



Bassett Creek Watershed Management Commission

Regular Meeting
Wednesday, November 17, 2021
8:30 – 11:00 a.m.

Via Zoom – Click [HERE](#) to join the meeting.

Or join by phone +1-312-626-6799; Meeting number 831 2911 5373

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, with the exception of 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 – October 21, 2021 Commission Meeting
- B. Acceptance of November 2021 Financial Report
- C. Approval of Payment of Invoices
 - i. Keystone Waters, LLC – October 2021 Administrative Services
 - ii. Keystone Waters, LLC – October 2021 Printing Expenses
 - iii. Barr Engineering – October 2021 Engineering Services
 - iv. Kennedy & Graven – September 2021 Legal Services
 - v. Redpath – October Accounting Services
 - vi. We All Need Food and Water – October 2021 Administrative and Education Services

5. BUSINESS

- A. Receive Update on Proposed North Green Loop Development, Minneapolis (20 min)
- B. Review Draft Schedule and Consider Directing Staff to Develop Scope for 2025 Watershed Plan Development (20 min)
- C. Assign Delegates to Attend MAWD Annual Meeting (Virtual) (10 min)

BREAK (at Chair's discretion)

- D. Consider Positions on Resolutions for MAWD Annual Meeting (20 min)
- E. Consider Administrator Attendance at MAWD Annual Conference (Virtual) (5 min)
- F. Consider Applying for MPCA Climate Resilience Grant (10 min)
- G. Assign Liaison for Technical Advisory Committee Meeting (5 min)

6. COMMUNICATIONS (10 minutes)

- A. Administrator's Report
 - i. Location for 2022 In Person Meetings
- B. Chair
- C. Commissioners
 - i. MN Association of Floodplain Managers Award
- D. TAC Members
 - i. TAC Meeting November 22nd 11:00 – 12:30 Virtual
 - ii. Update on Recent Smart Salting Trainings
- E. Committees
 - i. Administrative Services Committee to meet soon
- F. Education Consultant
- G. Legal Counsel
- H. Engineer
 - i. Update on MTD Analyses and MN Stormwater Manual

7. INFORMATION ONLY (Information online only)

- A. BCWMC Administrative Calendar
- B. CIP Project Updates <http://www.bassettcreekwmo.org/projects>
- C. Grant Tracking Summary and Spreadsheet
- D. MPCA Smart Salting News
- E. WCA Notices, Plymouth

8. ADJOURNMENT

Upcoming Meetings & Events

- [BCWMC Technical Advisory Committee Meeting](#) – Monday November 22; 11:00 – 12:30, online
- [MAWD Annual Meeting and Conference](#) – December 1 – 3, online
- [BCWMC Regular Meeting](#): December 16, 2021, 8:30 a.m., online



Bassett Creek Watershed Management Commission

AGENDA MEMO

Date: November 11, 2021

To: BCWMC Commissioners

From: Laura Jester, Administrator

RE: Background Information for 11/17/21 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 (10 minutes)**
 - A. Approval of Minutes – October 21, 2021 Commission Meeting- **ACTION ITEM with attachment**
 - B. Acceptance of November 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 – October 2021 Administrative Services
 - ii. Keystone Waters, LLC – October 2021 Printing Expenses
 - iii. Barr Engineering – October 2021 Engineering Services
 - iv. Kennedy & Graven – September 2021 Legal Services
 - v. Redpath – October Accounting Services
 - vi. We All Need Food and Water – October 2021 Administrative and Education Services

5. **BUSINESS**
 - A. Receive Update on Proposed North Green Loop Development, Minneapolis (30 min) – INFORMATION ITEM with attachment (exhibits included online) – *This is a follow up to the discussion at the last meeting regarding a development that is proposed to be constructed over the Bassett Creek double box culvert and an access shaft to the deep tunnel. The Commission Engineers have continued to review and discuss the project and access options with the developer and city staff on numerous occasions. And, I recently spoke with the Minneapolis City Engineer about this issue and future cooperation opportunities. The attached letter from the city addresses the technical questions and concerns previously relayed by Commission Engineers. At this meeting, Commission Engineer Herbert will provide an overview of the current status of the project.*
 - B. Review Draft Schedule and Consider Directing Staff to Develop Scope for 2025 Watershed Plan Development (20 min) – ACTION ITEM with attachment – *Commission Engineers and I recently began drafting a potential framework and schedule for developing the 2025 Watershed Management Plan. A draft schedule is attached along with a memo recommending that staff be directed to develop a scope and budget for plan development. The memo also includes questions for the Commission regarding aspects of plan development to help develop an appropriate scope.*
 - C. Assign Delegates to Attend MAWD Annual Meeting (Virtual) (10 min) – ACTION ITEM with attachment – *The annual MAWD meeting and convention will be held virtually December 1 - 3. The Commission should appoint two delegates and one alternate delegate to attend the official business meeting, 1:00 – 4:00 p.m. on Friday December 3rd. In addition, the Commission should consider requests by commissioners to attend the convention. Registration is \$99/person.*

BREAK (at Chair's discretion)

- D. Consider Positions on Resolutions for MAWD Annual Meeting (20 min) – **DISCUSSION ITEM with attachment** – *The attached resolutions will be discussed and voted on during the MAWD business meeting on December 3rd. Appointed delegates (from Item 5C above) should get direction from the Commission on recommended positions to take on the resolutions.*
- E. Consider Administrator Attendance at MAWD Annual Conference (Virtual) (5 min) – **ACTION ITEM no attachment** – *I am requesting to attend the MAWD Conference for a \$99 registration fee plus my time to attend (up to 14 hours over two days). Please note that I am co-presenting with MPCA staff on chloride management resources during a Friday morning session based on an abstract I submitted for consideration this summer.*
- F. Consider Applying for MPCA Climate Resilience Grant (10 min) – **ACTION ITEM with attachment** – *The MPCA has a new grant program to assist local governments (including watersheds) in planning for climate resiliency. Grant applications are due December 21st. Commission staff recommend applying for funds for activities such as engaging with communities to assess and identify vulnerable areas and critical infrastructure, and using the XP-SWMM model to identify critical impacts under varying scenarios. Assessments could be concentrated in the Bassett Creek Valley where impacts are disproportionately more catastrophic and community members are vulnerable and historically underserved. Many of these activities would dovetail well with Watershed Management Plan development and community engagement.*
- G. Assign Liaison for Technical Advisory Committee Meeting (5 min) – **DISCUSSION ITEM no attachment** – *The TAC is meeting via Zoom on Monday November 22nd to revisit the XP-SWMM update timing per Commission direction; discuss if specific inventories or assessments are needed ahead of 2025 Plan development, review latest costs for Flood Control Project inspections and budget implications; and consider internship possibilities for student from Dougherty Family College. The Commission should appoint a liaison to the meeting.*

6. COMMUNICATIONS (10 minutes)

- A. Administrator's Report – **INFORMATION ITEM with attachment**
 - i. Location for 2022 In Person Meetings
- B. Chair
- C. Commissioners
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- F. Education Consultant
- G. Legal Counsel
- H. Engineer
 - i. Update on MTD Analyses and MN Stormwater Manual

7. INFORMATION ONLY (Information online only)

- A. BCWMC Administrative Calendar
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- D. MPCA Smart Salting News
- E. WCA Notices, Plymouth

8. ADJOURNMENT

Upcoming Meetings & Events

- BCWMC Technical Advisory Committee Meeting – Monday November 22; 11:00 – 12:30, online
- MAWD Annual Meeting and Conference – December 1 – 3, online
- BCWMC Regular Meeting: December 16, 2021, 8:30 a.m., online



Bassett Creek Watershed Management Commission

DRAFT Minutes of Regular Meeting Thursday, October 21, 2021 8:30 a.m.

Via video conference due to the COVID-19 global pandemic

A. CALL TO ORDER and ROLL CALL

On Thursday, October 21, 2021 at 8:30 a.m. via video conference, Chair Cesnik brought the Bassett Creek Watershed Management Commission (BCWMC) to order.

Commissioners, city staff, and others present

City	Commissioner	Alternate Commissioner	Technical Advisory Committee Members (City Staff)
Crystal	Dave Anderson	<i>Vacant Position</i>	<i>Absent</i>
Golden Valley	Stacy Harwell	Jane McDonald Black	RJ Kakach, Drew Chirpich
Medicine Lake	<i>Absent</i>	Gary Holter	<i>Absent</i>
Minneapolis	Michael Welch	Jodi Polzin	Liz Stout, Katie Kowalczyk
Minnetonka	<i>Absent</i>	<i>Vacant Position</i>	<i>Absent</i>
New Hope	<i>Absent</i>	Patrick Crough	David Lemke
Plymouth	Catherine Cesnik	<i>Absent</i>	Ben Scharenbroich
Robbinsdale	<i>Absent</i>	<i>Vacant Position</i>	Marta Roser, Richard McCoy
St. Louis Park	Jim de Lambert	Angela Lawrence	<i>Absent</i>
Administrator	Laura Jester, Keystone Waters		
Engineers	Karen Chandler, Jim Herbert, and Greg Wilson, Barr Engineering		
Recorder	<i>Absent</i>		
Legal Counsel	Dave Anderson, Kennedy & Graven		
Presenters/ Guests/Public	None present		

B. PUBLIC FORUM ON NON-AGENDA ITEMS

No members of the public were present for the public forum.

C. APPROVAL OF AGENDA

MOTION: Alternate Commissioner McDonald Black moved to approve the agenda. Alternate Commissioner Holter seconded the motion. Upon a roll call vote, the motion carried 7-0, with the cities of Minnetonka and Robbinsdale absent from the vote.

[Commissioner Harwell joins the meeting.]

D. CONSENT AGENDA

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

- A. Approval of Minutes from September 16, 2021 BCWMC Meeting
- B. Acceptance of October 2021 Financial Report
- C. Approval of Payment of Invoices
 - i. Keystone Waters, LLC – September 2021 Administrative Services
 - ii. Keystone Waters, LLC – September 2021 Printing Expenses
 - iii. Barr Engineering – September 2021 Engineering Services
 - iv. Kennedy & Graven – August 2021 Legal Services
 - v. Redpath – September Accounting Services
 - vi. We All Need Food and Water – September 2021 Administrative and Education Services
 - vii. Stantec (Wenck) – Aug/Sept WOMP
 - viii. Finance & Commerce – Public Hearing Notice
 - ix. ECM Publishers – Public Hearing Notice
 - x. Metro Blooms – Lawns to Legumes Grant Project
 - xi. Metro Blooms – Local Contribution to Pollinator Project
- D. Approval to Direct Commission Engineer to Submit Flood Control Inspection Report to Cities, Minnesota DNR, U.S. Army Corps of Engineers
- E. Approval to Submit the Draft Environmental Assessment Worksheet for the Main Stem Lagoon Dredging Project to the City of Golden Valley (Responsible Government Unit, RGU) for Review and Approval

The general and construction account balances reported in the October 2021 Financial Report are as follows:

Current Assets	Capital Improvement Projects	General Fund	TOTAL
Checking	327,362.49	44,041.84	403,676.33
4MP Fund Investment	3,501,105.22	262.12	3,501,367.34
4M Fund Investment	1,483,511.82	37.42	1,483,549.24
Total Checking/Savings October 2021	5,311,979.53	44,341.38	5,388,592.91

MOTION: Commissioner de Lambert moved to approve the consent agenda. Alternate Commissioner Holter seconded the motion. Upon a roll call vote, the motion carried 7-0, with the cities of Minnetonka and Robbinsdale absent from the vote.

5. BUSINESS

A. Receive Information on Proposed North Green Loop Development, Minneapolis

Commission Engineer Herbert reported that a developer in Minneapolis is proposing to build a structure over a key access shaft into the Bassett Creek Tunnel. He explained that although there is no action to be taken at this point, the project is located within the jurisdiction of the Mississippi Watershed Management Organization and would be constructed over both the double box culvert and the deep tunnel, including above a key tunnel access shaft.

Engineer Herbert gave an overview of the tunnels and the drop shaft. He described the access shaft that is used to get large equipment into the tunnel and its current location in a surface parking lot near downtown. He noted that City of

Minneapolis staff are reviewing questions and concerns submitted by the Commission Engineers and may provide additional information at a future meeting. The developer proposes to offer reasonable access to the shaft from within the building. The city has contacted the US Army Corps of Engineers (ACOE) regarding this project. Engineer Herbert reviewed a timeline, with groundbreaking starting in November and completed access plans provided by mid-November. He noted the considerable amount of time he and other Commission Engineers have spent reviewing plans and discussing options and concerns with city staff and the developer. Commission Attorney Anderson has also been involved in some discussions regarding existing policies and agreements.

Following the presentation, Commissioner Harwell asked whether this project could affect the integrity of the tunnel and how or if impacts would be reviewed by the Commission. Engineer Herbert agreed with Commissioner Harwell's concerns and stated that the building will straddle the tunnel. He explained that when the Twins stadium was built, there was a pre- and post- structural integrity inspection of the tunnel. He noted that the major concern is with the box culvert because it is built in very poor soils.

Commissioner Harwell asked who pays for the time spent reviewing the plans and what are the logistics? Engineer Herbert answered that the Commission Engineers are an extension of the city's review. There is no review fee collected because the project is located outside of the BCWMC's jurisdiction. Administrator Jester clarified that there is no reimbursement agreement in place.

Commissioner Welch added that regardless of reimbursement or payment, Commission staff should continue working on this issue. He noted that he can help secure the Commission's interest as best as he can with the city. He added that the timeline is alarming and that they may need to coordinate with other units of city government.

Commissioner de Lambert recalled a discussion about easements when the Twins stadium was built.

Attorney Anderson didn't know the easement history with the Twins stadium, but he reported that the City of Minneapolis has an easement over this access shaft and that the Commission isn't party to that easement. Attorney Anderson further explained that Commission staff are continuing to work with the city and the developer to make sure the Commission concerns are addressed.

Commission Engineer Chandler noted that the engineers are tracking this work as a separate expense. Alternate Commissioner Polzin asked if MnDOT still has a role in this issue since they were involved in the 1990s. Engineer Herbert answered that the city would contact MnDOT if needed. Alternate Commissioner Polzin requested more information on the entities involved in this issue.

Minneapolis TAC member Liz Stout explained that Minneapolis staff are working with the city attorney to develop the easement language. MnDOT and the ACOE are being contacted. The ACOE is also requiring documentation on potential changes to the tunnel and access. She noted that the developer's timeline is optimistic since an ACOE 408 permit is needed. She further explained that the city considers the tunnels and access shaft to be critical infrastructure and also noted that the private property owners have rights to develop the property within a legal easement framework.

Commissioner Welch added that to the degree ACOE permitting is involved, it might be appropriate to have an arrangement with ACOE if the Commission Engineers' expertise is needed during 408 permit review.

