we will estimate planning-level costs and quantify the anticipated benefits for the water management scenarios resulting from the preliminary evaluation and conversations with project partners in Task 3. Anticipated benefits to be considered as part of this task include:

- increased flood storage and reductions in flood elevations;
- reduced number of negatively impacted properties from flooding;
- increased developable land area.

For each water management scenario, we will develop inundation mapping using the available LiDAR data and proposed channel modifications, based on the estimated flood elevations for the 100- and 500-year events. We will leverage the proposed inundation mapping, along with available parcel data, to estimate impacted properties and increases in developable land area.

Planning-level cost estimates will include considerations for expected future engineering/design costs, anticipated capital project costs, and a high-level range for potential permitting costs.

Task 4b: Meeting #3 with Project Partners

A third (virtual) meeting will be held with staff from the BCWMC, City of Minneapolis, Minneapolis Park and Recreation Board, and Hennepin County to share results from this task. Any feedback received from this meeting will be incorporated back into the summary of benefits analysis and planning-level costs before final reporting. We assume that feedback received during this third meeting will not require the re-running of stormwater models, regeneration of inundation mapping, or other technical analyses.

Deliverables

- Planning-level cost estimates
- Summary of flood benefits, including proposed scenario inundation mapping
- Project meeting agenda, materials, and notes.

Task 5: Reporting

We will prepare a technical memorandum summarizing the results of Tasks 1 – 4. The memorandum will describe the analyzed floodplain and stormwater management concepts, summarize results from the project area screening performed in Task 3, present a summary of estimated planning-level costs and benefits for the various water management scenarios, and include recommendations for future analyses and next steps.

The scope of work assumes one round of review comments will be provided by BCWMC and partner staff. This task also includes one additional (virtual) meeting, if needed, to discuss feedback on the draft project report and next project steps before finalizing the report.

To: BCWMC Board of Commissioners
From: Barr Engineering Co. (Stephanie Johnson, PhD, PE, and Karen Chandler, PE)
Subject: Item 5D. Consider Approval of Scope of Work for Bassett Creek Valley Floodplain and Stormwater Management Study Update
BCWMC March 20, 2025 Meeting Agenda
Date: March 5, 2025
Page: 7

Deliverables

- Draft project report.
- One meeting with BCWMC administrator and partner staff to discuss feedback on draft report and next steps (if needed).
- Final report, including final electronic deliverables.

Task 6: Final Presentation

Barr will develop a presentation summarizing results from the study and present the information to the Board of Commissioners of the BCWMC at a regularly scheduled meeting.

Deliverables

- PowerPoint presentation summarizing study results.

Budget

The total estimated cost to complete Tasks 1-5 is \$85,400. Table 1 summarizes the estimated project work by task. Project expenditures will be billed on a time and expense basis.

Table 1 **Estimated project cost**

Task		Estimated Cost of Task
Task 1:	Project Kickoff Meeting with Partners	\$6,600
Task 2:	Review and Updates to Watershed Models	\$20,500
Task 3:	Refine Preferred Water Management Scenarios; Project Meeting #2	\$23,600
Task 4:	Benefits and Costs Analysis; Project Meeting #3	\$17,000
Task 5:	Reporting; Project Meeting #4 (if needed)	\$14,900
Task 6:	Final Presentation	\$2,800
Total		\$85,400

To: BCWMC Board of Commissioners
From: Barr Engineering Co. (Stephanie Johnson, PhD, PE, and Karen Chandler, PE)
Subject: Item 5D. Consider Approval of Scope of Work for Bassett Creek Valley Floodplain and Stormwater Management Study Update
BCWMC March 20, 2025 Meeting Agenda
Date: March 5, 2025
Page: 8

Schedule

Table 2 summarizes the proposed project schedule associated with each task described in the scope of work. The proposed schedule assumes we will start work in early April.

Table 2 **Proposed project schedule**

Task		Estimated Completion Schedule
Task 1:	Project Kickoff Meeting	April 2025
Task 2:	Review and Updates to Watershed Models	Early June 2025
Task 3:	Refine Preferred Water Management Scenarios; Project Meeting #2	August 2025
Task 4:	Benefits and Costs Analysis; Project Meeting #3	October 2025
Task 5:	Reporting; Project Meeting #4 (if needed)	November 2025
Task 6:	Final Presentation	January 2026

COST-SHARE AGREEMENT

THIS COST-SHARE AGREEMENT (the "Agreement"), dated this ____ day of _____, 2025, is between the Bassett Creek Watershed Management Commission, a Minnesota joint powers organization (the "Commission"), and the City of Minneapolis, a Minnesota municipal corporation (the "City"). The Commission and the City may be referred to collectively herein as the "Parties."

RECITALS

WHEREAS, the Parties share a common interest in evaluating the options for incorporating natural resources, recreation, and redevelopment by integrating floodplain and stormwater management into a regional solution for the Bassett Creek Valley (the "Valley"), which is located within the City; and

WHEREAS, to that end, the Parties each contributed to the cost of an engineering study in 2019 related to floodplain and stormwater management within the Valley for the aforementioned purposes (the "2019 Study"); and

WHEREAS, the Parties now seek to have the 2019 Study reviewed and updated due to various changes that have occurred since it was completed, including, without limitation, changes in land ownership and development considerations, updated hydrologic and hydraulic models, and recently performed environmental review and other capital projects within the study area; and

WHEREAS, accordingly, by a separate scope of work (the "Barr Proposal"), the Commission intends to engage Barr Engineering ("Barr") for the purpose of facilitating and conducting the aforementioned review and updates to the 2019 Study (the "Services"); and

WHEREAS, a copy of the Barr Proposal is attached hereto as Exhibit A; and

WHEREAS, in exchange for the Commission's procurement of the Services to be provided by Barr, the City wishes to share in the costs related thereto and reimburse the Commission for 75% of the Services, all in accordance with the terms and conditions contained herein.

NOW, THEREFORE, in consideration of the performance by the Parties of the terms herein and for other good and valuable consideration, the Commission and the City hereby covenant and agree as follows:

AGREEMENT

- 1. Commission's Procurement of Services.** The Commission hereby agrees to engage Barr to provide the Services previously described herein. Pursuant to the Barr Proposal, the Commission agrees to limit Barr's fees for the Services (the "Barr Fees") to \$85,400. The Commission shall be solely responsible for making full payments to Barr in accordance

with a separate agreement between the Commission and Barr, and said payments shall be subject to reimbursement by the City as provided for in Section 3 of this Agreement.

