



Bassett Creek Watershed Management Commission

AGENDA MEMO

Date: May 14, 2020

To: BCWMC Commissioners

From: Laura Jester, Administrator

RE: Background Information for 5/21/20 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 – April 16, 2020 Commission Meeting- **ACTION ITEM with attachment**
 - B. Acceptance of May Financial Report - **ACTION ITEM with attachment**
 - C. Approval of Payment of Invoices - **ACTION ITEM with attachments (online) – I reviewed the following invoices and recommend approval of payment.**
 - i. Keystone Waters, LLC – April 2020 Administrative Services
 - ii. Keystone Waters, LLC – April 2020 Printing Expenses
 - iii. Barr Engineering – April 2020 Engineering Services
 - iv. Lawn Chair Gardener – April 2020 Administrative and Education Services
 - v. Kennedy & Graven – March 2020 Legal Services
 - vi. University of Minnesota – Room Rental for Lagoon Dredging Project Open House
 - vii. PLM Lake & Land Management Corp. – Medicine Lake Herbicide Treatment
 - viii. Finance & Commerce – Public Hearing Meeting Notice
 - ix. MMKR – FY2019 Financial Audit
 - x. ISD 284 – Refund of Excess Review Fee
 - D. Approval of Reimbursement Request from Golden Valley for Channel Maintenance Funds Reimbursement – **ACTION ITEM with attachment (full documentation available upon request) – At their meeting in April 2018, the Commission approved an agreement with Golden Valley for use of Channel Maintenance Funds for this project on private property. The Commission Engineer approved the project plans and the project was constructed by the homeowner accordingly. Staff recommends approval of the reimbursement.**
 - E. Approval of Agreement with Met Council for Watershed Outlet Monitoring Program (WOMP) – **ACTION ITEM with attachment online – The BCWMC operates a critical monitoring station on Bassett Creek near the entrance of the tunnel to the Mississippi River. This monitoring station has been operating since 2000. The program is coordinated by the Met Council who owns the equipment and analyzes the samples. Staff recommends approving this biennial agreement with Met Council to continue this cooperative program.**
 - F. Approval of Agreement with Met Council for 2020 Citizen Assisted Monitoring Program (CAMP) – **ACTION ITEM with attachment online – Staff recommends approval of the annual agreement with Met Council to cooperate on the CAMP which uses volunteers to collect water samples and data on 8 BCWMC lakes.**
 - G. Approval of Updated Data Practices Policy – **ACTION ITEM with attachment online – This item was tabled at the February meeting and was removed from the March and April agendas. Commission Legal Counsel Anderson reviewed and updated the BCWMC Data Practices Policy and incorporated comments from Vice Chair Welch. The document shows recommended updates from the version approved in 2016. Mr. Anderson recommends annually adopting the policy.**

- H. Approval of BCWMC 2019 Annual Report for Submittal to BWSR – ACTION ITEM with attachment (full document online) - According to Minnesota Rules Chapter 8410, the BCWMC is required to submit an annual report (due at the end of May) to the MN Board of Water and Soil Resources. Staff recommends approval of the attached report and direction to submit the report and post online.
- I. Acceptance of BCWMC Fiscal Year 2019 Financial Audit – ACTION ITEM with attachment (full document online) - The audit of the Commission’s finances for the period February 1, 2019 to January 31, 2020 is complete. The auditor found no deficiencies in internal financial control and no findings based on testing of the Commission’s compliance with laws and regulations. Deputy Treasurer Virnig recommends the Commission accept the audit. Staff will submit the audit to the BWSR (due at the end of June).
- J. Approval of Resolution 20-05 Not to Waive Monetary Limits on Municipal Tort Liability – ACTION ITEM with attachment – Commission Legal Counsel Anderson recommends the Commission take action (via resolution) to not waive monetary limits on municipal tort liability. This action is taken by the Commission annually.
- K. Approval of Ridgedale Sears Redevelopment Project, Minnetonka – ACTION ITEM with attachment – The proposed project is in the Crane Lake subwatershed in the Ridgedale Mall area and includes redevelopment of the existing Sears store and parking lot improvements. The proposed project creates 2.33 acres of fully reconstructed impervious surfaces and results in a decrease of 0.28 acres of impervious surfaces. The Commission Engineer recommends approval of the project including the use of a proprietary manufactured treatment device to meet water quality standards.
- L. Approval of New Hope 2020 Infrastructure Improvement Project – ACTION ITEM with attachment – The proposed linear project is in the City of New Hope at various locations within the Northwood Lake, Bassett Creek Park Pond, Medicine Lake Direct, Bassett Creek Main Stem subwatersheds, and other areas outside the Bassett Creek Watershed. The proposed linear project does not create one or more acres of net new impervious surfaces; therefore, BCWMC water quality review is not required. The project meets BCWMC erosion control requirements and includes a new storm manhole with 3-ft sump at two locations. Staff recommends approval.