B. Receive Information on Chloride Reduction Projects

Administrator Jester gave an overview of three projects. First, the Hennepin County Chloride Initiative (HCCI) began when all eleven watersheds in Hennepin County agreed to use 10% (or \$101,800) of their 2019 Watershed Based Implementation Funding to collectively address chloride pollution from winter deicers through a county-wide effort. She briefly reviewed the project outcomes to date including the Technical Barriers Study, Smart Salting for Property Management Manual, and Winter Maintenance Plan Templates.

The Technical Barriers Study revealed that knowledge of, and education about chloride water contamination issues were not necessarily a barrier for salt applicators. Instead, liability and client demand were most associated with salt application choices, along with financial costs and liability concerns. The Smart Salting for Property Management Manual

was developed by Fortin Consulting in 2019 using some HCCI funding. Winter Maintenance Plan Templates (or chloride reduction plans) to be used by cities or watersheds are for those who request or require them for certain developments. For example, BCWMC required the previous Four Seasons Mall developer to implement a chloride management plan, but when asked for an example or template for such a plan, none existed at the time. Fortin Consulting was hired by HCCI to develop the templates. Three different levels of templates (basic, intermediate, and detailed) were developed along with a calculator to help determine the best template for a particular site or development. Find the calculator and templates at: <https://www.bassettcreekwmo.org/developer/winter-maintenance>.

Next, as an initial phase of a BCWMC Capital Improvement Program project aimed at reducing chloride loading to Parkers Lake, the City of Plymouth contracted with Young Environmental Consulting Group to facilitate the Parkers Lake Chloride Project Work Group (a group of water quality experts). The results of this phase will be used to: 1). Compile available land use data and chloride concentrations, 2). Find consensus on the chloride sources to Parkers Lake and potential projects to address these sources, 3). Develop a recommendation for a future pilot project to reduce chloride concentrations in Parkers Lake and one that could be replicated in other areas of Hennepin County and 4). Help target education and training needs by land use. The first work group meeting was held in July. Experts are currently gathering and analyzing their own chloride data to present to the group at a meeting later this month. Additional meetings are scheduled for November, December, and January. A final report should be available early next year.

Finally, through their own initiatives and MS4 Permits, cities continue to use a variety of new and existing methods to help reduce chloride use, such as proper salt storage and handling, Smart Salt certified crews, education and outreach to the community, development and use of a written snow and ice management policy, etc. Smart Salting Certification Trainings are ongoing. In addition, Golden Valley is adding a requirement for a winter maintenance or chloride management plan to all of its stormwater maintenance agreements and developing a chloride dosing calculator for property managers. Plymouth is using its new high efficiency street sweeper to pick-up left-over salt in some areas.

Commissioner Harwell commented that she learned at the last salt symposium that water softeners are the next big thing that needs to be addressed. Administrator Jester mentioned that the West Metro Water Alliance is working on a water softener education flyer and that the Commission may wish to lobby representatives for limited liability legislation. Chair Cesnik asked if there is a one-page factsheet for winter maintenance plans that could be included in review letters. Alternate Commissioner Lawrence offered an idea to educate students on salt use through the Minnesota Department of Education.

C. Review Data on Sweeney Lake Chloride Sources

In response to learning about high chloride levels in Sweeney Lake and noting the request for more information from Commissioners, Administrator Jester asked Commission Engineers to review chloride and land use data from the Sweeney Lake watershed to help determine possible sources of chloride and areas of high loading rates. Commission Engineer Greg Wilson walked through the available data, trends, and results from Sweeney Lake, Sweeney Lake Branch of Bassett Creek and chloride hot spot mapping performed in 2017. In short, results confirm that the Sweeney Lake Branch portion of the lake's watershed contributes a significant portion of the chloride loading to the lake. This loading is due to the higher density of impervious surfaces. Approximately 17,000 acres drain into the lake from the south through Schaper Pond. He noted that due to constant flow through the lake, reductions in chloride loading from the Sweeney Lake Branch of the watershed will quickly lead to reductions in the chloride concentrations in the lake. He reported that overall, the Bassett Creek watershed has about 4.7 times more high density land use areas than average in the Twin Cities area. He noted that previous studies indicate that commercial applicators likely comprise about 40% of the total salt used in the watershed.

Engineer Wilson reviewed recommendations including reducing salt use by private applicators, providing brining equipment and education on how to use this equipment, supporting limited-liability legislation, and performing detailed GIS analysis of loading sources.

Alternate Commissioner McDonald Black complimented the report and asked whether the recent increase in density along I-394 and Highway 55 makes a difference. Engineer Wilson confirmed that the 2017 hot spot mapping work used 2010 land use data. In addition, more analysis would use more recent data on imperviousness.

Chair Cesnik mentioned the idea previously raised to explore using CAMP volunteers to do chloride monitoring. Administrator Jester replied that the Metropolitan Council follows US EPA lab standards and the EPA's holding time for chloride samples is shorter than CAMP's. She noted the conversation on that is continuing. She also indicated that the recommendation to do further GIS analysis is good, but there isn't funding for further study right now. However, outreach to salt applicators in high-density areas in the Sweeney Lake subwatershed can still be targeted.

Engineer Wilson will look into having volunteers collect conductivity measurements (which can be correlated to chloride concentration) as suggested by Engineer Chandler, noting that the probe rents for \$50/day or could be purchased for about \$500.

Alternate Commissioner McDonald Black expressed concern that levels may be going up faster than the data shows. In response, Engineer Wilson stated that the WOMP station is a good tool to see trends and allows comparing WOMP trends with Sweeney Lake. Alternate Commissioner McDonald Black voiced that more data is needed and suggested that the Sweeney Lake Association could help purchase a probe. Administrator Jester will follow up on that idea.

D. Update on Planning for 2025 Watershed Plan Development

Administrator Jester noted that staff has begun outlining a framework, timeline, and public engagement options for development of the 2025 Watershed Management Plan. She asked whether the BCWMC is interested in hosting a workshop on "Equity in Watershed Management" early next year to support Diversity, Equity, and Inclusion (DEI) efforts. Possible presenters could be from Metro Blooms, Hennepin County Commissioner Fernando, or Friends of the Mississippi River staff. Plymouth TAC member Ben Scharenbroich noted that the City of Plymouth has hired a DEI coordinator.

Alternate Commissioner McDonald Black indicated support for the workshop, noting the importance of digging deeper on this topic. There was a short discussion about hiring a student from Dougherty Family College. The TAC is working on a potential work plan for this student.

Alternative Commissioner Lawrence mentioned that a group called Skywatchers has Native speakers who talk about environmental issues, including marginalized communities.

Alternative Commissioner Polzin has connections with North Minneapolis. She suggested hiring an environmental justice expert to review the existing plan to point out gaps and places to improve.

Chair Cesnik is supportive and commented that these issues are complex to navigate. She noted the Commission is sure to have blind spots and the nature of blind spots is not knowing what they are.

There was general agreement to move forward with this workshop.

E. Review Status of 2021 Operating Budget

Administrator Jester noted that since we are two-thirds through the fiscal year, it's time to take a look at budget status. She reported that Technical Services and Education are running just under budget so far and Administration is running high due to higher than budgeted expenses for financial management, legal services, and the Administrator's hours. Overall, she noted that the Commission should come in at or just under budget for the year.

Alternate Commissioner McDonald Black expressed that going over budget for leadership activities is good and that the fund balance is healthy. She also noted that a budget is only an estimate of work.

[Commissioner de Lambert leaves meeting]

F. Consider Administrator Attendance at Joint SWCD-WD Meeting

The Executive Committee of the Minnesota Association of Watershed Administrators (MAWA) and a group of Soil and Water Conservation District Managers are planning a joint meeting to share common interests and identify opportunities

to strengthen existing partnerships. The meeting will be held on November 9th and 10th at the Arrowwood Resort in Baxter, MN. A meeting of MAWA will follow the joint meeting and Administrator Jester typically attends MAWA meetings.

There was general consensus that the Administer should attend. Alternate Commissioner McDonald Black noted the importance of these networking opportunities.

MOTION: Alternate Commissioner Crough moved to approve Administrator Jester’s attendance of the joint SWCD-WD meeting. Alternate Commissioner Holter seconded the motion. Upon a roll call vote, the motion carried 7-0, with the cities of Minnetonka and Robbinsdale absent from the vote.

6. COMMUNICATIONS

A. Administrator’s Report

- i. Reminder of WEDNESDAY Meeting in November
- ii. Update on BCWMC Bicycle Tour

There was nice weather and there were a few commissioners as well as others who joined. All who joined had positive things to say.

B. Chair

Nothing to report

C. Commissioners

- i. Commissioner Harwell attend the Buckthorn Bust event held by the Bassett’s Creek Park Volunteer Group. It was fun and people took the education materials.
- ii. Alternate Commissioners McDonald Black and Holter attended the SEA School Walk for Water event. They appreciated the nice interactive materials that BCWMC has for them to use at the event. Alternate Commissioner Holter mentioned how nice it was to have hundreds of kids screaming in appreciation for what the watershed does and he noted the Alternate Commissioner McDonald Black did a great job kicking off the event.
- iii. Alternate Commissioner Polzin attended the Bryn Mawr open house. She noted that no attendees had questions or comments about the water quality components.
- iv. Commissioner Harwell reported she will be attending the Minnesota Association of Floodplain Managers Meeting

D. TAC Members

- i. Parkers Lake and Mt. Olivet CIP Project Bids—Ben Scharenbroich announced the bid openings: \$363,100 for both projects. Construction costs are \$230,600, about 2% above the estimated budget. The Plymouth City Council will consider awarding contracts at its next meeting.
- ii. The APWA will be doing a trash pickup on Highway 100 tomorrow.

E. Committees

- i. Administration and TAC will be meeting soon.

F. Education Consultant - Absent due to family health crisis. No new education-related news to report

G. Legal Counsel - Nothing to report

H. Engineer

- i. Environmental Work for MPRB – Commission Engineer Chandler reported that Barr Engineering was requested by SRF to provide environmental services on behalf of the Minneapolis Park and Recreation Board for their part of the Bryn Mawr Meadows project work. There is no conflict of interest, but she wanted to be transparent.

7. INFORMATION ONLY (Information online only)

- A. [BCWMC Administrative Calendar](#)
- B. [CIP Project Updates](#)
- C. [Grant Tracking Summary and Spreadsheet](#)
- D. Northside Lawns to Legumes Update
- E. WCA Notices, Plymouth
- F. WCA Notices, Golden Valley

8. **ADJOURNMENT** - The meeting was adjourned at 10:50 a.m.

BCWMC November Financial Report - General Ledger					
		Capital Improvement Projects	Construction Fund	General Fund	TOTAL
ASSETS					
Current Assets					
Checking/Savings					
	101 · Wells Fargo Checking	1,076,471.83	32,272.00	44,754.40	1,153,498.23
	102 · 4MP Fund Investment	3,501,105.22	0.00	527.14	3,501,632.36
	103 · 4M Fund Investment	1,483,511.82	0.00	75.29	1,483,587.11
	Total Checking/Savings	6,061,088.87	32,272.00	45,356.83	6,059,970.07
Accounts Receivable					
	112 · Due from Other Governments	-402,871.18	0.00	6,777.00	-396,094.18
	113 · Delinquent Taxes Receivable	20,717.00	0.00	0.00	20,717.00
	Total Accounts Receivable	-382,154.18	0.00	6,777.00	-375,377.18
Other Current Assets					
	114 · Prepays	0.00	0.00	3,223.00	3,223.00
	Total Other Current Assets	0.00	0.00	3,223.00	3,223.00
	Total Current Assets	5,678,934.69	32,272.00	55,356.83	5,766,563.52
TOTAL ASSETS		5,678,934.69	32,272.00	55,356.83	5,766,563.52
LIABILITIES & EQUITY					
Liabilities					
Current Liabilities					
Other Current Liabilities					
	212 · Unearned Revenue	200,000.00	0.00	1.00	200,001.00
	251 · Unavailable Rev - property tax	20,717.00	0.00	0.00	20,717.00
	Total Other Current Liabilities	220,717.00	0.00	1.00	220,718.00
	Total Current Liabilities	220,717.00	0.00	1.00	220,718.00
	Total Liabilities	220,717.00	0.00	1.00	220,718.00
Equity					
	311 · Nonspendable prepaids	0.00	0.00	3,223.00	3,223.00
	312 · Restricted for improvements	4,562,582.00	0.00	0.00	4,562,582.00
	314 · Res for following year budget	0.00	0.00	5,000.00	5,000.00
	315 · Unassigned Funds	0.00	0.00	493,025.05	493,025.05
	32000 · Retained Earnings	0.00	0.00	-95,159.98	-95,159.98
	Net Income	320,119.71	32,272.00	178,308.11	498,427.82
	Total Equity	4,882,701.71	32,272.00	584,396.18	5,467,097.89
TOTAL LIABILITIES & EQUITY		5,103,418.71	32,272.00	584,397.18	5,687,815.89
UNBALANCED CLASSES		575,515.98	0.00	-575,515.98	0.00