2. **Collaboration and Deliverables.** The Commission will include City staff on the project team, cooperate and collaborate with City staff throughout the procurement of the Services, and provide the City with a copy of all deliverables and data provided by Barr related to the Services upon completion and finalization of the Services. The Commission will also provide the City with an opportunity to make reasonable follow-up inquiries related to Barr's findings and conclusions so as to aid in the City's ability to interpret, utilize and rely upon information derived from the Services.
3. **Reimbursement for Barr's Services.** The City agrees to reimburse the Commission for 75% of the Barr Fees within 30 days of receiving a reimbursement request from the Commission. At the City's request, the Commission shall provide copies of any paid invoices as evidence of the Barr Fees.
4. **Fee Limit.** Notwithstanding any other provision to the contrary, the City's total responsibility for reimbursement of any and all fees under this Agreement shall not exceed \$64,050 unless otherwise agreed to by the City in writing.
5. **Term of Agreement.** This Agreement shall commence on the date of execution by both Parties and it shall remain in full force and effect until the completion of the Services and all reimbursement required herein is made by the City, at which point the Agreement shall immediately terminate.
6. **Entire Agreement.** This Agreement contains the complete agreement between the Parties and supersedes any previous oral agreements, representations and negotiations between the Parties regarding the subject matters of this Agreement. The Parties agree that there are no representations, warranties, collateral agreements or conditions affecting this Agreement except for those that are expressly provided herein.
7. **Assignment.** Neither party shall assign this Agreement without the written consent of the other party.
8. **Binding Effect.** This Agreement shall inure to the benefit of and be binding upon the Parties hereto and their permitted successors and assigns.
9. **Governing Law.** This Agreement will be governed by and construed in accordance with the laws of the State of Minnesota.
10. **Data Practices.** Any and all data created, collected, received, stored, used, maintained, or disseminated to either party pursuant to this Agreement shall be administered in accordance with, and is subject to the requirements of the Minnesota Government Data Practices Act, Minnesota Statutes, Chapter 13.

- 11. Counterparts.** This Agreement may be executed in more than one counterpart, each of which shall be deemed to be an original but all of which taken together shall be deemed a single instrument.
- 12. Severability.** In the event that any of the provisions of this Agreement are held to be invalid or unenforceable in whole or in part, all other provisions will nevertheless continue to be valid and enforceable with the invalid or unenforceable parts severed from the remainder of this Agreement.
- 13. Waiver.** The waiver by either party of a breach, default, delay or omission of any of the provisions of this Agreement by the other party will not be construed as a waiver of any subsequent breach of the same or other provisions.
- 14. Incorporation of Recitals.** The Recitals set forth in the preamble to this Agreement are incorporated into this Agreement as if fully set forth herein.

IN WITNESS WHEREOF the Parties have duly affixed their signatures under hand and seal on this ____ day of _____, 2025.

THE COMMISSION:

By: _____
Its Chair

By: _____
Its Secretary

THE CITY:

By: _____

Its: _____

By: _____

Its: _____

Approved as to Form By:

By: _____
Assistant Minneapolis City Attorney

PROFESSIONAL SERVICES AGREEMENT

Item 5E.
BCWMC 3-20-25

Bolton & Menk, Inc.

Date of Agreement: _____

**1960 Premier Drive
Mankato, MN 56001
Ph. (507) 625-4171 Fax (507) 625-4177**

Bolton & Menk Project No: _____
Project Manager (PM): Carolyn Dindorf
PM Phone No. or Ext.: 612-220-4999

(Hereinafter referred to as "BMI")

Client Name: Bassett Creek Watershed Management Commission Phone No: 952-270-1990
Client Address: P.O. Box 270825 Other Phone: _____
Client Address: _____ Email Contact: laura.jester@keystonewaters.com
City: Golden Valley State: MN Zip: 55427

(Hereinafter referred to as "Client")

☐ Client is Property Owner

☒ Client is Agent or Other (Not Property Owner)

Billing Name: _____ Phone No: _____
Billing Address: _____ Other Phone: _____
Billing Address: _____ Email Contact: _____
City: _____ State: _____ Zip: _____

(Insert Billing Address if Different)

BMI and CLIENT agree to the Terms and Conditions as stated above and on the reverse side of this Agreement. The undersigned represents that it is the CLIENT and authorized to accept this Agreement. The undersigned accepts full financial responsibility for all undisputed services and costs of collection incurred by BMI, including reasonable attorney fees, in the event of CLIENT'S default, unless "Additional Guarantee of Payment" is also executed by a person(s) or firm guaranteeing payment.

OFFERED by Bolton & Menk, Inc.

ACCEPTED by CLIENT:

Print Name/Title

Print Name/Title

Signature and Date

Signature and Date

Terms and Conditions

Bolton & Menk (BMI) shall perform the services outlined in this agreement and Scope of Services for the stated fee arrangement. Said Scope of Services is attached hereto and made part of this agreement as if fully set forth herein.

Billings and Payments: Invoices for BMI's services shall be submitted, at BMI's option, either upon completion of such services or on a monthly basis. Undisputed invoices shall be due and payable within 45 days after the invoice date. If such invoices are not paid within 60 days, BMI may, without waiving any claim or right against the Client, and without liability whatsoever to the Client, terminate the performance of its services.

Late Payments: Accounts undisputed and unpaid 45 days after the invoice date will be subject to a monthly service charge of 1.5% on the unpaid balance. If any portion or all of such an account remains unpaid 60 days after billing, the Client shall pay all costs of collection, including reasonable attorney fees.

Ownership of Documents; MGDPA: All documents or electronic media prepared or furnished by BMI under this agreement shall remain the property of BMI. The Client may make and retain copies for its use in connection with this project. However, such documents may not be reused by the Client for any other project or use by others without the written consent of BMI. Notwithstanding the foregoing, the parties recognize that data provided, produced or obtained under this agreement shall be administered in accordance with the Minnesota Government Data Practices Act, Minnesota Statutes Chapter 13. BMI will immediately report to Client any requests from third parties for information relating to this agreement and further agrees to promptly respond to inquiries from Client concerning data requests.