5. PUBLIC HEARING

- A. Receive Comments from Cities and Public on Proposed Minor Plan Amendment – DISCUSSION ITEM with attachment - At the March meeting, the Commission set this public hearing and at the April meeting approved a 5-year CIP that requires a minor amendment to the watershed management plan to incorporate new projects into the CIP. Revisions to the Commission’s wetland policies are also included in the proposed plan amendment. At this public hearing the Commission should consider comments from the public and its member cities on the proposed amendment.
 - i. Consider Extending Comment Period to August 14, 2020 per Hennepin County Request – ACTION ITEM with attachment - Due to the timing of Hennepin County Board meetings, the County is requesting an extension of the comment period until August 14th. Staff recommends approval.

6. BUSINESS

- A. Consider Agreement with Dominion Regarding CIP Funds for Four Seasons Mall Redevelopment Project (10 min) – ACTION ITEM with attachment – At the April meeting, the Commission conditionally approved the project plans for the redevelopment of Four Seasons Mall site by Dominion, including plans to remove at least 100 lbs. of total phosphorus “above and beyond” the required treatment, making the project eligible for BCWMC CIP funds. An agreement with Dominion is needed for the design, construction, and maintenance of the project and transfer of CIP funds. The attached agreement shows changes from the last draft (emailed just ahead of the April meeting) after additional input from the Commission’s Legal Counsel and Vice Chair Welch. Dominion legal counsel reviewed and approved the latest revisions. Staff recommends approval.

- B. Consider Agreement with City of Plymouth Regarding Four Seasons Mall Redevelopment Project (5 min) – ACTION ITEM with attachment (same attachment as 5C from April meeting) – *This item was tabled at the April meeting. An agreement with the city of Plymouth is needed to ensure that access is granted by the city for project construction and that ongoing maintenance will be performed by the city, when appropriate, and required by the city of the developer. The attached agreement was drafted by BCWMC Legal Counsel and reviewed by the city’s attorney. Staff recommends approval.*

- C. Review Draft Feasibility Studies for 2021 Capital Improvement Projects (75 minutes)
 - i. Main Stem Lagoon Dredging Project – DISCUSSION ITEM with attachments (same attachment as 5F from April meeting; appendices and presentation online) – *At the July 2019 meeting, the Commission approved a proposal from the Commission Engineer to complete a feasibility study for the Main Stem Lagoon Dredging Project. The attached draft study was reviewed by me, city of Minneapolis staff, and Minneapolis Park and Rec Board staff. The Commission Engineer will give an overview of the study results and alternatives considered, along with options for how to proceed. The presentation is available online for pre-meeting viewing. By the June meeting, the Commission should take action on which alternative to pursue in order to set a maximum levy for 2021.*

 - ii. Mt. Olivet Stream Restoration and Parkers Lake Drainage Improvement Projects – DISCUSSION ITEM with attachments; full document, appendices, and presentation online) - *At the August 2019 meeting, the Commission approved a proposal from the Commission Engineer to complete a feasibility study for these projects which are both in Plymouth. The attached draft study was reviewed by me and city of Plymouth staff. The Commission Engineer will give an overview of the study results and alternatives considered, along with recommended alternatives. The presentation is available online for pre-meeting viewing. By the June meeting, the Commission should take action on which alternatives to pursue in order to set a maximum levy for 2021.*

- D. Review Budget Committee Recommendations on 2021 Operating Budget (20 min) – DISCUSSION ITEM with attachments - *The BCWMC Budget Committee met on April 9th and 30th to discuss and review Commission activities and budgets for 2021. The committee reviewed and clarified activities, needs, and annual changes in budget levels for several line items with input from me, Commission Engineer, and TAC members. The attached memo further describes the committee’s recommendations. Their proposed budget includes a <1.5% increase in city assessments. The Commission should approve a proposed 2021 Operating Budget no later than their June meeting for submittal for city review by July 1st.*

7. COMMUNICATIONS (10 minutes)

- A. Administrator’s Report – **INFORMATION ITEM with attachment**
 - i. Watershed Based Implementation Funding Convene Meeting
- B. Chair
- C. Commissioners
- D. TAC Members
- E. Committees
 - i. Budget Committee
- F. Education Consultant
- G. Legal Counsel
- H. Engineer
 - i. Sweeney Lake Water Quality Improvement Project

8. INFORMATION ONLY (Information online only)

- A. CIP Project Updates <http://www.bassettcreekwmo.org/projects>
- B. Grant Tracking Summary and Spreadsheet
- C. 2020 BCWMC Administrative Calendar
- D. WCA Notice of Application, Plymouth

9. ADJOURNMENT

Upcoming Meetings & Events

- Bassett Creek Watershed Mgmt Commission Meeting: Thursday June 18th, 8:30 a.m., location TBD