BCWMC November Financial Report - Operating Budget

		Annual Budget	Oct 22 - Nov 18, 21	Feb 1 - Nov 18, 21	Budget Balance
Income					
	411 · Assessments to Cities	554,900.00	0.00	554,900.00	0.00
	412 · Project Review Fees	62,000.00	0.00	42,000.00	20,000.00
	413 · WOMP Reimbursement	5,000.00	0.00	4,500.00	500.00
	414 · State of MN Grants	0.00	0.00	12,489.46	-12,489.46
	415 · Investment earnings	0.00	98.87	602.43	-602.43
	416 · Use of Fund Balance	5,000.00	0.00	0.25	4,999.75
	417 · Transfers from LT & CIP	42,000.00	0.00	0.00	42,000.00
	Total Income	668,900.00	98.87	614,492.14	54,407.86
Expense					
	1000 · General Expenses				
	1010 · Technical Services	134,000.00	9,000.50	78,165.50	55,834.50
	1020 · Development/Project Reviews	68,000.00	3,164.53	64,833.26	3,166.74
	1030 · Non-fee and Preliminary Reviews	24,000.00	4,240.00	23,847.06	152.94
	1040 · Commission and TAC Meetings	12,000.00	906.50	8,276.20	3,723.80
	1050 · Surveys and Studies	9,000.00	288.00	3,049.41	5,950.59
	1060 · Water Quality / Monitoring	129,000.00	14,231.17	85,657.58	43,342.42
	1070 · Water Quantity	7,000.00	0.00	6,159.56	840.44
	1080 · Annual Flood Control Inspection	12,000.00	2,746.84	9,862.88	2,137.12
	1090 · Municipal Plan Review	2,000.00	0.00	0.00	2,000.00
	1100 · Watershed Monitoring Program	23,000.00	0.00	13,339.91	9,660.09
	1110 · Annual XP-SWMM Model Updates	0.00	0.00	375.50	-375.50
	1120 · TMDL Implementation Reporting	7,000.00	175.00	175.00	6,825.00
	1130 · APM/AIS Work	14,000.00	0.00	8,533.35	5,466.65
	1140 · Erosion Control Inspections	0.00	0.00	0.00	0.00
	1000 · General Expenses - Other		0.00	0.00	0.00
	Total 1000 · General Expenses	441,000.00	34,752.54	302,275.21	138,724.79
	2000 · Plan Development				
	2010 · Next Gen Plan Development	18,000.00	3,464.50	4,574.50	13,425.50
	2000 · Plan Development - Other		0.00	0.00	0.00
	Total 2000 · Plan Development	18,000.00	3,464.50	4,574.50	13,425.50
	3000 · Administration				
	3010 · Administrator	67,400.00	4,373.00	56,483.00	10,917.00
	3020 · MAWD Dues	3,750.00	0.00	3,750.00	0.00
	3030 · Legal	15,000.00	1,550.40	10,935.10	4,064.90
	3040 · Financial Management	4,000.00	1,000.00	7,600.00	-3,600.00
	3050 · Audit, Insurance & Bond	18,000.00	0.00	14,849.00	3,151.00
	3060 · Meeting Catering	1,300.00	0.00	0.00	1,300.00
	3070 · Administrative Services	8,000.00	447.12	5,307.35	2,692.65
	3000 · Administration - Other		0.00	0.00	0.00
	Total 3000 · Administration	117,450.00	7,370.52	98,924.45	18,525.55
	4000 · Implementation				
	4010 · Publications / Annual Report	1,300.00	0.00	0.00	1,300.00
	4020 · Website	1,800.00	0.00	406.60	1,393.40
	4030 · Watershed Education Partnership	17,350.00	0.00	7,000.00	10,350.00
	4040 · Education and Public Outreach	26,000.00	888.07	21,975.03	4,024.97
	4050 · Public Communications	1,000.00	0.00	1,028.24	-28.24
	4000 · Implementation - Other		0.00	0.00	0.00
	Total 4000 · Implementation	47,450.00	888.07	30,409.87	17,040.13
	5000 · Maintenance				
	5010 · Channel Maintenance Fund	20,000.00	0.00	0.00	20,000.00
	5020 · Long Term-FEMA Floodplain Mod	25,000.00	0.00	0.00	25,000.00
	5000 · Maintenance - Other		0.00	0.00	0.00
	Total 5000 · Maintenance	45,000.00	0.00	0.00	45,000.00
	Total Expense	668,900.00	46,475.63	436,184.03	232,715.97
	Net Income	0.00	-46,376.76	178,308.11	-178,308.11

BCWMC November Financial Report - CIP

		Annual Budget	Oct 22 - Nov 18, 21	Feb 1 - Nov 18, 21	Inception to Date Exp	Remaining Budget
Income						
	BC2,3,8 · DeCola Ponds B&C Improve		0.00	34,286.00		
	BC23810 · Decola Ponds/Wildwood Park	0.00	0.00	0.00		
	BC5 · Bryn Mawr Meadows	0.00	0.00	0.00		
	BC7 · Main Stem Dredging Project		0.00	125,000.00		
	BGP2 · Bassett Creek Park & Winnetka	0.00	0.00	0.00		
	CL3 · Crane Lake Improvement Project	0.00	0.00	0.00		
	ML21 · Jevne Park Stormwater Mgmt	0.00	0.00	0.00		
	NL2 · Four Seasons Mall Area	0.00	0.00	0.00		
	Qual · Channel Maintenance Fund		0.00	0.00		
	SL1,3 · Schaper Pond Enhancement	0.00	0.00	0.00		
	SL8 · Sweeny Lake Water Quality	0.00	0.00	236,850.01		
	TW2 · Twin Lake Alum Treatment	0.00	0.00	0.00		
	WST2 · Westwood Lake Water Quality	0.00	0.00	0.00		
	Total Income	0.00	0.00	396,455.07		
Expense						
	2017CRM · CIP-Main Stem Cedar Lk Rd-Dupon	1,064,472.00	0.00	511.50	132,029.25	932,442.75
	BC-238 · CIP-DeCola Ponds B&C	1,600,000.00	0.00	0.00	1,507,985.31	92,014.69
	BC-2381 · CIP-DeCola Ponds/Wildwood Pk	0.00	0.00	20,036.50	53,395.89	-53,395.89
	BC-5 · CIP-Bryn Mawr Meadows	912,000.00	4,123.84	12,924.88	62,208.27	849,791.73
	BC-7 · CIP-Main Stem Lagoon Dredging	2,759,000.00	3,438.00	16,023.50	118,430.53	2,640,569.47
	BGP-2 · CIP- Basset Cr Pk & Winnetka	1,123,351.00	0.00	0.00	1,066,648.32	56,702.68
	ML-12 · CIP-Medley Park Stormwater	0.00	0.00	30,191.00	82,843.61	-82,843.61
	ML-20 · CIP-Mount Olive Stream Restore	178,100.00	0.00	3,601.50	39,595.42	138,504.58
	ML-21 · CIP-Jevne Park Stormwater Mgmt	500,000.00	0.00	0.00	56,390.75	443,609.25
	ML-23 · CIP-Purch High Eff St Sweeper	81,600.00	0.00	0.00	0.00	81,600.00
	NL-2 · CIP-Four Seasons Mall	990,000.00	0.00	0.00	185,236.56	804,763.44
	PL-7 · CIP-Parkers Lake Stream Restore	485,000.00	0.00	3,666.00	61,213.12	423,786.88
	SL-1,3 · CIP-Schaper Pond	612,000.00	0.00	11,481.00	440,083.95	171,916.05
	SL-8 · CIP-Sweeney Lake WQ Improvement	568,080.00	0.00	10,171.48	338,907.07	229,172.93
	TW-2 · CIP-Twin Lake Alum Treatment	163,000.00	0.00	0.00	91,037.82	71,962.18
	WST-2 · CIP-Westwood Lake Water Quality	404,500.00	0.00	0.00	223,640.96	180,859.04
	Total Expense	12,680,226.00	7,561.84	108,607.36	4,847,246.83	
	Net Income	-12,680,226.00	-7,561.84	287,847.71		

BCWMC November Financial Report - Long Term Accounts

			Total Budget	Oct 22 - Nov 18, 21	Year-to-Date	Inception to Date	Remaining Budget
	Income						
		Fld1 · Flood Control Long Term Maint		0.00	14,064.50	169,420.90	
		Fld2 · Flood Control Long Term Exp	699,980.00	0.00	5,529.50	484,266.41	
	Total		699,980.00	0.00	8,535.00	-314,845.51	385,134.49
		Flood1 · Emergency FCP Income		0.00		0.00	
		Flood2 · Emergency FCP Expense	500,000.00	0.00		0.00	
	Total		500,000.00	0.00	0.00	0.00	500,000.00
		Gen · Next gen Plan Development Income		0.00		0.00	
		Gen1 · Next gen Plan Development Exp	30,000.00	0.00		0.00	
	Total		30,000.00	0.00	0.00	0.00	30,000.00
		Qual · Channel Maintenance Fund		0.00			
		Qual1 · Channel Maintenance Expense	440,950.00	0.00		267,073.30	
	Total		440,950.00	0.00	0.00	-267,073.30	173,876.70
		TMDL1 · TMDL Studies Income		0.00			
		TMDL2 · TMDL Studies Expense	135,000.00	0.00		107,850.15	
	Total		135,000.00	0.00	0.00	-107,850.15	27,149.85

November 9, 2021

Laura Jester
Keystone Waters
16145 Hillcrest Lane
Eden Prairie, MN 55346

Jim Herbert, P.E.
Barr Engineering Co.
4300 Market Point Dr
Minneapolis, MN 55435

RE: BCWMC Comments to North Loop Green Phase III Mixed Use Development – Minneapolis, MN

Dear Laura and Jim,

Thank you for the comments related to the North Loop Green Phase III development project proposed to be constructed over the Bassett Creek tunnel and access shaft and drop structure. The City of Minneapolis (City) highly values the Bassett Creek Watershed Management Commission (BCWMC) and the unique partnership with the City operating and maintaining the new Bassett Creek tunnel. The tunnel is a key asset of regional significance that must be maintained for the public benefit.

A Hines consultant reached out to BCWMC (Barr) and the City beginning in 2018 to discuss working around the tunnel. From 2018 into 2021, the project worked its way through City approvals, but it wasn't until recently that the City and Hines began to work on the specifics of how to retain reasonable access as required by the City's easement referenced below. As those discussions began, the City reached out to BCWMC (Barr) in September 2021 and shared Hines' plans. Since receiving BCWMC's comment letter, Hines, the City, and the BCWMC Engineer have met weekly to learn more about the project, share information, and evaluate alternative methods of access to the shaft and drop structure. The City values BCWMC's input and feedback, and seeks to continue our collaboration as this project progresses.

The BCWMC comments were very detailed and have been shared with the applicant, Hines, to respond as appropriate. Below are responses from Hines and the City:

A. Station 116+50 Drop Structure and Access Shaft

1. Hines' Response: We understand that the ideal scenario is to have no physical improvements directly over the Bassett Creek Tunnel access shaft; however, pursuant to the Underground Storm Sewer Easement Agreement (Easement) dated 11/16/1988 (Attached as Exhibit A) the landowner (Grantor) has the right to construct improvements on the easement as long as there is reasonable access to get to and from the access point. It goes on to further say that all "location, construction, operation, maintenance, alteration, repair and patrol activities conducted by the City of Minneapolis (Grantee) will be from inside the underground storm sewer". As such we are working with Grantor to arrive at a reasonable solution that will allow access for people and equipment to allow the future repair work to occur through the access point in question.
 - a. Hines' Response: The area directly outside of the Drop Shaft Room C-435, attached Exhibit B (Sketch A1.2C) is potentially available for staging of material, equipment and personnel for maintenance projects contemplated. See the attached Exhibit C (Sketch C4.5 Exterior) with highlighted areas for potential staging and access. All non-surface improvements in the park area, "The Green", will be readily movable to provide MnDOT access to the 3rd and 4th Street Bridges for repairs, maintenance, and inspections. The property indicated for staging is subject to MnDOT access permitting on the Highway Easement Property which would be required today as well as post development. Nothing in

the existing Easement provides for use of the property on which the tunnel or drop shaft exists other than reasonable access and egress to access the drop shaft - Grantors willingness to provide additional staging area is an improvement from the rights currently contemplated by the Easement.

- b. Hines' Response: It is acknowledged by the Grantor that the drop shaft in Room C-435 provides access to the Third Avenue and Second Street tunnel systems. The Owners have committed to work jointly with the Grantee to develop a reasonable access plan for the activities identified in Easement.
 - c. Hines' Response: Inspections of the tunnel systems have been, as a matter of normal process, carried out via access to the tunnel systems through other access points since the original installation of the tunnel system to the best of Grantor's knowledge. While Grantor is committed to working with the Grantee to develop reasonable access/logistics plans that allow both Grantor and Grantee use of their respective improvements, there is no provision in the Easement that requires a neutral cost position to either party. Regardless, Grantor, in good faith, is willing to participate in development of a reasonable solution.
 - d. Hines' Response: Grantor acknowledges the need to develop personnel emergency egress access and procedures during construction activities in the tunnel, which can be developed and implemented with alternate equipment to a traditional crane. The City and Grantor are committed through this process to work collaboratively with the Grantee to develop OSHA compliant procedures.
2. Hines' Response: Please see a copy of the Easement attached that identifies the rights of the parties and it does not prohibit the proposed development or development directly over the shaft.

City Response: Hines, City, and BCWMC Engineer have been meeting to evaluate and refine Hines' proposal of reasonable access to the drop shaft. An amendment to the easement will be developed that further defines how reasonable access will be maintained once the development is built. City will consult with BCWMC before it approves the final language of the amendment. The amendment will be recorded, run with the land, and be binding to any successors or assigns.

Box Culvert and Third Avenue Tunnel

1. Hines' Response: The design of the NLG III structural system utilizes a combination of driven H-pile and drilled concrete caissons coupled with transfer grade beams that will impart no additional loads onto the tunnel structures. (Please see the structural design narrative by WSP Engineers and plans S1.01 and S1.02 attached as Exhibit D for reference).
2. Hines' Response: No dewatering of ground water is planned, expected, or anticipated. Ground water elevation has been established through soil boring investigation of the site at elevation 803' above sea level. Deep foundations are either driven H-pile or drilled concrete caissons to bedrock. The drilled caisson shafts will be cased and will not be dewatered as concrete will be installed via tremie through and below any accumulated water in the drill hole. As the drill shaft is filled with concrete, any accumulated water head will rise to the surface ahead of the pumped concrete.
 - a. Ground water is not expected or anticipated to be drawn down.
 - b. No impact to the tunnels as no drawdown is expected or anticipated.
 - c. Not applicable as no drawdown is expected or anticipated.
 - d. Tunnel will be inspected pre-construction and again post construction for any evidence of changes due to construction. Vibration monitoring will also be conducted during deep foundation installation.
3. Hines' Response: The sides of the tunnel are not expected to be exposed during the construction of the NLG III project. The lowest floor elevation is 815' above sea level. The only exposed surface of the box culvert anticipated is the top surface of the tunnel at expected elevation of 807'+/- above sea level for coordination with the installation of the transfer grade beams described above. (See Exhibit E for Reference).
4. Hines' Response: All storm water run-off from impervious surfaces will be collected and conveyed via existing underground storm sewer to the City of Minneapolis storm sewer system currently in the Cedar Lake Trail easement and in compliance with existing City regulations. Storm water inside of the excavated site will infiltrate back into the ground or if needed, will be collected, filtered and conveyed to the city storm system in compliance with City of Minneapolis regulations and Minnesota Pollution Control Agency (MPCA) provisions evidenced in the approved SWPPP Plan.
5. Hines' Response: As referenced above, the improvements in the near vicinity of the tunnel will be either driven H-Pile or drilled concrete caisson which are not expected to cause any consolidation of soils supporting the tunnel sections.

Cooperative Agreements

1&2. City Response: The City will involve the various agencies identified, in conformance with the identified agreements. As part of this effort, the City initiated discussions with the USACE, who stated their involvement would be limited to a Section 408 review. Based on the City's preliminary legal assessment, a Section 408 review is not required for the project *as currently proposed*. Regardless, the City has encouraged Hines to seek its own legal counsel to ensure all its legal obligations are being met. City staff plan to continue to closely coordinate with BCWMC in review of materials to be provided by the applicant and conversations to ensure the integrity of the tunnel is not negatively impacted and the ability to efficiently access the tunnel for operation and maintenance purposes is maintained.