Standard of Care: Professional services provided under this Agreement will be conducted in a manner consistent with that level of care and skill ordinarily exercised by members of BMI's profession currently practicing under similar conditions. **BMI makes no warranties, expressed or implied, or otherwise with respect to any services performed or furnished.**

Project Approvals: Due to site limitations, code interpretations, regulatory reviews, political considerations and Client directed design and improvements; BMI makes no representations as to acceptability or approvability of the project, or, zoning requests, permit applications, site and development plans, plats and similar documents. Payment of fees to BMI is not contingent upon project approval.

Certifications: Any certification provided by BMI is a professional opinion based upon knowledge, information and beliefs available to BMI at the time. Such certifications are not intended and shall not be construed as a guarantee or warranty. BMI shall not be required to certify the existence of conditions whose existence BMI cannot ascertain.

Mutual Indemnification; Waiver: BMI shall indemnify and hold harmless Client and its officials, employees, contractors and agents from any loss, claim, liability, and expense (including reasonable attorneys' fees and expenses of litigation) to the extent arising from on any negligent act or omission by BMI, its officers, employees, and agents, or any other person engaged by BMI in the performance of work or services pursuant to this agreement. Similarly, Client shall indemnify and hold harmless BMI and its officials, employees, contractors and agents from any loss, claim, liability, and expense (including reasonable attorneys' fees and expenses of litigation) to the extent arising from on any negligent act or omission by Client, its officers, employees, and agents, or any other person engaged by Client in the performance of work or services pursuant to this agreement. To the fullest extent permitted by law, Client and BMI waive against each other, and the other's employees, partners, officers, agents, insurers and subcontractors, any and all claims for or entitlement to special, incidental, indirect, or consequential damages arising out of, resulting from, or in any way related to this Agreement, from any cause or causes. Nothing herein shall be deemed a waiver by Client of any limitations or exemptions from liability available to it under Minnesota Statutes, chapter 466 or other law.

Insurance: BMI agrees to maintain, at its expense, statutory workers' compensation insurance coverage and general liability insurance coverage insuring BMI against claims for bodily injury, death, or property damage arising out of BMI's general business activities (including automobile use). The general liability insurance policy shall provide coverage for each occurrence in the minimum amount of \$1,500,000 and list Client as an additional insured. Upon request of Client, BMI shall provide Client with certificates of insurance, showing evidence of the required coverage.

Termination of Services: This agreement may be terminated by the Client or BMI should the other fail to perform its obligations hereunder. In the event of termination, the Client shall pay BMI for all services rendered to the date of termination, all reimbursable expenses, and reimbursable termination expenses.

Dispute Resolution: Any claims or disputes made during or after the performance of services between BMI and the Client, with the exception of claims by BMI for non-payment of services rendered, shall first be submitted to mediation for resolution prior to initiating any other legal proceedings.

Audit: Pursuant to Minnesota state law, BMI must allow the Client, or its duly authorized agents, and the state auditor or legislative auditor reasonable access to BMI's books, records, documents, and accounting procedures and practices that are pertinent to all services provided under this agreement for a minimum of six years from the termination of this Agreement.

Entire Agreement; Amendments; No Third-Party Rights: This agreement shall constitute the entire agreement between the parties. This agreement can only be modified or assigned in a writing signed by both parties. The parties to this agreement do not intend to confer on any third party any rights under this agreement.



Real People. Real Solutions.

SCOPE OF SERVICES

3300 Fernbrook Ln N
Suite 300
Plymouth, MN 55447

Phone: (763) 544-7129
Bolton-Menk.com

March 12, 2025

Laura Jester
Administrator
Bassett Creek Watershed Management Commission
Laura.Jester@keystonewaters.com
RE: Scope and Budget for Parkers Lake Chloride Reduction Outreach Project

Dear Laura:

Bassett Creek Watershed Management Commission, working with Hennepin County and West Metro Water Alliance (WMWA) has initiated the Parkers Lake Chloride Reduction Outreach Project to evaluate salt storage and winter maintenance operations at four facilities located in the Parkers Lake Watershed for the purpose of identifying chloride reduction opportunities. Two sites are public and two are private winter maintenance companies.

1. City of Plymouth Maintenance Facility
2. MnDOT Plymouth Truck Station
3. Brightview Landscapes
4. Twin City Outdoor Services

We understand what needs to be accomplished for the successful completion of the Parkers Lake Chloride Reduction Outreach Project. Bolton & Menk has the expertise and experience you need to complete this work. Our Science and Chloride Reduction Team and a former public works director will work together to complete the project. We are local. The Bolton & Menk Plymouth office, where most of us are located, is just north of the Parkers Lake Watershed.

We are excited at the opportunity to complete the Parkers Lake Chloride Reduction Outreach Project. I will serve as your lead client contact and project manager. Please contact me at 612-220-4999 or carolyn.dindorf@bolton-menk.com if you have any questions regarding our scope and budget.

Respectfully submitted,
Bolton & Menk, Inc.

Carolyn Dindorf
Water Resources Project Manager-Limnologist

SCOPE OF SERVICES

Our team will work to evaluate the four sites identified by Hennepin County and Bassett Creek Watershed Management Commission (BCWMC) within the Parkers Lake Watershed:

Two sites are public and two are private winter maintenance companies.

1. City of Plymouth Maintenance Facility
2. MnDOT Plymouth Truck Station
3. Brightview Landscapes
4. Twin City Outdoor Services.

These site visits and evaluations are not intended to be regulatory, but rather to look for ways to reduce chloride loading to Parkers Lake and provide technical assistance to the site owners/managers to help them improve their winter operations salt efficiency and salt storage. Finally, the potential to receive financial assistance to improve operations and/or salt storage will be discussed with property owners. There are Watershed Based Implementation Funds and BCWMC Parkers Lake Chloride Reduction Project CIP funds available for activities that reduce chloride pollution in Parkers Lake.

Task 1: Project Management

This task is overall project management including communication with the WMWA project partners: Bassett Creek Watershed Management Commission (BCWMC), Plymouth staff, and Hennepin County. Conservation Specialist, Grace Barcelow, and Laura Jester, BCWC Administrator will be the main points of contact and will communicate project updates other project partners. Bolton & Menk staff will contact the four sites, identify who to meet with on site, and set up a time to evaluate their facilities and winter maintenance operations. Monthly or semi-monthly progress emails or phone calls will be provided when the project is active.

Deliverables: Notify project partners when site visits occur. Monthly progress emails or phone calls.

Task 2: Site Evaluation and Preparations

This task includes mapping sites and evaluating drainage prior to visiting sites, as well as identifying questions to gather appropriate information to discuss with the representative on site. We will also prepare forms for completing the on-site evaluations.

Deliverables: GIS maps of sites, forms to be used for site evaluations.

Task 3: Site Visits

With permission from property owners, each site will be visited by two staff, a Water Resources Scientist, and a Winter Maintenance Expert. We will walk around the site and inspect the storage areas, drainage conditions, and winter maintenance operations. Winter maintenance operations may include snow removal and deicer application equipment, deicers, and use of liquids, practices, and other information deemed helpful to reduce salt use and runoff. Ideally, we would like a manager or owner present to show us around and discuss equipment and practices and potential ideas for salt efficiency and chloride loading improvements. We will also ask about what clients may be located within Parkers Lake Watershed or within the broader Bassett Creek Watershed.

Deliverables: Completed forms and initial recommendations, photos

Task 3: Follow-up Assistance to the Private Contractors

This optional task is to provide additional assistance to the site managers/owners for the sites evaluated including answering questions and assisting them with improving practices to reduce salt use. This may include operations changes such as adding pavement temperature evaluation, ideas for equipment upgrades, adding or increasing use of liquids, recommendations for equipment upgrades, etc. Some of this will be discussed during site visits, but it is likely that questions may come up later. This would be billed hourly with a not-to-exceed amount established.

Task 5: Summary report Preparation

Our team will evaluate the results of the site visits and prepare a summary report including findings and recommendations for chloride reduction opportunities. This report can be used to help the BCWMC implement projects to reduce salt loading from these sites, evaluate potential funding of equipment upgrades, identify their clients to target for offering Smart Salting for Property Management training, and identify other assistance needed to help them reduce salt usage.

Deliverables: Summary report

FEES

Bolton & Menk, Inc.’s proposed fees to provide the described work will be billed hourly based on the fee schedule with the total estimated cost to be:

Scope of Services Tasks	
Task	Estimated Fees
Task 1: Project management	\$1,800
Task 2: Site Evaluation and Preparations	\$3,200
Task 3: Site Visits	\$4,700
Task 4. Follow-up Assistance to Private Contractors	\$3,000
Task 5: Summary Report Preparation	\$4,200

Scope of Services	
Total Not-to-Exceed Fee	\$16,900

Total fees for the Services shall not exceed \$16,900 without the prior consent of BCWMC.

SCHEDULE

This project will begin in March 2025, or when the contract is signed. We anticipate completing part of it right away and will continue in the early winter of 2025 when winter operations start up again so that we can get an accurate assessment of their salt storage and operations. The project will be completed by March of 2026.



Bassett Creek Watershed Management Commission MEMO

Date: March 13, 2025
From: Laura Jester, Administrator
To: BCWMC Commissioners
RE: **Administrator's Report**

Aside from this month's agenda items, the Commission Engineers, city staff, committee members, and I continue to work on the following Commission projects and issues.

CIP Projects (more resources at <http://www.bassettcreekwmo.org/projects.>)

2019 Medicine Lake Road and Winnetka Avenue Area Long Term Flood Mitigation Plan Implementation Phase I: DeCola Ponds B & C Improvement Project (BC-2, BC-3 & BC-8) Golden Valley (No change since Nov 2021): A feasibility study for this project was completed in May 2018 after months of study, development of concepts and input from residents at two public open houses. At the May 2018 meeting, the Commission approved Concept 3 and set a maximum 2019 levy. Also in May 2018, the Minnesota Legislature passed the bonding bill and the MDNR has since committed \$2.3M for the project. The Hennepin County Board approved a maximum 2019 levy request at their meeting in July 2018. A BCWMC public hearing on this project was held on August 16, 2018 with no comments being received. Also at that meeting the Commission officially ordered the project and entered an agreement with the City of Golden Valley to design and construct the project. In September 2018, the City of Golden Valley approved the agreement with the BCWMC. The [Sun Post](#) ran an article on this project October 2018. Another public open house and presentation of 50% designs was held February 6, 2019. An EAW report was completed and available for public review and comment December 17 – January 16, 2019. At their meeting in February 2019, the Commission approved the 50% design plans. Another public open house was held April 10th and a public hearing on the water level drawdown was held April 16th. 90% Design Plans were approved at the April Commission meeting. It was determined a Phase 1 investigation of the site is not required. The City awarded a contract to Dahn Construction for the first phase of the project, which involves earthwork, utilities, and trail paving and extends through June 2020. Dewatering began late summer 2019. Tree removal was completed in early winter; excavation was ongoing through the winter. As of early June 2020, earth work and infrastructure work by Dahn Construction is nearly complete and trail paving is complete. Vegetative restoration by AES is underway including soil prep and seeding. Plants, shrubs, and trees will begin soon along with placement to goose protection fencing to help ensure successful restoration. The construction phase of this project was completed in June with minor punch list items completed in September. The restoration and planting phase is complete except for minor punch list items and monitoring and establishment of vegetation over three growing seasons. A final grant report for BWSR's Watershed Based Implementation Funding was submitted at the end of January. City staff recently completed a site walk through to document dead or dying trees and shrubs in need of replacement (under warranty). This project (along with Golden Valley's Liberty Crossing Project) recently received the award for "Project of the Year" from the Minnesota Association of Floodplain Managers as part of the overall Project website: <http://www.bassettcreekwmo.org/index.php?cID=433>.

2020 Bryn Mawr Meadows Water Quality Improvement Project (BC-5), Minneapolis (No change since August): A feasibility study by the Commission Engineer was developed in 2018 and approved in January 2019. The study included wetland delineations, soil borings, public open houses held in conjunction with MPRB's Bryn Mawr Meadows Park improvement project, and input from MPRB's staff and design consultants. Project construction year was revised from 2020 and 2022 to better coincide with the MPRB's planning and implementation of significant improvements and redevelopment Bryn Mawr Meadows Park where the project will be located. A public hearing for this project was held September 19, 2019. The project was officially ordered at that meeting. In January 2020 this project was awarded a \$400,000 Clean Water Fund grant from BWSR; a grant work plan was completed and the grant with BWSR was fully executed in early May 2020. The project and the grant award was the subject of an article in the Southwest Journal in February: <https://www.southwestjournal.com/voices/green-digest/2020/02/state-awards-grant-to-bryn-mawr-runoff-project/>. In September 2020, Minneapolis and MPRB staff met to review the implementation agreement and maintenance