If you have comments or questions, please contact me at 612-673-3973 or Jeremy.Strehlo@minneapolismn.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Jeremy Strehlo", is positioned above the typed name.

City of Minneapolis, Department of Public Works
Surface Water & Sewers
Jeremy Strehlo
Professional Engineer



Bassett Creek Watershed Management

MEMO

To: BCWMC Commissioners and Alternate Commissioners
From: Laura Jester, Administrator
Date: November 9, 2021

RE: Review Draft Schedule and Consider Directing Staff to Develop Scope for 2025 Watershed Plan Development

Commission Engineers and I have met twice to begin drafting a framework and potential schedule for developing the 2025 Watershed Management Plan. The attached draft schedule starts with stakeholder engagement to learn what's important to various residents and communities across the watershed. It also includes time to complete inventories, assessments, and analyses that may be needed to help direct and focus future work. And, it includes time for commissioners and TAC members to consider and discuss some new or complicated issues like chloride management, linear project standards, CIP implementation, a broader education program, etc. Taking into consideration all of this new background information, the Commission would then set measurable goals and develop policies and actions to meet the goals. Finally, the schedule includes time for writing the plan and moving it through the review process to adoption in fall 2025.

There's a lot of work ahead - so it's time to get started.

Recommendation: Direct the Commission Engineer and Administrator to draft a scope and cost proposal for developing the 2025 Watershed Management Plan for consideration at the December or January Commission meeting.

If you agree that development of a proposal/scope is appropriate, Commission direction is needed on a couple items:

1. **Public engagement** is an important activity to gather input on what residents and communities think about the water resources in their community and what they view as the most pressing issues. However, public engagement takes time! Below are some ideas on different levels of engagement for you to consider. This is by no means a complete list of outreach activities; we just need to gage your desired level of effort to help us draft an appropriate scope.
 - a. Low Level – minimal time and effort developing new materials and gathering input from residents and communities
 - i. Public “kick-off” meeting (required under MN Rules 8410)
 - ii. Online survey
 - iii. Newspaper and city/neighborhood newsletter articles requesting input
 - iv. Social media posts requesting input
 - v. Outreach at 1 – 3 events (farmers markets, festivals, etc.)

- b. Medium Level – development of new materials and higher level of engagement and outreach into various cities and diverse communities
 - i. All activities listed in “a”
 - ii. Additional services to increase accessibility at public kick-off meeting (e.g., childcare)
 - iii. Outreach at 4 – 8 events (farmers markets, festivals, etc.). The larger number of outreach events would allow us to target multiple areas in the watershed (cities, subwatersheds, etc.).
 - iv. Discussions with various communities held as part of existing meetings or as separate meetings arranged specific to the Plan (city commissions, Minneapolis neighborhood associations, lake associations, diverse communities)
- c. High Level – significant time and effort spent developing new materials and reaching out to all communities
 - i. All activities listed in “a” and “b” above
 - ii. Professional design of new graphics and materials to highlight the Plan’s development and compel audiences to get involved
 - iii. Professionally facilitated discussions at meetings and events with cities, groups, and diverse communities

Question 1: Which level feels like the right fit for the Commission?

Question 2: Will commissioners/alternates commit to assisting with outreach efforts – particularly at events like farmers markets and festivals? If every commissioner or alternate commits to volunteering at one event, more input could be gathered for a lower cost.

- 2. **Administrator Time** – The Administrative Services Committee will meet soon to perform staff evaluations and to discuss my contract. There are many pieces of the Plan development process that will require my time including guiding the whole process, engaging with stakeholders, coordinating and facilitating plan committee meetings, and doing much of the actual plan writing. The scope that staff develops (if given direction to do so) will include estimates for my time, along with commission engineers’ time and others, as needed.

Question: Is there consensus that it is appropriate for my updated contract to include additional hours (during the Plan development years) to account for the added time that will be needed to guide and assist with Plan development?



VIRTUAL CONFERENCE

DECEMBER 1-3, 2021

REGISTER HERE



Virtual Conference Agenda

WEDNESDAY, DECEMBER 1

Welcome and Introductions - Emily Javens, MAWD Executive Director

- 9:00 AM-3:30 PM Watershed Management Workshop
9:00 AM-3:00 PM Minnesota Drainage Seminar
4:00 PM-5:00 PM Regional Caucuses + Pryor Learning Information Session

THURSDAY, DECEMBER 2

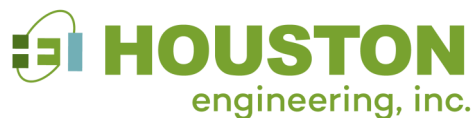
Welcome and Introductions - Emily Javens, MAWD Executive Director

- 9:00 AM-11:45 AM Morning Concurrent Sessions, check schedule for presentations and zoom links
12:00 PM-12:45 PM Awards and Matinee Movies
DNR Watershed District of the Year
BWSR Watershed District Employee of the Year
MAWA Watershed Administrator of the Year
Watershed District Program of the Year
Watershed District Project of the Year
1:00 PM-3:45 PM Afternoon Concurrent Sessions, check schedule for presentations and zoom links
4:00 PM Networking Sip and Share hosted by our Platinum Sponsors

FRIDAY, DECEMBER 3

- 9:00 AM-11:45 AM Concurrent Sessions, check schedule for presentations and zoom links
1:00 PM-4:00 PM MAWD Business Meeting

THANK YOU TO OUR PLATINUM SPONSORS!



Watershed Management Workshop

MAWD Pre-Conference

Wednesday, December 1, 2021

9:00AM-3:00PM

9:00 – 9:30 AM

WELCOME AND INTRODUCTIONS

9:30 - 10:45 AM

YOUR ROLE IN WATERSHED MANAGEMENT

Understanding Watershed District Legal Powers and Purposes – Watershed districts have their own compact chapter of law – Minnesota Chapter 103D and metro watershed districts also have 103B. This legal overview will provide insight into why watershed districts were created and the legal authorities given to districts to pursue their missions.

Minnesota's Approach to Water Management – Minnesota's approach to water management focuses on managing natural resources on a watershed basis. Learn how watershed districts and other state and local entities are involved in this approach.

15-minute BREAK

11:00 – 12:00 PM

YOUR ROLE IN WATERSHED PLANNING

Every organization on the planet from the Girl Scouts to the US Army has some sort of strategic plan to guide them. Watershed district plans set priorities, outline strategies, and identify targeted and measurable goals. This session will explain the process to develop or update your plan.

60-minute LUNCH BREAK

1:00 – 1:30 PM

YOUR ROLE IN PROJECT AND PROGRAM IMPLEMENTATION

Your watershed plan is in place. What happens next? Education and on-the-ground efforts are necessary to meet the priorities and strategies that have been identified. This session will explore the options available to raise funds to meet the targeted and measurable goals in your plan.

15-minute BREAK

1:45 – 2:45 PM

YOUR ROLE AS A GOVERNMENT OFFICIAL

What will you do if this happens to you?

1. Prior to the board meeting another manager calls to encourage you to vote for an issue on the agenda. How should you respond?
2. The board treasurer is giving a report to the board. You spot a check to a vendor for a larger amount than what the board had previously authorized. What's the appropriate response?
3. A junior staff person tells you there have been inappropriate jokes in the workplace. Now what?
4. A county commissioner has let you know how she expects you to vote on an issue. Now what?
5. A citizen lets you know that the board did a terrible job approving a "stupid project." You happen to agree it wasn't a great project, but yours was one of only two dissenting votes. How do you respond?

This session will facilitate a discussion about how to respond to these and other scenarios that will help you do your job well and stay away from legal trouble and will provide an understanding of the Open Meeting Law, Data Practices Act, Freedom of Information Act, and other relevant rules and regulations.

2:45 – 3:00 PM

WRAP UP

Instructors:

Jan Voit, Facilitator

Annie Felix-Gerth and Kevin Bigalke, MN Board of Water and Soil Resources

Louis Smith, Smith Partners, PLLP

Michelle Overholser, Yellow Medicine River Watershed District

Minnesota Drainage Seminar

MAWD Pre-Conference

Wednesday, December 1, 2021

9:00AM-3:15PM

9:00 – 9:10 AM WELCOME AND INTRODUCTIONS

Welcome: Emily Javens, MAWD Executive Director

Facilitator: Tom Gile, Resource Conservation Section Manager/Drainage Work Group Facilitator, Board of Water and Soil Resources (BWSR)

9:10 – 10:00 AM UTILITIES... REAL WORLD PRACTICAL APPROACH - URBAN AND RURAL PERSPECTIVE

Ashlee Ricci, District Technician, Rice Creek WD

Tim Stahl, County Engineer, Jackson County

In this session, presenters will give an overview of procedure development, policies, and issues faced in permitting and managing utility crossings in public drainage systems from an urban and rural perspective.

15-minute BREAK

10:15 – 11:15 AM UTILITIES PANEL: WINDMILLS AND PIPELINES

Chris Otterness, PE – Houston Engineering, Inc. (Rice Creek WD pipeline example)

Tom Gile, Resource Conservation Section Manager/Drainage Work Group Facilitator, BWSR (Coon Creek WD example)

Chuck Brandel, PE - ISG (Heron Lake WD Judicial Ditch #19 example)

Even when a utility plan and permitting process is in place, crazy things can happen. In this session, panelists will describe real-life situations in addressing conflicts between public drainage systems and new/existing utility construction.

11:15 – 12:15 PM EASEMENTS and RIGHTS-OF-WAY: Acquisition, Recording, and Best Practices

Kale Van Bruggen and John Kolb, Rinke Noonan

What should drainage authorities take into account when acquiring easements and rights-of-way? What are considerations when drainage system rights-of-way or easements cross utility rights-of-way or easements? In this session, Rinke Noonan staff attorneys will explain best practices surrounding drainage easements and rights-of-way.

45-minute LUNCH BREAK

1:00 – 1:30 PM GOPHER STATE ONE CALL

Barbara Cedarberg, Chief Operations Officer, Gopher State One Call (GSOC)

Watershed Districts often manage underground infrastructure which is at risk of damage during excavation activities due to lack of universal knowledge of the location of this infrastructure. In this session, GSOC's Chief Operations Officer will explain why a local government may register with GSOC, how this registration occurs, and what responsibilities are required of listed "facilities operators."

1:00 – 1:45 PM LEGAL UPDATES

Emily Javens, MAWD Executive Director

An update will be given on court decisions that could affect agricultural drainage in Minnesota.

15-minute BREAK

2:00 – 3:00 PM MULTIPURPOSE DRAINAGE MANAGEMENT

Henry Van Offelen, Clean Water Specialist – Board of Water and Soil Resources

Chad Engels, PE - Moore Engineering

In this session, BWSR staff will give a general program overview and history of the Multipurpose Drainage Management Grant Program. Moore Engineering staff will share their experiences working within the program and how they manage to fit it into their local process for drainage work.

3:00 – 3:15 PM WRAP UP

Tom Gile, Resource Conservation Section Manager/Drainage Work Group Facilitator, BWSR

Emily Javens, MAWD Executive Director

Thursday, December 2nd Sessions

HOSTED BY:

BARR

TIME	TRACK	SPEAKERS + PRESENTERS
9:00 AM	Pond Treatment with Spent Lime to Control Phosphorus Release from Sediments	Greg Wilson, Barr Engineering Co.
9:00 AM	Water Treatment By-Product Used to Enhance Phosphorus Reductions	Joshua Maxwell, RPBCWD
9:00 AM	What does Climate Change mean for future flooding in the Red River basin?	Tyler Olsen, Barr Engineering Co.

HOSTED BY:

EOR water
ecology
community

TIME	TRACK	SPEAKERS + PRESENTERS
10:00 AM	Translating Diversity, Equity, & Inclusion into Systems Change in Policy & Planning	Rosie Russell, EOR Belinda Gardner, Capitol Region WD
10:00 AM	The Mississippi River Green Team: Impacts of an Environmental Workforce Program	Michaela Neu, MWMO Gretchen Engstrom, MSP Park and Rec
10:00 AM	Developing Automated Technologies for Common Carp Management	Vinnie Hirt, Przemek Bajer, Carp Solutions Matt Kocian, Rice Creek WD

HOSTED BY:

HOUSTON
engineering, inc.

TIME	TRACK	SPEAKERS + PRESENTERS
11:00 AM	Black River Impoundment Project	Myron Jesme, Red Lake WD Tony Nordby, Houston Engineering
11:00 AM	"If I Were King for a Day": the How's and Why's of Rule Revision	Patrick Hughes, Rice Creek WD
11:00 AM	The Hallock Dam Retrofit	Ted Rud, Houston Engineering Ericka Beito, Houston Engineering

12:00 PM

GRAB LUNCH AND WATCH THE AWARDS + MATINEE MOVIES

Thursday, December 2nd Sessions

HOSTED BY:  **Stantec**

TIME	TRACK	SPEAKERS + PRESENTERS
1:00 PM	A Tale of Two Filters: Amending Filtration Media with Biochar to Remove Bacteria from Urban Stormwater	Justine Dauphinais, Jon Janke, Chase Vanderbilt, Coon Creek WD
1:00 PM	Diversity, Equity, and Inclusion Leadership Forum	Belinda Gardner, Mark Doneux, Capitol Region WD
1:00 PM	Red River Basin LiDAR Data Acquisition	Robert Sip, Red River WMB Charles Fritz, International Water Institute

HOSTED BY:  **moore**
engineering, inc.

TIME	TRACK	SPEAKERS + PRESENTERS
2:00 PM	Redpath Impoundment and Mustinka River Rehabilitation Project	Chad Engels, Moore Engineering Greg Fransen, Barr Engineering
2:00 PM	Lake Traverse Water Quality Improvement Project	James Guler, Amy Denz, Moore Engineering
2:00 PM	Tools for Implementing Your Comprehensive Watershed Management Plan - BWSR's 1W1P	Tara Ostendorf, Moore Engineering

HOSTED BY:  Architecture
Engineering
Environmental
Planning

TIME	TRACK	SPEAKERS + PRESENTERS
3:00 PM	Watershed Planning: Targeting Flexibility	Paul Marston, Courtney Phillips, ISG
3:00 PM	Recreation as a Catalyst for Conservation and Community Revitalization	Staci Williams, ISG

HOSTED BY: 

TIME	TRACK	SPEAKERS + PRESENTERS
3:00 PM	Roseau Lake Rehabilitation – A Decade and Counting	Nate Dalager, HDR

4:00 PM

Join our Platinum Sponsors for a Sip and Share Networking Event!