roles. BCWMC developed options for contracting and implementation which were presented at the November meeting. At that meeting staff was directed to develop a memorandum of understanding or agreement among BCWMC, MPRB, and city of Minneapolis to recognize and assign roles and responsibilities for implementation more formally. The draft agreement was developed over several months and multiple conversations among the parties. At the May 2021 meeting the Commission approved to waive potential conflict of the Commission legal counsel and reviewed a proposal for project design by the Commission Engineer. The updated design proposal and the design agreement among all three parties were approved at the June 2021 meeting. Four public open houses were held in the park in 2021 to gather input on park concepts. Project partners met regularly throughout design to discuss schedules, planning and design components, and next steps. Concept designs were approved by the MPRB Board in late 2021. Staff met with MnDOT regarding clean out of Penn Pond and continue discussions. 50% design plans were approved by the Commission at the January 2022 meeting; 90% design plans were approved at the March 2022 meeting along with an agreement with MPRB and Minneapolis for construction. The agreement was approved by all three bodies. Commission Engineers finalized designs and assisted with bidding documents. Bids were returned in early August. At the meeting in August, the Commission approved moving forward with project construction (through MPRB), and approved a construction budget (higher than previously budgeted) and an amended engineering services budget. MPRB awarded the construction contract. In late November the contractor began the initial earthwork and started on portions of the stormwater pond excavations. By late December the 1st phase of construction was complete with the ponds formed and constructed. The contractor began driving piles in late January and began installing underground piping in early February. At the March meeting, the Commission approved an increase to the engineering services budget and learned the construction budget is currently tracking well under budget. The change order resulting from the City of Minneapolis' request to replace a city sewer pipe resulted in extra design/engineering costs that were approved by the Administrator so work could continue without delays. The MPRB will reimburse the Commission for those extra costs and will, in-turn, be paid by the city. In early May construction was focused in the Morgan / Laurel intersection. The right-of-way storm sewer work is complete including the rerouting of some of the existing storm infrastructure and installation of the stormwater diversion structures. Construction of the ponds is complete and stormwater from the neighborhood to the west is now being routed through new storm sewers to the ponds. Vegetation is currently being established around the ponds. At the October meeting the Commission approved an amendment to the agreement with MPRB and Minneapolis in order to facilitate grant closeout. At the December 2023 meeting the Commission approved a partial reimbursement to MPRB for \$400,000. Corrections to a weir that was installed at the wrong elevation were made in spring 2024. A final grant report was submitted to the MN Board of Water and Soil Resources in late January 2024 and the final grant payment was recently received. Project as-built drawings were recently completed and an operations and maintenance plan is being developed. Final reimbursement requests from MPRB and Minneapolis are expected later this year. Project website: <http://www.bassettcreekwmo.org/projects/all-projects/bryn-mawr-meadows-water-quality-improvement-project>

2020 Jevne Park Stormwater Improvement Project (ML-21) Medicine Lake (No change since July 2023): At their meeting in July 2018, the Commission approved a proposal from the Commission Engineer to prepare a feasibility study for this project. The study got underway last fall and the city's project team met on multiple occasions with the Administrator and Commission Engineer. The Administrator and Engineer also presented the draft feasibility study to the Medicine Lake City Council on February 4, 2019 and a public open house was held on February 28th. The feasibility study was approved at the April Commission meeting with intent to move forward with option 1. The city's project team is continuing to assess the project and understand its implications on city finances, infrastructure, and future management. The city received proposals from 3 engineering firms for project design and construction. At their meeting on August 5th, the Medicine Lake City Council voted to continue moving forward with the project and negotiating the terms of the agreement with BCWMC. Staff was directed to continue negotiations on the agreement and plan to order the project pending a public hearing at this meeting. Staff continues to correspond with the city's project team and city consultants regarding language in the agreement. The BCWMC held a public hearing on this project on September 19, 2019 and received comments from residents both in favor and opposed to the project. The project was officially ordered on September 19, 2019. On October 4, 2019, the Medicine Lake City Council took action not to move forward with the project. At their meeting in October 2019, the Commission moved to table discussion on the project. The project remains on the 2020 CIP list. In a letter dated January 3, 2022, the city of Medicine Lake requested that the Commission direct its engineer to analyze alternatives to the Jevne Park Project that could result in the same or similar pollutant removals and/or stormwater storage capacity. At the March meeting, the Commission directed the Commission Engineer to prepare a scope and budget for the alternatives analysis which were presented and discussed at the April 2022 meeting. No action was taken at that meeting to move forward with alternatives analysis. In May and June 2023, Commission staff discussed the possibility of incorporating stormwater management features into a redevelopment of Jevne Park currently being considered by the City of Medicine

Lake. After review of the preliminary park design plans, the Commission Engineer and I recommended implementation of the original CIP Project to the City. Project webpage: <http://www.bassettcreekwmo.org/index.php?cID=467>.

2014 Schaper Pond Diversion Project and Carp Management, Golden Valley (SL-3): Repairs to the baffle structure were made in 2017 after anchor weights pulled away from the bottom of the pond and some vandalism occurred in 2016. The city continues to monitor the baffle and check the anchors, as needed. Vegetation around the pond was planted in 2016 and a final inspection of the vegetation was completed last fall. Once final vegetation has been completed, erosion control will be pulled and the contract will be closed. The Commission Engineer began the Schaper Pond Effectiveness Monitoring Project last summer and presented results and recommendations at the May 2018 meeting. Additional effectiveness monitoring is being performed this summer. At the July meeting the Commission Engineer reported that over 200 carp were discovered in the pond during a recent carp survey. At the September meeting the Commission approved the Engineer's recommendation to perform a more in-depth survey of carp including transmitters to learn where and when carp are moving through the system. At the October 2020 meeting, the Commission received a report on the carp surveys and recommendations for carp removal and management. Carp removals were performed through the Sweeney Lake Water Quality Improvement Project. Results were presented at the February 2021 meeting along with a list of options for long term carp control. Commission took action approving evaluation of the long-term options to be paid from this Schaper Pond Project. Commission and Golden Valley staff met in March 2021 to further discuss pros and cons of various options. At the September 2021 meeting, the Commission approved utilizing an adaptive management approach to carp management in the pond (\$8,000) and directed staff to discuss use of stocking panfish to predate carp eggs. Commission Engineers will survey the carp in 2022. At the April meeting, the Commission approved panfish stocking in Schaper Pond along with a scope and budget for carp removals to be implemented later in 2022 if needed. Commission staff informed lake association and city about summer activities and plans for a fall alum treatment. Approximately 1,000 bluegills were released into Schaper Pond in late May. Carp population assessments by electroshocking in Sweeney Lake and Schaper Pond were completed last summer. A report on the carp assessment was presented in January. Monitoring in Schaper Pond in 2023 and a reassessment of carp populations in 2024 were approved in early 2023. Carp box netting in 2024 is also approved, as needed. A carp survey of Schaper Pond and Sweeney Lake were recently completed which found higher than expected carp numbers in Sweeney Lake. Carp Solutions completed box netting in Sweeney Lake in late September 2024. At the October meeting the Commission Engineer reported that 191 carp were removed bringing the carp density to about 31.3 kg/hectare, less than the 100 kg/hectare threshold for water quality problems. A more detailed report on carp population status and recommendations for further monitoring in Schaper Pond was presented and approved at the January 2025 meeting. Project webpage: <http://www.bassettcreekwmo.org/index.php?cID=277>.

2014 Twin Lake In-lake Alum Treatment, Golden Valley (TW-2) (No changes since August): At their March 2015 meeting, the Commission approved the project specifications and directed the city to finalize specifications and solicit bids for the project. The contract was awarded to HAB Aquatic Solutions. The alum treatment spanned two days: May 18- 19, 2015 with 15,070 gallons being applied. Water temperatures and water pH stayed within the desired ranges for the treatment. Early transparency data from before and after the treatment indicates a change in Secchi depth from 1.2 meters before the treatment to 4.8 meters on May 20th. There were no complaints or comments from residents during or since the treatment.

Water monitoring continues to determine if and when a second alum treatment is necessary. Lake monitoring results from 2023 were presented at the July 2024 meeting. Results show continued excellent water quality. The CIP funding remains in place for this project as a 2nd treatment may be needed in the future. Project webpage: <http://www.bassettcreekwmo.org/index.php?cID=278>.

2013 Four Seasons Area Water Quality Project (NL-2): At their meeting in December 2016, the Commission took action to contribute up to \$830,000 of Four Seasons CIP funds for stormwater management at the Agora development on the old Four Seasons Mall location. At their February 2017 meeting the Commission approved an agreement with Rock Hill Management (RHM) and an agreement with the City of Plymouth allowing the developer access to a city-owned parcel to construct a wetland restoration project and to ensure ongoing maintenance of the CIP project components. At the August 2017 meeting, the Commission approved the 90% design plans for the CIP portion of the project. At the April 2018 meeting, Commissioner Prom notified the Commission that RHM recently disbanded its efforts to purchase the

property for redevelopment. In 2019, a new potential buyer/developer (Dominium) began preparing plans for redevelopment at the site. City staff, the Commission Engineer and I have met on numerous occasions with the developer and their consulting engineers to discuss stormwater management and opportunities with “above and beyond” pollutant reductions. Concurrently, the Commission attorney has been working to draft an agreement to transfer BCWMC CIP funds for the above and beyond treatment. At their meeting in December, Dominium shared preliminary project plans and the Commission discussed the redevelopment and potential “above and beyond” stormwater management techniques. At the April 2020 meeting, the Commission conditionally approved the 90% project plans. The agreements with Dominium and the city of Plymouth to construct the project were approved May 2020 and project designers coordinated with Commission Engineers to finalize plans per conditions. In June 2021, the City of Plymouth purchased the property from Walmart. The TAC discussed a potential plan for timing of construction of the stormwater management BMPs by the city in advance of full redevelopment. At the August 2021 meeting, the Commission approved development of an agreement per TAC recommendations. The city recently demolished the mall building and removed much of the parking lot. At the December meeting the Commission approved the 90% design plans and a concept for the city to build the CIP project ahead of development and allow the future developer to take credit for the total phosphorus removal over and above 100 pounds. At the July meeting, the Commission approved an agreement with the city to design, construct, and maintain the CIP project components and allow a future developer to use pollutant removal capacity above 100 pounds of total phosphorus. A fully executed agreement is now filed. The updated 90% project plans were approved at the September 2023 meeting. Changes to those plans were needed to address permitting requirements resulted. Those changes were presented at the November 2024 meeting and were administratively approved by the Commission Engineers. Construction recently began. Project webpage: <http://www.bassettcreekwmo.org/index.php?cID=282>.

2021 Parkers Lake Chloride Reduction Project (PL-7) (See Item 5E): The feasibility study for this project was approved in May 2020 with Alternative 3 being approved for the drainage improvement work. After a public hearing was held with no public in attendance, the Commission ordered the project on September 17, 2020 and entered an agreement with the city of Plymouth to implement the project in coordination with commission staff. City staff and I have had an initial conversation about this project. The city plans to collect additional chloride data this winter in order to better pinpoint the source of high chlorides loads within the subwatershed. Partners involved in the Hennepin County Chloride Initiative (HCCI) are interested in collaborating on this project. A proposal from Plymouth and BCWMC for the “Parkers Lake Chloride Project Facilitation Plan” was approved for \$20,750 in funding by the HCCI at their meeting in March. The project will 1) Compile available land use data and chloride concentrations, 2) Develop consensus on the chloride sources to Parkers Lake and potential projects to address these sources, and 3) Develop a recommendation for a future pilot project to reduce chloride concentrations in Parkers Lake, which may be able to be replicated in other areas of Hennepin County, and 4) help target education and training needs by landuse. A series of technical stakeholder meetings were held last fall and winter to develop recommendations on BMPs. A technical findings report was presented at the July 2022 meeting. At the September 2022 meeting, the Commission approved a scope and budget for a study of the feasibility of in-lake chloride reduction activities which was presented at the November meeting. The Commission directed staff to develop a scope for a holistic plan for addressing chloride runoff from the most highly contributing subwatershed. Commission and Plymouth staff continue to work on outreach and engagement with properties in the subwatershed, primarily through activities by WMWA’s coordinator position. At this meeting the Commission will consider a contract with Bolton and Menk for assessment of salt storage and other practices at 4 properties. Project website: www.bassettcreekwmo.org/projects/all-projects/parkers-lake-drainage-improvement-project