Friday, December 3rd Sessions

TIME	TRACK	SPEAKERS + PRESENTERS
9:00 AM	Improving Water Quality with the Scenario Application Manager	Cindie McCutcheon, Seth Kenner, Chris Lupo, Jason Love, RESPEC
9:00 AM	Lambert Lake Upgrade: Building a Meander to Improve Water Quality and Reconnecting the Floodplain	Dawn Tanner, Phil Belfiori, VLAWMO Emily Jennings, S.E.H. Inc.
10:00 AM	Multi-Partner Implementation of Urban Stormwater Project - Columbia Golf Course BMPs	Alicia Beattie, MWMO Erin Hunker, SRF Consulting Group
10:00 AM	Low Salt Diet Needed: The Sources and Impacts of Chloride Pollution and Tools to Help You Address it	Brooke Asleson, MPCA Laura Jester, BCWMC
11:00 AM	A Fundamentally New Approach to Lake Management	Eli Kersh, Christian Ference, Moleaer Inc.
11:00 AM	Wetland Restoration Challenges in an Agricultural Landscape	Daniel Tix, Janna Kieffer, Barr Engineering Courtney Phillips, Shell Rock River WD

1:00 PM - 4:00 PM

MAWD Business Meeting

THANK YOU TO OUR EXHIBITORS!



StormTrap®



HRGreen®



SRF



TrueNorth Steel



Minnesota Association of Watershed Districts, Inc.
www.mnwatershed.org

Minnesota Association of Watershed Districts, Inc.
2021 Annual Conference and Business Meeting
December 1-3, 2021
HELD VIRTUALLY

Member Meeting Materials

Enclosed are the following items:

1. Notice of Annual and Regional Meetings
2. Delegate Appointment Form – please submit names [using this form](#)
3. Proposed Fiscal Year 2022 Budget
4. Resolutions and Bylaws Amendment Hearing Packet

This packet has been distributed to administrators via email. **Administrators – please distribute copies to your board members.** No paper copies of this packet will be sent via the U.S. Postal Service.

Note: a full meeting packet, including an agenda, previous meeting minutes, reports, and instructions for voting and accessing the meeting will be distributed to watershed administrators no later than one week prior to the Annual Meeting.

We are looking forward to seeing you online at this year's convention!



Minnesota Association of Watershed Districts, Inc.
www.mnwatershed.org

MN Association of Watershed Districts, Inc. 2021 Annual and Regional Meeting Notice

Date of Notice: October 29, 2021

NOTICE IS HEREBY GIVEN that the 2021 Regional Meetings of the Minnesota Association of Watershed Districts, Inc. will be held virtually, beginning at 4:00 p.m. on Wednesday, December 1, 2021 for the purpose of electing three members to the MAWD Board of Directors, one from each region, for terms ending in 2024.

NOTICE IS HEREBY GIVEN that the 2021 Annual Meeting of the Minnesota Association of Watershed Districts, Inc. will be held virtually, beginning at 1:00 p.m. on Friday, December 3, 2021 for the following purposes:

1. To receive and accept the reports of the President, Secretary, and Treasurer regarding the business of the association of the past year;
2. To receive the report of the auditor;
3. To consider and act upon the Fiscal Year 2022 budget;
4. To consider and act upon proposed resolutions and bylaws amendments;
5. To consider and act upon any other business that may properly come before the membership.

Sincerely,

Ruth Schaefer
MAWD Secretary

NOTE: Instructions on how to access the virtual meetings will be provided one week before the meeting.



MN Association of Watershed Districts, Inc. 2021 Delegate Appointment Form

The _____ hereby certifies that it is
name of watershed organization

a watershed district or watershed management organization duly established and in good standing pursuant to Minnesota Statutes 103B or 103D and is a member of the MN Association of Watershed Districts, Inc. (MAWD) for the year 2021.

The _____ hereby further certifies
name of watershed organization

the following individuals have been appointed as delegates, or as an alternate delegate, all of whom are managers in good standing with the organization.

Delegate #1: _____
Name Email Address

Delegate #2: _____
Name Email Address

Alternate: _____
Name Email Address

Authorized by: _____
Signature Date

Title

Minnesota Association of Watershed Districts, Inc.

Fiscal Year 2022 Proposed Budget

(October 1, 2021 - September 30, 2022)

10/29/2021	FY2022	FY2021	FY2021	FY2020	FY2019
INCOME	BUDGET	BUDGET	ACTUAL	ACTUAL	ACTUAL
Dues - Watershed District Members	212,000	224,673	194,028	221,482	214,668
Dues - WMO Members	22,500	15,000	7,500	2,000	2,000
Annual Meeting, Education Workshops and Trade Show ¹	25,000	66,855	46,630	94,887	70,955
Convention Sponsorships	32,000	32,340	29,616	43,120	43,700
Legislative Briefing, Education Workshop, and Day at the Capitol	8,000	8,000	2,871	0	6,275
Summer Tour and Education Workshops	26,250	26,250	0	0	18,100
Special Workshops	2,500	2,500	0	0	0
Interest	25	100	31	43	51
TOTAL REVENUES	328,275	375,718	280,676	361,532	355,749
EXPENSES					
Administration & Program Management					
General Administration - Staff	72,100	69,800	67,793	66,147	62,099
Benefits /Taxes for Salaried Employees	25,000	30,000	25,361	24,028	21,348
Administrative and Communications Support - Contract	22,050	21,000	8,455	5,200	0
Event Management - Contract	35,280	33,600	31,125	32,001	39,753
Legislative Affairs					
Lobbying - Staff (includes Administrative Lobbying)	30,900	31,500	30,458	29,028	29,926
Lobbying - Contracted Services	40,000	42,000	40,000	40,000	40,258
Lobbyist Expenses	1,000	1,000	0	259	1,174
Professional Services					
Legal Fees ²	6,000	2,000	24,763	208	0
Accounting and Audit Fees	10,500	8,500	8,150	8,050	6,850
Insurance	2,000	1,800	1,971	1,963	1,783
Office Expenses					
Rent	4,800	4,800	3,600	4,800	3,200
Mileage and General Office Expenses	12,250	12,250	3,846	7,510	12,181
Board and Committee Meeting					
Per Diems and Expenses - Directors	25,000	20,000	20,225	18,504	14,100
Board and Committee Meeting Expenses	1,000	1,000	172	121	774
Value-Added Special Projects					
WD Handbook	10,000	10,000	0	0	0
Other Special Projects ³	2,500	2,500	500		
Education and Events					
Annual Meeting, Education Workshops and Trade Show	7,500	25,000	14,462	50,294	54,462
Legislative Briefing, Education Workshop, and Day at the Capitol	5,500	5,500	0	789	5,133
Summer Tour and Education Workshops	25,450	25,450	1,080	0	7,795
Special Workshops	2,500	2,500	0	0	0
Fees (Event Registration and Credit Card Processing Fees)	4,000	4,000	3,065	3,914	4,042
TOTAL EXPENSES	345,330	354,200	285,025	292,818	304,877
REVENUE OVER EXPENSES	-17,055	21,518	-4,349	68,714	50,872
STATEMENT OF NET POSITION					
Assets, Cash and Equivalents, actual			324,904	325,921	323,522
Deposits received - deferred, prepaid expenses			-15,494	962	-54,109
Liabilities, accounts payable, taxes payable			-10,490	-23,772	-35,185
ENDING NET ASSETS			298,920	303,111	234,228

¹ FY22 budget is for December 2021 virtual conference

² FY21 actual expenditures included board-approved case research, a BWSR petition, and court submittals

³ May include donations to efforts by partner organizations, FY21 expenditure included donation for wake board research

Resolutions and Bylaws Hearing Packet



DATE: October 29, 2021
TO: MAWD Members
FROM: MAWD Board of Directors and Resolutions Committee

RE: Resolutions and Bylaws Amendment Hearing

The Resolutions Committee met on Tuesday, October 12, 2021 to review the resolutions submitted by MAWD members this year. Meeting participants: Chair Sherry White, Minnehaha Creek WD; Joe Collins, Capitol Region WD; Linda Vavra, Bois de Sioux WD; Michelle Overholser, Yellow Medicine River WD; Jamie Beyer, Bois de Sioux WD; and Emily Javens and Jan Voit, MAWD. Absent with prior notice: James Wisker, Minnehaha Creek WD. The MAWD Board of Directors met on October 25, 2021 and accepted the recommendations of the resolutions committee as presented.

The committee feedback is summarized in the table below and discussed further after each resolution. Members (2 delegates from each watershed organization) will vote on the resolutions at the annual business meeting on December 3, 2021. Note: the committee only recommends whether they think the resolution fits the mission of MAWD and its members. Voting for or against a resolution will not determine if MAWD resources will be allocated to the issue. If a resolution is adopted as MAWD policy, it just means we support the idea. It is up to the MAWD Board to determine how much time, money, and energy is put behind each item.

Resolutions Committee Recommendations

#	Resolution Title	Committee Recommendation
1	Redirect Clean Water Funds from SWCD Local Capacity Services to BWSR Accelerated Implementation of Watershed Based Implementation Funding	Recommends adoption
2	Extend Eligibility of BWSR Clean Water Fund Local Capacity Services Grant (non-competitive) to Non-Metro Watershed Districts Who Request Assistance to Implement 1W1P and Clean Water Fund Programs and Projects	Recommends adoption with amendment
3	Increased Flexibility in Open Meeting Law to Utilize Interactive Technology	Recommends adoption
4	Increased Flexibility in Open Meetings Law to Utilize Interactive Technology	If Resolution #3 is adopted, this resolution is moot
5	Resolution Seeking Expansion of Federal Multi-Peril Crop Insurance to Include Crop Losses Within Impoundment Areas	Recommends adoption
6	State Agencies Required to Seek Review and Comment from Affected Local Units of Government on New or Amended Water Management Policies Prior to Adoption	Recommends adoption with amendment
7	Metro WBIF – Clarify Session Law, Section 6 (a) to specifically call out Metro Watershed Based Implementation Funding to be directed to watershed management plans that have a board-approved and local-government-adopted plan as authorized in Minnesota Statutes section 103B	Recommends adoption

Proposed Bylaws Amendment

This year we will also be reviewing and acting on proposed changes to the bylaws. Potential changes include adding an emergency resolution process that would allow the Board of Directors to temporarily adopt time-sensitive policies until they can be formally adopted by members. Other updates include requiring a super majority of the board before a director can be removed, adding a general statement that MAWD will work to protect the statutory rights of members, and various minor clarifications.

BACKGROUND INFO on MAWD RESOLUTION 2021-01

Redirect Clean Water Funds from SWCD Local Capacity Services to BWSR Accelerated Implementation of Watershed Based Implementation Funding

Proposing District: Capitol Region Watershed District
Contact Name: Mark Doneux, Administrator
Phone Number: 651-440-9390
Email Address: mdoneux@capitolregionwd.org

Background that led to the submission of this resolution:

For the past several bienniums, the legislature has used \$24 million in Clean Water Fund dollars to provide capacity funding for SWCDs. There seems to be some general consensus that this is a stop gap measure until another, permanent, long-term funding option is developed for the SWCDs. In the meantime, each biennium, \$24 million of the Clean Water Fund is used for this purpose. It can be debated that this is even allowed under the Clean Water Fund. However, even if it was allowed, it should not be directed to a single entity for capacity purposes, i.e. staff, equipment, etc.

Ideas for how this issue could be solved:

Redirect Clean Water Funds from SWCD Local Capacity Services to BWSR Accelerated Implementation of Watershed Based Implementation Funding.

Efforts to solve the problem:

There have been no efforts to date for this change since it may be current MAWD policy to support this funding allocation from the Clean Water Fund.

Anticipated support or opposition:

Most watershed districts would likely support this effort. However, SWCDs are likely to oppose a shift in this funding to the Accelerated Implementation grants for Watershed Based Implementation Funding. Given the statewide affect of this resolution, it would be better coming from the MAWD Board directly.

This issue (check all that apply):

Applies only to our district:	<input type="checkbox"/>	Requires legislative action:	<input checked="" type="checkbox"/>
Applies only to 1 or 2 regions:	<input type="checkbox"/>	Requires state agency advocacy:	<input checked="" type="checkbox"/>
Applies to the entire state:	<input checked="" type="checkbox"/>	Impacts MAWD bylaws or MOPP:	<input type="checkbox"/>

MAWD RESOLUTION 2021-01

Redirect Clean Water Funds from SWCD Local Capacity Services to BWSR Accelerated Implementation of Watershed Based Implementation Funding

WHEREAS, for the past several biennium, the legislature has used \$24 million in Clean Water Fund dollars to provide capacity funding for SWCDs.

WHEREAS, the distribution of \$24 million in Clean Water Fund dollars to SWCDs is a stop gap measure until another, permanent, long-term funding option is developed for the SWCDs. It is unclear that distribution of these funds is even allowed under the Clean Water Fund. However, even if it was allowed, it should not be directed to a single entity for capacity purposes, i.e. staff, equipment, etc.

THEREFORE, BE IT RESOLVED that MAWD supports the redirection of Clean Water Funds from SWCD Local Capacity Services to BWSR Accelerated Implementation of Watershed Based Implementation Funding.

Notes on Committee discussion:

The SWCDs are receiving capacity funds from the Clean Water Fund (CWF). This decision was made by the legislature, and it is BWSR's responsibility to implement the program as directed. In previous discussions, the MAWD membership was divided about how this should be handled. Some members wanted MAWD to fight to expand capacity fund eligibility to Greater Minnesota watershed districts. Other members did not want any CWF dollars to be used for capacity because it is viewed as an ineligible use of those funds.

The Committee recommends adoption of this resolution.

BACKGROUND INFO on MAWD RESOLUTION 2021-02

Extend Eligibility of BWSR Clean Water Fund Local Capacity Services Grant (non-competitive) to Non-Metro Watershed Districts Who Request Assistance to Implement 1W1P and Clean Water Fund Programs and Projects

Proposing District: Pelican River Watershed District
Contact Name: Dennis Kral, President
Phone Number: 218-846-0436
Email Address: prwdinfo@arvig.net

Background that led to submission of this resolution:

Watershed district workloads have increased greatly over the past several years and for WD's to be eligible for the non-competitive BWSR Capacity Base grant (FY20 Base Grant \$107,500) to augment/match our local tax dollars would be very helpful for the non-metro, smaller watershed districts to increase their local capacity to implement activities that are consistent with the purposes of the Clean Water Fund to "...protect, enhance, and restore water quality in lakes, rivers, and streams and to protect groundwater from degradation...".