2022 Medley Park Stormwater Treatment Facility (ML-12) (See Item 4E): The feasibility study for this project is complete after the Commission Engineer’s scope of work was approved last August. City staff, Commission Engineers and I collaborated on developing materials for public engagement over the fall/early winter. A project kick-off meeting was held in September, an internal public engagement planning meeting was held in October, and a Technical Stakeholder meeting with state agencies was held in November. A [story map of the project](#) was created and a survey to gather input from residents closed in December. Commission Engineers reviewed concepts and cost estimates have been reviewed by city staff and me. Another public engagement session was held in April to showcase and receive feedback on concept designs. The feasibility report was approved at the June meeting with a decision to implement Concept #3. At the July meeting the Commission directed staff to submit a Clean Water Fund grant application, if warranted. A grant application was developed and submitted. Funding decisions are expected in early December. A public hearing on this project was held in September with no members of the public attending. In September, a resolution was approved to officially order the project, submit levy amounts to the county, and enter an agreement with the city to design and

construct the project. The city hired Barr Engineering to develop the project designs which are now underway. The BCWMC received a \$300,000 Clean Water Fund grant from BWSR in December 2021 and the grant agreement approved in March 2022. 50% design plans were approved in February 2022 and 90% plans were approved at the May 2022 meeting. Final plans and bid documents were developed by the city's consultation (Barr Engineering). Construction began in November 2022 and winter construction was finished in late January 2023. Activities in spring 2023 included completing grading (topsoil adjustments); paving (concrete, bituminous); light pole and fixture install; benches install; site clean up and prep for restoration contractor. In late May 2023, Peterson Companies completed their construction tasks and the project transitioned to Traverse de Sioux for site restoration and planting. A small area of unexpected disturbance from construction was added to the overall area to be restored with native plants through a minor change order. Site restoration, planting, and seeding was completed in late June 2023. An interim grant report was submitted to the MN Board of Water and Soil Resources in late January 2024. Construction and vegetation establishment is largely complete. The Commission approved the first reimbursement request from Golden Valley at their October 2024 meeting. At this meeting the Commission will consider a second reimbursement request for vegetation management activities.

www.bassettcreekwmo.org/projects/all-projects/medley-park-stormwater-treatment-facility

2022 SEA School-Wildwood Park Flood Reduction Project (BC-2, 3, 8, 10) (No change since December 2023): The feasibility study for this project is complete after the Commission Engineer's scope of work was approved last August. A project kick-off meeting with city staff was held in late November. Meetings with city staff, Robbinsdale Area School representatives, and technical stakeholders were held in December, along with a public input planning meeting. A virtual open house video and comment form were offered to the public including live chat sessions on April 8th. The feasibility study report was approved in June with a decision to implement Concept #3. A public hearing on this project was held in September with no members of the public attending. In September, a resolution was approved to officially order the project, submit levy amounts to the county, and enter an agreement with the city to design and construct the project. The city hired Barr Engineering to develop the project designs which are now underway. A virtual public open house was held February 3rd. 50% Design Plans were approved at the January meeting. A public open house was held September 29th. 90% were approved at the October Commission meeting. Six construction bids were received in late February with several of them under engineer's estimates. The city contracted with Rachel Contracting and construction got underway earlier this spring. By late June excavation was completed and the playground area was prepped and ready for concrete work to begin on July 5. Bids were open for the SEA School/Wildwood Park restoration project on June 20. Three bids were received and two came in right around our estimate. The city is recommending the low bidder (Landbridge Ecological). At the end of July utility crews lowered the watermain and installed the storm sewer diversions into the park from along Duluth Street. The hydrodynamic separator was also set (with a crane). Crews also worked on the iron-enhanced sand filter and the outlet installation, stone work on the steepened slopes, trail prep, bituminous paving, and concrete work (curb and gutter, pads, and ADA ramps). The preconstruction meeting for the restoration work was held with work to begin late August or early September. The city awarded the contract for the DeCola Pond D outlet work to Bituminous Roadways Inc. in August. The SEA School site construction is complete and restoration work is complete for the season. The DeCola Pond D outlet replacement and site restoration is also now complete.

Project webpage: www.bassettcreekwmo.org/projects/all-projects/sea-school-wildwood-park-flood-reduction-project.

Bassett Creek Restoration Project: Regent Ave. to Golden Valley Rd. (2024 CR-M), Golden Valley (See Item 5B):

A feasibility study for this project got underway in fall 2022. A public open house was held March 1st with 30 residents attending. The draft feasibility report was presented at the April meeting. A final feasibility report was presented at the June meeting where the Commission approved the implementation of Alternative 3: to restore all high, medium, and low priority sites. A Clean Water Fund grant application for \$350,000 was recently developed and submitted to BWSR. The Commission held a public hearing on this project at its September meeting and officially ordered the project and set the final levy. An agreement with the city of Golden Valley for design and construction was approved at the November 2024 Commission meeting. The Commission (Commission Engineers) will design the project and provide engineering services. A scope of work for engineering services will be presented at this meeting. Project website: <https://www.bassettcreekwmo.org/projects/all-projects/bassett-creek-restoration-project-regent-ave-golden-valley-r>

Ponderosa Woods Stream Restoration Project, Plymouth (ML-22): A feasibility study for this project got underway in fall 2022. A public open house was held February 13th with 3 residents attending. The draft feasibility report was presented at the May meeting and additional information was presented at the June meeting where the Commission approved implementing Alternative 1.5. The Commission held a public hearing on this project at its September meeting and officially

ordered the project, set the final levy, and approved an agreement with the City of Plymouth for project implementation. Plymouth hired Midwest Wetland Improvements to design the project. 60% designs were conditionally approved at the October meeting. A public open house was held on October 23rd. 90% design plans were approved at the November 2024 meeting. The city received favorable bids for the project and construction began in December. Tree removals and channel restoration is continuing and should be completed soon. Outreach and communication to impacted property owners has been thorough. Construction of the project is complete and vegetation establishment will continue into this year. Project website: <https://www.bassettcreekwmo.org/projects/all-projects/ponderosa-woods-stream-restoration-project>.