HOW THE BWSR LOCAL CAPACITY FUNDS ARE USED

BWSR provides non-competitive Clean Water Funds to our Soil and Water Conservation District partners to augment the local county tax funding for:

1. General administration and operations. Employing additional staff, rental of office space, automobile operating expenses, postage and utilities, and board member compensation and expenses, technology/capital expenditures, education, information, inventory, mapping, monitoring/data collection, planning and assessment, project development, regulations, ordinances, enforcement, technical/engineering assistance.
2. Cost share/incentives. water storage and treatment (retention/detention/wetland restoration, vegetation), excess nutrients (lake and stream quality restoration, groundwater sustainability), riparian zone management (ditches, lakes, streams, waterways), and soil erosion (agricultural practices, conservation drainage, forestry practices, groundwater, livestock waste management, non-structural management practices, streambank and shoreline protection, subsurface sewage treatment systems, urban stormwater practices, wetland restoration/creation, wind erosion, special projects.

Ideas for how this issue could be solved:

The District recommends requesting BWSR to include non-metro watershed districts as an eligible local unit of government who may receive a local capacity base grant funds if requested by a WD, to assist with the implementation of Clean Water Fund eligible activities.

Anticipated support or opposition:

No opposition is anticipated from other local government units.

This issue (check all that apply):

Applies only to our district:	<input type="checkbox"/>	Requires legislative action:	<input type="checkbox"/>
Applies only to 1 or 2 regions:	<input type="checkbox"/>	Requires state agency advocacy:	<input type="checkbox"/>
Applies to the entire state:	<input checked="" type="checkbox"/>	Impacts MAWD bylaws or MOPP:	<input type="checkbox"/>

MAWD RESOLUTION 2021-02

Extend Eligibility of BWSR Clean Water Fund Local Capacity Services Grant (non-competitive) to Non-Metro Watershed Districts Who Request Assistance to Implement 1W1P and Clean Water Fund Programs and Projects

WHEREAS, the planning and implementation of capacity funding for watershed districts over the past decade has fallen behind needed funding for new programs like the 1W1P and other watershed district programs that requires watersheds districts to expend funds for staff time, facilities management, supplies, conservation cost shares, equipment acquisition, manager per diems, travel, and related office expenses; and

WHEREAS, a large majority of non-metro watershed districts have a levy cap of .048 of market value or a maximum of \$250,000, regardless of the size or complexity of the watershed district plan; and

WHEREAS, the legislature has provided additional capacity funds to SWCDs while Greater Minnesota WDs have operated at the same levy cap for the past 20 years, even though demands for services have increased (especially with the demands required for 1W1P planning efforts); and

WHEREAS, watershed districts operating under MN Statutes 103D in Greater Minnesota have an on-going need for capacity funding for watershed districts for staff time, facilities management, supplies, conservation cost shares, equipment acquisition, manager per diems, staff and manager training, travel, IT development for public transparency, and a multitude of other related administrative expenses.

NOW THEREFORE BE IT RESOLVED that MAWD supports capacity base funding resources directed to non-metro watershed districts who request this assistance, to implement the activities as outlined in approved watershed district water management plans or 1W1P that are consistent with the purposes of the Clean Water Fund to “...protect, enhance, and restore water quality in lakes, rivers, and streams and to protect groundwater from degradation...”.

Notes on Committee discussion:

The SWCDs are receiving capacity funds from the Clean Water Fund (CWF). This decision was made by the legislature, and it is BWSR’s responsibility to implement the program as directed. In previous discussions, the MAWD membership was divided about how this should be handled. Some members wanted MAWD to fight to expand capacity fund eligibility to Greater Minnesota watershed districts. Other members did not want any CWF dollars to be used for capacity because it is viewed as an ineligible use of those funds.

Funding for capacity should come from the general fund, not the CWF. If it is coming from the CWF, then Greater Minnesota watershed districts should be eligible to receive the funds. The \$250,000 levy cap limits the ability of Greater Minnesota watershed districts to implement projects.

It was suggested that a way to solve the inequity of the \$24 million CWF dollars would be to expand eligibility to include non-103B watershed districts restricted by the \$250,000 general levy limit and remove SWCD eligibility for those SWCDs that already receive \$250,000 or more from their county.

The Resolutions Committee recommends adoption of this resolution.

BACKGROUND INFO on MAWD RESOLUTION 2021-03

Increased Flexibility in Open Meeting Law to Utilize Interactive Technology

Proposing District: Riley Purgatory Bluff Creek Watershed District
Contact Name: Terry Jeffery, Interim District Administrator
Phone Number: 952-807-6885
Email Address: tjeffery@rpbcwd.org

Background that led to the submission of this resolution:

Due to the impacts of the COVID-19 pandemic, The Open Meeting Law, Minnesota Statutes Chapter 13, was revised by the 2021 Minnesota Session Laws to provide increased flexibility for participation in public meetings by telephone and interactive technology. The revisions to Minnesota Statutes Sections 13D.02 and 13D.021 provide for this additional flexibility in the event that a health pandemic or emergency is declared under Chapter 12 of Minnesota Statutes. When the health pandemic or emergency is no longer declared, the standard, non-emergency meeting participation and notice requirements for remote participation by a member of a public body apply.

The standard, non-emergency language in the Open Meeting Law allows a member of a public body board to remotely attend and participate in a public meeting using interactive technology, provided that participation is from a public and publicly noticed location (13D.02 Subdivision 1 (5)); and 2). A member may participate remotely from a nonpublic location in a public meeting up to three times in a calendar year due to military deployment or medically documented personal health reasons.

Many public bodies, including watershed districts, successfully used interactive technology to conduct business, including public meetings, during the pandemic. Benefits to using these platforms that went beyond health and safety included reduced travel costs and time for the public and organizations using the platform; increased opportunities for public engagement; lower barriers to public engagement; and increased equity and opportunity for potential leaders and participants.

This proposed resolution declares MAWD's support for changes to the Open Meeting Law that would eliminate the requirement that public body board members participating in a meeting remotely by interactive technology be in a public and publicly noticed location, and the limitation on the number of times a member may participate remotely in a calendar year. It requires public bodies to provide members of the public access to public meetings using interactive technology at the regular meeting location, at which at least one representative of the public body must be present. It requires that the public be provided the opportunity to offer public comment during the meeting from remote locations or the regular meeting location. It further requires that a public body conducting public meetings under the revised Open Meeting Law must publish procedures for conducting meetings using interactive technology to put its members and the public on notice.

Ideas for how this issue could be solved:

Revise Minnesota Statutes Section 13D.02 to eliminate the limitation on a member of a public body's remote participation in public meetings by interactive technology, and eliminate the requirement that the location of the member be public and noticed as such; provide opportunity for public participation by interactive technology at the regular meeting location; and require a public body that conducts a public meeting using interactive technology to publish procedures for conducting meetings using interactive technology.

All other requirements of the Open Meeting Law would continue to apply to ensure public access and transparency, including, but not limited to: roll call voting; public comment; ability to be seen and heard; public notice; representation by a member or designated representative at the regular meeting location; and recording and posting of public meeting minutes.

Efforts to solve the problem:

The District has discussed trends in interactive technology use by watershed districts and other public bodies, as well as anticipated legislative action, with its attorneys. The District has no state agency, legislative, or county responses to report.

Anticipated support or opposition:

The District anticipates support from organizations that experienced benefits from use of interactive technology for their public meetings that would like to continue to use the flexibility of interactive technology. The District also anticipates public support for the continued use of interactive technology, which has expanded access to public meetings.

Opposition may come from advocates for the existing Open Meeting Law.

This issue (check all that apply):

Applies only to our district:	_____	Requires legislative action:	_____ <u>X</u> _____
Applies only to 1 or 2 regions:	_____	Requires state agency advocacy:	_____ <u>maybe</u> _____
Applies to the entire state:	_____ <u>X</u> _____	Impacts MAWD bylaws or MOPP:	_____ _____

RILEY PURGATORY BLUFF CREEK WATERSHED DISTRICT

PROPOSAL TO AMEND Minnesota Statutes Section 13D.02 as follows:

13D.02 OTHER ENTITY MEETINGS BY INTERACTIVE TECHNOLOGY.

Subdivision 1. Conditions.

- (a) A meeting governed by Section 13D.01, subdivisions 1, 2, 4, and 5, and this section may be conducted by interactive technology so long as:
- (1) all members of the body participating in the meeting, wherever their physical location, can hear and see one another and can hear and see all discussion and testimony presented at any location at which at least one member is present;
 - (2) members of the public present at the regular meeting location of the body can hear and see all discussion and testimony and all votes of members of the body;
 - (3) at least one member of the body, chief legal counsel, or chief administrative officer is physically present at the regular meeting location where participation by interactive technology is available to members of the body and public present, unless participation at the regular meeting location is not practical or prudent under Section 13D.021; and
 - (4) all votes are conducted by roll call so each member's vote on each issue can be identified and recorded; ~~and~~
 - (5) ~~each location at which a member of the body is present is open and accessible to the public.~~
- (b) A meeting satisfies the requirements of paragraph (a), although a member of the public body participate from a location that is not open or accessible to the public, ~~if the member has not participated more than three times in a calendar year from a location that is not open or accessible to the public, and:~~
- ~~(1) the member is serving in the military and is at a required drill, deployed, or on active duty; or~~
 - ~~(2) the member has been advised by a health care professional against being in a public place for personal or family medical reasons. This clause only applies when a state of emergency has been declared under section 12.31, and expires 60 days after the removal of the state of emergency.~~

Subdivision 4. Notice of regular ~~and all member~~ locations.

If interactive technology is used to conduct a regular, special, or emergency meeting, the public body shall provide notice of the regular meeting location, ~~and notice of any location where a member of the public body will be participating in the meeting by interactive technology, except for the locations of members participating pursuant to subdivision 1, paragraph (b).~~ The timing and method of providing notice must be as described in section 13D.04.

Subdivision 6. Record.

The minutes for a meeting conducted under this section must reflect the names of any members appearing by interactive technology, and state the reason or reasons for the appearance by interactive technology.

Subdivision 7. Public comment period.

If a public body's practice is to offer a public comment period at in-person meetings, members of the public shall be permitted to comment from a remote location during the public comment period of the meeting, to the extent practical.

Subdivision 8. Rules and procedures.

A public body that conducts a meeting under this section must publish procedures for conducting meetings using interactive technology no later than December 31, 2022.

MAWD RESOLUTION 2021-03

Increased Flexibility in Open Meeting Law to Utilize Interactive Technology

WHEREAS, the Open Meeting Law (Minnesota Statutes Chapter 13D) provides that the governing bodies of watershed districts and other units of government may hold meetings and provide for participation by board members through use of interactive technology, so long as there is a declaration of pandemic or emergency;

WHEREAS, during the COVID-19 pandemic, many public bodies, including watershed districts, used interactive technology platforms, including reduced travel costs and time to the public and the organizations using the platform; increased opportunities for public engagement; decreased barriers to public engagement; and increased equity and opportunity for potential leaders and participants;

WHEREAS, the current statute allows for members to participate in meetings through interactive technology, but absent a declaration of pandemic or emergency, requires that a member participating through interactive technology must be in a location that is open and accessible to the public and noticed as such; an exception is allowed up to three times in a calendar year for military deployment or medically documented personal health reasons (13D.02, subdivision 1(A)(5), subdivision 1(b));

WHEREAS, even absent a declaration of pandemic or emergency, remote meeting participation through the use of interactive technology provides benefits to facilitating member participation while also assuring that decision making is transparent and meetings are accessible to the public;

NOW, THEREFORE, BE IT RESOLVED that MAWD supports changes to the Open Meeting Law to provide greater flexibility in the use of interactive technology by allowing members to participate remotely in a nonpublic location that is not noticed, without limit on the number of times such remote participation may occur; and allowing public participation from a remote location by interactive technology, or alternatively from the regular meeting location where interactive technology will be made available for each meeting, unless otherwise noticed under Minnesota Statutes Section 13D.021;

BE IT FURTHER RESOLVED that MAWD supports changes to the Open meeting Law requiring watershed districts to prepare and publish procedures for conducting public meetings using interactive technology.

Notes on Committee discussion:

It takes a lot of work to coordinate both in-person and online meetings, especially when side conversations take place. Online meeting costs can be expensive. Some watershed districts will be permanently offering an online option for the public. There are benefits to not limiting the number of times for remote participation for managers that are gone in the winter months. It may even entice more people to be interested in serving as managers since it is difficult to fill those positions in Greater Minnesota. Watershed districts could implement being more restrictive with the number of times remote participation could occur.

Current state law requires that meetings must be held within the watershed district and that everyone has to be able to see the board members participating. Many Greater Minnesota residents do not have access to online technology. Online meetings do not allow for personal connections. If watershed districts only use online technology, it gives permission to the legislature to do the same. It can be perceived as a way to avoid the public and public input.

The Committee recommends adoption of this resolution and generally supports (1) more flexibility for online meetings, (2) not requiring managers to be in a public place, (3) not requiring watershed districts to have a reason for an online meeting, and (4) allowing individual districts the flexibility to implement an internal policy that is more restrictive than state law.

BACKGROUND INFO on MAWD RESOLUTION 2021-04

Increased Flexibility in Open Meeting Law to Utilize Interactive Technology

Proposing District: Rice Creek Watershed District
Contact Name: Nick Tomczik, District Administrator
Phone Number: 763-398-3079
Email Address: ntomczik@ricecreek.org

Background that led to submission of this resolution:

Due to the COVID-19 pandemic, changes were made to the open meetings law to offer increased flexibility during the pandemic. These changes provide additional flexibility to the requirements and exemptions in place due to a health pandemic or emergency declaration. Moving forward, traditional open meetings requirements are in place unless the health pandemic or emergency declaration are made.

The existing open meetings law allows for members to attend and participate using interactive technology, but all members participating from a remote location must still be in a public (and publicly noticed) location (13D.02 Subdivision 1 (5)) unless the health pandemic or emergency declaration is made.

Many public boards (including watershed district boards) used modern interactive technology to conduct business during the pandemic. There were many benefits to using these platforms that went beyond health and safety during a pandemic. These benefits included reduced travel cost and time to the public and the organizations using the platform, increased opportunities for public engagement, decreased barriers to public engagement, and increased equity and opportunity for potential leaders and participants.

This proposed resolution would declare MAWD support to seek changes to the Open Meeting Law that would modify the requirement for all watershed district board members to participate from a public (and publicly noticed) location when using interactive technology (during normal times).

Ideas for how this issue could be solved:

Amend Minnesota Statutes section 13D.02 so that a member may participate up to three times per calendar year through interactive technology from a location that is not open and accessible to the public. (See attached Proposal for specific language.) All other requirements of the Open Meeting Law would apply to assure public access and transparency. The remaining requirements include (but are not limited to) roll call voting, participation by the public / public engagement, ability to be seen and heard, public notice, one member in the normal and noticed public location, and recording / posting minutes.

Efforts to solve the problem:

Discussing trends and anticipated legislative action on this topic with attorneys. No action or response to report at this time.

Anticipated support or opposition:

Support is anticipated from organizations that experienced the benefits of interactive technology for their meetings and wish to see this flexibility. Support from much of the public is anticipated because of greater access to these meetings.

Opposition may come from organizations that advocate for current open meeting laws.

This issue (check all that apply):

Applies only to our district:	_____	Requires legislative action:	_____ X
Applies only to 1 or 2 regions:	_____	Requires state agency advocacy:	_____ maybe
Applies to the entire state:	_____ X	Impacts MAWD bylaws or MOPP:	_____

RICE CREEK WATERSHED DISTRICT

PROPOSAL TO AMEND Minnesota Statutes Section 13D.02 as follows:

13D.02 OTHER ENTITY MEETINGS BY INTERACTIVE TECHNOLOGY.

Subdivision 1. **Conditions.**

- (a) A meeting governed by section 13D.01, subdivisions 1, 2, 4, and 5, and this section may be conducted by interactive technology so long as:
 - (1) all members of the body participating in the meeting, wherever their physical location, can hear and see one another and can hear and see all discussion and testimony presented at any location at which at least one member is present;
 - (2) members of the public present at the regular meeting location of the body can hear and see all discussion and testimony and all votes of members of the body;
 - (3) at least one member of the body is physically present at the regular meeting location; and
 - (4) all votes are conducted by roll call so each member's vote on each issue can be identified and recorded; ~~and~~
 - ~~(5) Each location at which a member of the body is present is open and accessible to the public.~~
- ~~(b)~~ A meeting satisfies the requirements of paragraph (a), although a member of the public body participates from a location that is not open or accessible to the public, if the member has not participated more than three times in a calendar year from a location that is not open or accessible to the public. Thereafter such member must be present in a location that is open and accessible to the public for the remainder of the calendar year, and:
 - ~~(1) the member is serving in the military and is at a required drill, deployed, or on active duty; or~~
 - ~~(2) the member has been advised by a health care professional against being in a public place for personal or family medical reasons. This clause only applies when a state of emergency has been declared under section 12.31, and expires 60 days after the removal of the state of emergency.~~

2020 MAWD RESOLUTION 2021-04

Increased Flexibility in Open Meeting Law to Utilize Interactive Technology

WHEREAS, the Open Meeting Law (Minnesota Statutes Chapter 13D) generally provides that the governing bodies of watershed districts and other units of government may hold meetings and provide for participation by board members through use of interactive technology, so long as there is a declaration of pandemic or emergency;

WHEREAS, during the COVID-19 pandemic, many public bodies (including watershed district boards of managers) used interactive technology to conduct their business; there were many benefits to using these interactive technology platforms that went beyond health and safety during a pandemic, including reduced travel cost and time to the public and the organizations using the platform, increased opportunities for public engagement, decreased barriers to public engagement, and increased equity and opportunity for potential leaders and participants;

WHEREAS, the current statute allows for members to participate in meetings through interactive technology, but absent a declaration of pandemic or emergency, requires generally that members must be in a location that is open and accessible to the public and noticed as such; an exception is allowed up to three times in a calendar year for military deployment or medically documented personal health reasons (See Section 13D.02, subdivision 1(a)(5), subdivision 1(b));

WHEREAS, even absent a declaration of pandemic or emergency, remote meeting participation through the use of interactive technology provides benefits to facilitating member participation while also assuring that decision making is transparent and meetings are accessible to the public;

NOW, THEREFORE, BE IT RESOLVED that MAWD supports changes to the Open Meeting Law to provide greater flexibility in the use of interactive technology by allowing members to participate remotely in a nonpublic location up to three times in a calendar year.

Notes on Committee discussion:

See discussion on Resolution #3. If that resolution is adopted, Resolution #4 is moot.

BACKGROUND INFO on MAWD RESOLUTION 2021-05

Resolution Seeking Expansion of Federal Multi-Peril Crop Insurance to Include Crop Losses Within Impoundment Areas

Proposing District: Wild Rice Watershed District
Contact Name: Kevin Ruud, Administrator
Phone Number: 218-784-5501
Email Address: Kevin@wildricewatershed.org

Background that led to submission of this resolution:

Watershed districts are faced with locating flood impoundment areas necessary for projects. The problem is it is difficult to convince landowners to sell (especially larger tracts) unless they keep their property in production and have some assurance they will be able to continue to raise a crop within the impoundment area, and further that the crop within such area be eligible for federal crop insurance. Presently, multi-peril crop insurance is available through the Federal Crop Insurance Program Act which is operated and managed by the Risk Management Agency, which is part of the USDA (which is in turn subject to the general supervision of the Secretary of Agriculture). Such multi-peril insurance, however, covers only drought, freeze, disease, and other natural causes. Unnatural causes for crop losses within an impoundment area from flood events are not covered by crop insurance. The result is it becomes very difficult to get property owners to allow their land to be used for flood impoundment areas. The result is projects which may otherwise be viable/beneficial are never built.

Ideas for how this issue could be solved:

The Risk Management Agency of the FCIP needs to expand coverage of multi-peril crop insurance to include crop losses within a flood impoundment area while the site is operational no differently than coverage for losses due to natural causes. To accomplish this, the MAWD needs to inform legislators of the problem – both indirectly through legislators and directly with the Risk Management Agency and/or the Secretary of Agriculture – and invited them to expand multi-peril insurance to include crop losses within flood impoundment areas. Suggested language changes/additions to the Code of Federal Regulations would need to be adopted by FCIP/RMA to accomplish adding crop losses within flood impoundment areas as insurable.

Efforts to solve the problem:

The WRWD Board of Managers has sent a 7-22-21 letter to Senator Amy Klobuchar with a copy to Senator Tina Smith and Representative Michelle Fischbach inviting her/their assistance in creating multi-peril crop insurance coverage specific to farming within flood improvement areas in the Red River Basin of the North. The letter was sent recently and no response has yet been received. A copy of the letter is attached.

Anticipated support or opposition from other governmental units?

Most city, state, or other political subdivisions, tribes, FEMA, and Canada would likely support any efforts to increase the likelihood of being able to create flood impoundment areas. Special interest groups opposed to government flood control efforts may oppose such an expansion of multi-peril crop insurance.

This issue (check all that apply):

Applies only to our district:	_____	Requires legislative action:	_____ X _____
Applies only to 1 or 2 regions:	_____	Requires state agency advocacy:	_____
Applies to the entire state:	_____ X _____	Impacts MAWD bylaws or MOPP:	_____

MAWD RESOLUTION 2021-05

Resolution Seeking Expansion of Federal Multi-Peril Crop Insurance to Include Crop Losses Within Impoundment Areas

WHEREAS, the Wild Rice Watershed District (WRWD) board/staff have explored the feasibility of various potential flood control projects which may prove beneficial to both the WRWD, as well as the entire Red River Basin, but a continuing problem is locating a flood impoundment areas which is supported vs. opposed by the owners of the property needed for such an impoundment area.

WHEREAS, WRWD property owners have expressed they would have interest in selling an easement to allow their property to become an impoundment area for a flood control project if they knew their property would be/remain eligible for federal crop insurance for crop losses sustained on the property within the impoundment area. The result of having willing property owners make their land available for impoundment areas could dramatically improve the chances of putting beneficial flood damage protection projects on the ground.

WHEREAS, the WDWD board/staff have discussed that to accomplish getting crop losses within flood impoundment areas covered by multi-peril crop insurance, there needs to be legislative and/or administrative action taken to convince the Federal Crop Insurance Program/Risk Management Agency, or the Secretary of Agriculture, to so expand the coverage of multi-peril crop insurance.

THEREFORE, BE IT RESOLVED, that MAWD supports expansion of Federal Multi-Peril Crop Insurance to include crop losses within impoundment areas.

Notes on Committee discussion:

This is a farm bill issue and funds to pay for the insurance would be the cost of the federal government. It is a means to get the support of the federal government for flood control projects.

For future resolutions, it would be helpful to have examples of specific application, costs, and other measurable information submitted with the resolution background information.

The Committee recommends adoption of this resolution.

Wild-Rice-Watershed-District

11 5th Ave East · Ada MN 56510 · Phone (218) 784-5501 · Fax (218) 784-2459 · www.wildricewatershed.org

July 22, 2021

Senator Amy Klobuchar
Brian Werner, Senior Legislative Assistant
425 Dirksen Senate Office Building
Washington, DC 20510

Senator Klobuchar,

The Wild Rice Watershed District (WRWD) is requesting assistance to address current rules within the Federal Crop Insurance program that we feel could help to reduce the nationwide impacts of flooding on crop land and resultant Federal expenses from insurance claims.

Issue: Currently, Section 1508(a)(1) of the Federal Crop Insurance Act states in part, "to qualify for coverage under a plan of insurance, the losses of the insured commodity must be due to drought, flood, or other natural disaster." Since under the current rule, insurance is provided only to protect against naturally occurring events, agricultural land within flood control impoundments is not eligible for coverage.

Reasons for Change:

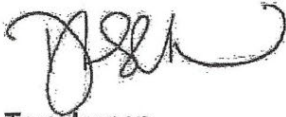
1. Flood control impoundments are designed to temporarily store water in controlled locations during times of excessive runoff. These sites typically are designed to contain higher volume runoff events that result from spring snowmelt events. However, these sites also provide downstream flow and flood reduction during summer growing season flooding. Most of these sites are designed with the ability to store water with average depths of 5-10-ft. This increased depth of storage allows for less acres of land to be inundated. For example, one acre of land inundated in an impoundment site, stores a volume equivalent to 10-40 acres of downstream flooded land (assuming 3-6" of flood depth). This reduction in inundated area ultimately results in less Federal expenses from insurance claims
2. Farmers know that there are risks associated with farming within flood impoundments. However, they should not be penalized in times of severe financial distress because current federal laws do not allow for the purchase of crop insurance when farming flood impoundments. While there is some risk, the farming of flood impoundments provides some opportunities for farmers to increase their capacity to grow crops in a time of food uncertainty for our nation. There are significant input costs associated with crop production and it is unreasonable for our farmers to take all the risk without some form of crop insurance tool being available to offset the risks of farming in flood impoundments.

3. Farming flood impoundments can also be a water quality management tool if nutrients are properly managed. For example, the raising of hay or other forages or corn for silage results in high levels of nutrients being reduced because the entire crop is being removed. Watershed Districts are supportive of farming flood impoundments because it reduces the public costs to control noxious weeds and maintain land, can result in nutrient removal, provides opportunities for farmers to increase crop production, and can provide a revenue stream for WD's to offset maintenance and operational costs associated with the operation of flood impoundments.

We request your assistance in the creation of a crop insurance tool or coverage specific to the farming of flood impoundments for the Red River Basin of the North. When our farmers are profitable, there is economic benefit throughout the Basin and economic vitality is enhanced.

We would appreciate your assistance in addressing this issue to lessen risks for farmers and to reduce public costs. Thank you for your consideration and the WRWD looks forward to further discussing these matters with you.

Sincerely,



Tara Jensen
Bookkeeper, WRWD

CC: Senator Tina Smith
Representative Michelle Fischbach
WRWD Managers

BACKGROUND INFO on MAWD RESOLUTION 2021-06

State Agencies Required to Seek Review and Comment from Affected Local Units of Government on New or Amended Water Management Policies Prior to Adoption

Proposing District: Capitol Region Watershed District
Contact Name: Mark Doneux, Administrator
Phone Number: 651-440-9390
Email Address: mdoneux@capitolregionwd.org

Background that led to the submission of this resolution:

State agencies have varying requirements when adopting water management policies. Often, these policies can have an impact on local watershed organizations, especially when the local units of government are unaware of policies or policy updates. As an example, there is no requirement that BWSR solicit and consider local government input on water management policy. Why input is often requested, it is usually in the form of a survey or other front-end approaches that may seem to address stakeholder input. In reality, the final draft policy is a critical document that local governments are interested in seeing to determine impacts of the policy. In many instances, those implementing state water management programs could make policies better through coordinated and collaborative input prior to adoption by the state.

Ideas for how this issue could be solved:

Require State Agencies to seek review and comment from affected local units of government on new or amended water management policies prior to adoption.

Efforts to solve the problem:

State Associations have requested draft policies prior to adoption, but this process has been inconsistent, provides a very limited window for input, and not established to consistently and thorough consider local government input.

Anticipated support or opposition:

Local units of government, i.e. watershed districts, counties, SWCDs, and cities would likely support this, but may have opposition from state agencies. This should be considered a potential MAWD resolution.

This issue (check all that apply):

Applies only to our district:	_____	Requires legislative action:	_____ X _____
Applies only to 1 or 2 regions:	_____	Requires state agency advocacy:	_____ X _____
Applies to the entire state:	_____ X _____	Impacts MAWD bylaws or MOPP:	_____ _____

MAWD RESOLUTION 2021-06

State Agencies Required to Seek Review and Comment from Affected Local Units of Government on New or Amended Water Management Policies Prior to Adoption

WHEREAS, State Agencies have varying requirements when adopting water management policies. Often, these policies can have an impact on local watershed organizations, especially when the local units of government are unaware of policies or policy updates.

WHEREAS, there is no requirement that BWSR solicit and consider local government input on water management policy.

WHEREAS, the final draft policy of a State Agency is a critical document that local governments are interested in seeing to determine impacts of the policy.

WHEREAS, local units of government implementing state water management programs could make policies better through coordinated and collaborative input prior to adoption by the state.

THEREFORE, BE IT RESOLVED, that MAWD supports requiring State Agencies to seek review and comment from affected local units of government on new or amended water management policies prior to adoption.

Notes on Committee discussion:

Having a meaningful period of time for comment that doesn't tie the hands of staff and lobbyists is important. Implementing what is requested in this resolution would not just impact watershed districts, but also other local government units.

BWSR spends significant energy into gathering input from local governments but does not allow much time to review what is put on paper before the BWSR board needs to adopt it. Greater Minnesota often feels they do not receive information until it has already been adopted as BWSR policy. While watershed districts give comments after the fact, BWSR should be open to providing for comment and input in advance of adopting policy.

Watershed districts are required to draft documents, provide a 60-day comment period, and then respond to the comments in writing. This is a process that could easily be implemented by BWSR.

In the case of the Metro WBIF, BWSR did not respond to the technical paper submitted by MAWD or to the letters they received from metro watershed districts.

If this resolution is adopted (or any resolution that is adopted), it goes to the MAWD Legislative Committee. The MAWD Legislative Committee makes a prioritized recommendation that is presented to the MAWD Board for adoption.

There are a variety of options that could be pursued in regard to this particular resolution. It is past the point of writing a letter. The next steps would be going to the legislature or submitting a rule making petition to the BWSR Board.

If adopted, this would apply to all government entities (DNR, MPCA, etc.), not just BWSR.