Sochacki Park Water Quality Improvement Project (BC-14) (No change since September): This project is proposed to be added to the CIP through a minor plan amendment as approved at the March Commission meeting with CIP funding set at \$600,000. The project involves a suite of projects totaling an estimated \$2.3M aimed improving the water quality in three ponds and Bassett Creek based on a subwatershed analysis by Three Rivers Park District (TRPD). A memorandum of understanding about the implementation process, schedules, and procedural requirements for the project was executed in April among BCWMC, TRPD, and the cities of Golden Valley and Robbinsdale. A feasibility study is underway for the project and is being funded by TRPD. The feasibility study kick off meeting was held June 5th. Information on the project and an update on the feasibility study was presented at the June meeting. A technical stakeholder meeting was held July 10th. A public open house was held July 26th and a Phase I Environmental Site Assessment was recently completed. The draft feasibility study was presented at the August meeting and the final feasibility study was approved at the September meeting. The Commission held a public hearing on this project at its September meeting and officially ordered the project and set the final levy. Project partners recently met to review a scope and budget for design and discuss construction sequencing, funding availability, and cooperative agreement provisions. TRPD was recently awarded \$1.6M in federal funding for this project and other facility investments in Sochacki Park. Staff provided a project update at the March meeting. A cooperative agreement with TRPD and Robbinsdale was approved at the April meeting. Three Rivers Park District contracted with Barr Engineering to develop project designs. A Phase II Environmental Assessment was recently completed. Preliminary results were presented at a recent project partner meeting. Soil contamination (including PCBs) was found in some areas to be above MPCA action levels. TRPD and their consultants (Barr Engineering) are developing response plans and considering applying for Hennepin County Environmental Response funds. The Sochacki Park Joint Powers Operations Committee is meeting soon. Project webpage: <https://www.bassettcreekwmo.org/projects/all-projects/sochacki-park-water-quality-improvement-project>.

Plymouth Creek Restoration Project Dunkirk Lane to 38th Ave. North (2026 CR-P) (No change since October): A scope and budget for a feasibility study was approved at the October meeting. A project kick off meeting was held November 3rd and a technical stakeholder meeting was held December 5th. Field investigations and desktop analyses are complete. Site prioritization ranking criteria are being developed and concept designs are being developed. A public open house was held on March 11th. Residents who attended are in favor of the project and had questions about impacts to trees, potential construction activities in specific reaches, and buckthorn removal. The feasibility study was approved at the May meeting with Option 3a being approved for implementation. At the June meeting the Commission approved a maximum levy for 2025 that includes funding for this project which was approved by the Hennepin County Board August 6th. At its September meeting, the Commission held a public hearing on this project and approved a resolution officially ordering the project, setting the 2025 levy, and entering an agreement with the City of Plymouth for design and construction. The city will hold a public open house on this project in spring 2025 after the city contracts with an engineering firm. A Clean Water Fund grant application for \$400,000 was awarded by BWSR. A work plan for that grant is being developed. Project webpage: <https://www.bassettcreekwmo.org/projects/all-projects/plymouth-creek-restoration-dunkirk-lane-38th-ave-n>.

Crane Lake Chloride Reduction Demonstration Project, Minnetonka (CL-4) (No change since Feb): At the meeting in July, the Commission approved a scope and budget for the feasibility study for this project. The Commission Engineer is gathering background information. A project kick off meeting was held September 26th. Monitoring equipment was recently installed and included communications/coordination with MnDOT. Project webpage: <https://www.bassettcreekwmo.org/projects/all-projects/crane-lake-chloride-reduction-demonstration-project>.

Administrator Activities February 13 – March 12, 2025

Subject	Work Progress
CIP and Technical Projects	<ul style="list-style-type: none"> • <u>Bassett Creek Valley</u>: Reviewed revised scope and budget for update to original floodplain and stormwater management study; discussed and reviewed reimbursement agreement with Commission Attorney • <u>Main Stem Bassett Creek Restoration Project</u>: Reviewed and commented on revised scope for project design and engineering services; met with project partners to discuss and reviewed 3rd draft of scope/budget • <u>Northwood and Lost Lake TMDLs</u>: Discussed TMDL schedule and budget with Commission Engineers and MPCA staff; requested scope and budget from Commission Engineers for GIS work, P8 modeling and sediment coring. • <u>Medley Pond Stormwater Improvement Project</u>: Updated final grant report in eLINK; participated in interview for Clean Water Stories article; reviewed and edited draft article • <u>Parkers Lake Chloride Reduction Project</u>: Met with Plymouth, Hennepin County, and WMWA staff to discuss next steps for outreach and salt reduction activities; met with Bolton and Menk staff to discuss outreach activities; reviewed and commented on scope/budget from Bolton and Menk; reviewed terms/contract and corresponded with Commission Attorney • <u>Medicine Lake Curly-leaf Pondweed Treatment</u>: Renewed permit for herbicide application
Education and Outreach	<ul style="list-style-type: none"> • Delivered watershed maps to Community Valley Presbyterian Church (their request), Westwood Hills Nature Center, and WMWA • Prepared presentation and attended meeting of the Bassett Creek Valley Redevelopment Oversight Committee • Continued to help coordinate/schedule AIS Early Detection Training for Sweeney Lake residents
Administration	<ul style="list-style-type: none"> • Developed agenda; reviewed invoices and submitted expenses spreadsheet to Plymouth; reviewed financial report; drafted January meeting minutes; reviewed memos, reports, and documents for Commission meeting; printed and disseminated meeting information to commissioners, staff, and TAC; updated online calendar; drafted meeting follow up email; ordered catering for February Commission meeting • Participated in pre-meeting call for January with Commission Engineer and Chair Cesnik • Posted amended 2025 budget online and sent to accountants • Prepared agenda and materials for Budget Committee meeting and participated in meeting • Prepared agenda and materials for TAC meeting; rescheduled meeting due to winter storm • Document filing, mailing checks and agreements and updated website calendar • Correspondence with BWSR re: work plan and agreement for Clean Water Fund grant for Plymouth Creek Project and WBIF grant for Bassett Creek Restoration Project • Set meeting to reconvene WBIF eligible entities • Corresponded with State Campaign Finance Board re: updated revisions to campaign finance form • Toured Fruen Mill (along with Commissioner Polzin) with redeveloper and consultants; discussed and reviewed agreement with redevelopers for reimbursement of preliminary project review expenses • Collected conflict of interest and W9 forms for auditor • Updated commissioner roster, online commissioner/committee list; and roster on BWSR website • Set Budget Committee meeting
MN Watersheds	<ul style="list-style-type: none"> • Attended MAWA Executive Committee meeting • Attended MAWA quarterly meeting • Attended MN Watersheds Legislative Event
2025 Watershed Management Plan	<ul style="list-style-type: none"> • Met with Commission Engineers for bi-weekly check in meetings • Developed recommendations for revisions to goals resulting from Planning TAC feedback • Drafted meeting minutes for February PSC meeting and updated plan progress tracker • Prepared agenda and materials for March PSC meeting; rescheduled meeting due to winter storm • Developed non-CIP implementation table and potential 10-year CIP list • Updated Implementation Section • Drafted potential CIP implementation policies