The Committee recommends adoption of this resolution if the following amendment would be added during the resolutions hearing:

THEREFORE, BE IT RESOLVED, that MAWD supports requiring State Agencies to seek a meaningful, not less than 60-day review and comment from affected local units of government on new or amended water management policies and a response to the comments is required prior to adoption.

BACKGROUND INFO on MAWD RESOLUTION 2021-07

Metro WBIF – Clarify Session Law, Section 6 (a) to specifically call out Metro Watershed Based Implementation Funding to be directed to watershed management plans that have a board-approved and local-government-adopted plan as authorized in Minnesota Statutes, section 103B

Proposing District: Capitol Region Watershed District
Contact Name: Mark Doneux, Administrator
Phone Number: 651-440-9390
Email Address: mdoneux@capitolregionwd.org

Background that led to the submission of this resolution:

The Board of Water and Soil Resources (BWSR) has been piloting options for long term funding through its watershed-based implementation funding (WBIF) program for the metro area, as it moves away from competitive based funding for clean water projects.

Pilot programming for watershed-based implementation funding was implemented in the 2018-2019 and 2020-2021 biennium as a means to developing best practices for the long-term sustained implementation of WBIF.

Throughout that time metro watershed management organizations have repeatedly provided critical insight, feedback, and concrete policy guidance to BWSR based on real world experience with implementing the pilot programs; measured against the stated goals of BWSR – stemming from prior recommendations from the Local Government Water Roundtable.

In addition to consistent feedback regarding the lack of specific measurable goals, opaque process, and inconsistent communication from BWSR to stakeholders; metro watershed management organizations have repeatedly recommended that BWSR’s “watershed based” funding program be truly watershed based – relying on metropolitan watershed management plans – in order to achieve policy objectives of:

- ensuring a simplified administrative process;
- being driven by locally led collaboration;
- providing reliable support for local water management;
- being prioritized, targeted, and measurable; and
- depending on watershed management plans to address the largest pollution threats and provide the greatest environmental benefit to each watershed.

In response to feedback, BWSR has communicated that the watershed-based funding pilot program “is truly a pilot program”, and that it was committed to working with local government partners to leverage the feedback and learning gathered through the pilot process. Unfortunately, to date the consistent recommendations from metro watersheds have not been meaningfully or transparently integrated into BWSR’s policy evaluation or decision making.

Ideas for how this issue could be solved:

Throughout the implementation of the WBIF pilot programs a variety of alternatives have been identified. These are outlined in the attached policy analysis matrix (Attachment A) and include:

- A. Allocated funds by BWSR defined 10 Metro Watershed Areas.
 1. Eligible LGUs meet in each of the 10 WS Areas to decide distribution of funds. *Used in FY2020-2021 cycle
- B. Allocate funds by BWSR defined 33 Metro Watershed Areas.
 1. Eligible LGUs meet in each of the 33 WD Areas to decide distribution of funds.
- C. Allocate each eligible entity in Metro (WMO, SWCD, County, up to 47 entities) to fund each plan.
- D. Metro-wide competitive grant for all eligible entities.
- E. Allocate funds by BWSR defined 3 Metro Watershed Areas based on major river basins (MN, Miss, St Croix).
 1. 1. Eligible LGUs meet in each of the 3 WS Areas to decide distribution of funds.
- F. Allocate funds to each of the 33 Metro Watershed Management Organizations with approved Plans. WMO/WDs decide the distribution of funds.

- G. Allocate funds to each of the 23 metro Watershed Management Organizations with approved plans that are not part of a 1W1P. WD/WMOs decide the distribution of funds.

Efforts to solve the problem:

Throughout the time metro watershed management organizations have repeatedly provided critical insight, feedback, and concrete policy guidance to BWSR based on real world experience with implementing the pilot programs; measured against the stated goals of BWSR – stemming from prior recommendations from the LGWR.

In addition to consistent feedback regarding the lack of specific and measurable goals, opaque process, and inconsistent communication from BWSR to stakeholders; metro watershed management organizations have repeatedly recommended that BWSR’s “watershed based” funding program be truly watershed based – relying on metropolitan watershed management plans – in order to achieve policy objectives.

Anticipated support or opposition:

We believe most or all Metro Watershed Districts have or will support this approach. To date, Capitol Region, Rice Creek, Ramsey Washington Metro, Minnehaha Creek, Vadnais Lake WMO, and South Washington have already sent a letter of support for this approach to Watershed Based Implementation Funding.

This issue (check all that apply):

To the entire State:	_____	Requires legislative action:	_____ X _____
Only to Region III:	_____ X _____	Requires state agency advocacy:	_____ X _____
Only our District:	_____	Impacts MAWD bylaws or MOPP:	_____

MAWD RESOLUTION 2021-07

Metro WBIF – Clarify Session Law, Section 6 (a) to specifically call out Metro Watershed Based Implementation Funding to be directed to watershed management plans that have a board-approved and local-government-adopted plan as authorized in Minnesota Statutes, section 103B

WHEREAS, the Board of Water and Soil Resources (BWSR) has been piloting options for long term funding through its watershed based implementation funding (WBIF) program for the metro area, as it moves away from competitive based funding for clean water projects.

WHEREAS, throughout that time metro watershed management organizations have repeatedly provided critical insight, feedback, and concrete policy guidance to BWSR based on real world experience with implementing the pilot programs; measured against the stated goals of BWSR – stemming from prior recommendations from the Local Government Water Roundtable.

WHEREAS, in addition to consistent feedback regarding the lack of specific measurable goals, opaque process, and inconsistent communication from BWSR to stakeholders; metro watershed management organizations have repeatedly recommended that BWSR’s “watershed based” funding program be truly watershed based – relying on metropolitan watershed management plans – in order to achieve policy objectives of:

- ensuring a simplified administrative process;
- being driven by locally led collaboration;
- providing reliable support for local water management;
- being prioritized, targeted, and measurable; and
- depending on watershed management plants to address the largest pollution threats and provide the greatest environmental benefit to each watershed.

WHEREAS, in response to feedback, BWSR has communicated that the watershed-based funding pilot program “is truly a pilot program”, and that it was committed to working with local government partners to leverage the feedback and learning gathered through the pilot process. Unfortunately, to date the consistent recommendations from metro watersheds have not been meaningfully or transparently integrated into BWSR’s policy evaluation or decision making.

THEREFORE, BE IT RESOLVED that MAWD supports BWSR distribution of metro WBIF among the 23 WMOs with state-approved comprehensive, multiyear 103B watershed management plans. Those plans implement multijurisdictional priorities at a watershed scale and facilitate funding projects of any eligible local government unit (including soil and water conservation districts, counties, cities, and townships).

Notes on Committee discussion:

This resolution stems from a need to ensure 1W1P funds are distributed on a watershed basis. To date, metro watershed districts have worked with BWSR to work on the details, but their recommendations have not been integrated into BWSR policy or decision making.

BWSR does not recognize that metro watershed district plans are inclusive of SWCDs. There is an existing watershed management plan amendment process that could be used if SWCDs do not feel they are adequately represented in the watershed-based plan. Instead, BWSR is proposing enhanced SWCD plans that would be equally eligible for funding.

As it is currently proposed, the 1W1P funds would be distributed to the watershed area. Instead of using the existing watershed plan and committees that are already established, a committee consisting of representatives from SWCDs, cities, counties, and a watershed

district would make the decision on how the funds would be spent. A watershed district would have no decision-making ability. The seven SWCDs in the metro have signed a letter saying they want to have the option to write their own enhanced plans.

The MAWD Board meets on October 25. The BWSR Board meets on October 27 and intends to act on the proposal that includes a process for enhanced SWCD plans. The Committee recommends adoption of this resolution, knowing that there may be amendments from the floor at the MAWD business meeting based on the decision made at the October BWSR Board meeting.

Attached to this resolution is the policy analysis submitted by MAWD to BWSR that reviews program criteria against proposed policy proposals. Several letters were submitted to BWSR in support of this analysis and are available upon request.

BYLAWS

MINNESOTA ASSOCIATION OF WATERSHED DISTRICTS, INC.

St. Paul, Minnesota

ARTICLE I.

Offices and Corporate Seal

- 1.1 Official Name. The official name of the corporation is the Minnesota Association of Watershed Districts, Inc., hereinafter referred to as MAWD.
- 1.2 Purpose. The purpose of MAWD is to provide educational opportunities, access to information resources, interface with other agencies, facilitate tours, meetings, and lobby on behalf of members. Additionally, MAWD will facilitate the exchange of information to help members better comply with governmental regulations and laws while offering an informed interface with the community or communities being served. MAWD will work to protect the statutory rights of its members.
- 1.3 Organized. The corporation is organized as a 501(c)(4) organization. Notwithstanding any provision of the Articles of Incorporation or Bylaws which may be interpreted to the contrary, MAWD shall not authorize or undertake any actions which jeopardize its status as a 501(c)(4) organization.
- 1.4 Office. The registered office of the corporation shall be designated by the Board of Directors.
- 1.5 Corporate Seal. The corporation shall have no corporate seal.
- 1.6 Manual of Policy and Procedures. The Board of Directors has established a management document identified as Manual of Policy and Procedures (MOPP) to support the orderly and timely details of regular operation. It may be revised at any time by a majority vote of the Board of Directors.

ARTICLE II.

Membership

- 2.1 Membership. Each dues-paying watershed district (WD) or water management organization (WMO) duly established and in good standing pursuant to Minnesota Statutes, Chapter 103B or 103D, shall be entitled to membership in this corporation.
- 2.2 Delegates. Alternates. When a WD or WMO becomes a member of this corporation, it shall designate from among its board members two delegates to represent it in this corporation. In addition, each member may designate alternate delegates to represent such member in the absence of any originally designated delegate. Thereafter, each member shall annually designate its delegates and alternate delegates so long as it remains a member in good standing of this corporation.
- 2.3 Termination of Membership. Any member that has failed to pay its dues is not in good standing and shall be stricken from the membership roll.

- 2.4 Resignation of Member. Any member may withdraw from this corporation effective immediately by notifying the secretary in writing. Regardless of the date of termination, there shall be no refund of the annual dues paid by the member.
- 2.5 Associate Membership. The Board of Directors may from time to time extend associate membership to this corporation upon payment of dues as determined by the Board of Directors. An associate member shall not be entitled to submit resolutions, vote, or serve on the Board of Directors, but shall otherwise be afforded all the rights and privileges granted to members, their delegates and alternate delegates by law and by the Articles of Incorporation and Bylaws of this corporation.

ARTICLE III. Meetings of Membership

- 3.1 Annual Meeting. An annual meeting of this corporation shall be held to vote for the election of the Board of Directors and to transact such other business as shall properly come before them. Notice of the time and place of such annual meeting shall be mailed, either physically or electronically, by the secretary to all members at least thirty (30) days in advance thereof.
- 3.2 Special Meeting. Special meetings of the members of the corporation shall be called by the president upon request of a majority of directors of the Board of Directors or upon the written request of one-third of the members of the corporation in good standing. This request shall be in writing addressed to the president or the secretary of the corporation. Within thirty days of receipt of said request, the Board of Directors shall, mail (either physically or electronically) notice of said special meeting to all members. This notice shall state the objective of the meeting and the subjects to be considered.
- 3.3 Quorum. A majority of the delegates (two per member) shall constitute a quorum for the transaction of business.
- 3.4 Voting. Any action taken by the members shall be by majority vote of the delegates present unless otherwise specifically provided by these Bylaws. Each member shall be entitled to one (1) vote for each delegate present.

ARTICLE IV. Board of Directors

- 4.1 General Powers. The business activities of the corporation shall be directed and managed by the Board of Directors. The Board of Directors shall be authorized to pay officers and directors of the corporation per diem allowances and expenses as may from time to time be submitted to the Board of Directors, and such other expenses as may from time to time be necessary for the furtherance of the corporation's business, consistent with the rate and provisions of watershed board member per diem allowances and expense reimbursement provided in state law. The Board of Directors is authorized to hire and/or contract for services needed.
- 4.2 Directors to be Elected by Regions. For the purpose of election of the Board of Directors, members are grouped into three regions; three Directors shall be elected from each region, with staggered three-year terms. Members from each region shall elect one director for a three-year term at the annual meeting of the Association. No WD or WMO shall have more than one board member elected

to be a Director on the Board of Directors of the Corporation. Regional caucuses shall elect a Chairman and Recording Secretary from its delegates for the purpose of its election procedure and report the election results to the Convention at a designated time.

- 4.3 Regions. The Board of Directors may re-align the regions or the members contained therein, it being the intent and purpose that each region contain the approximate same number of members. Any WD or WMO in Minnesota not presently a member of this corporation, upon admission to membership, will be assigned to a region by the Board of Directors. Regional membership shall be listed in the Policy and Procedure Manual.
- 4.4 Number, Qualification and Term of Office. The number of directors constituting the board shall be nine. Each director elected at the annual meeting shall be elected for a three-year term. Directors shall be on the board of a watershed member in good standing of this corporation.
- 4.5 Vacancies. If there be a vacancy among the officers of the corporation or among the directors by reason of death, resignation, termination of membership, or removal as provided by law, the Articles of Incorporation, or these Bylaws, or otherwise or for non-excused absences for three consecutive meetings, such vacancy shall be filled by the Board of Directors until the next Annual Meeting of the Association.
- 4.6 Removal of Directors by Members. At a special meeting of the Board of Directors called solely for that reason, the notice of which meeting shall have been given in writing to members of this board at least thirty days prior thereto and not more than fifty days prior thereto, a super majority of ~~the~~ 7 members of this board may remove one or more directors from their term of office without cause.
- 4.7 Meetings, Actions. The Board of Directors shall hold the annual meeting of the Board of Directors immediately after the annual meeting of the members of this corporation, and at such annual meeting shall elect the officers as above provided for. Regular meetings of the Board of Directors shall be held at a time and place to be fixed by resolution or adopted by the majority of the Board of Directors.

The majority of the Board of Directors shall constitute a quorum. Directors may participate and vote in Board of Directors meetings by telephone or other electronic means approved by the Board in the MOPP.

Actions may be taken by a majority vote of those Directors present or participating by telephone or other electronic means approved by the Board in the MOPP. The secretary of the board shall give written or electronic notice to each director at least ten (10) days in advance of any regular or special directors' meeting. Special meetings may be called at the discretion of the President of the board or upon demand in writing to the secretary by three (3) directors of the Board of Directors.

- 4.8 Conflicts of Interest. Members of the Board of Directors shall act at all times in the best interests of the corporation. This means setting aside personal self-interest and performing their duties in transacting the affairs of the corporation in such a manner that promotes public confidence and trust in the integrity, objectivity and impartiality of the Board. No Director shall directly or indirectly receive any profit from his/her position as such, and Directors shall serve without remuneration other than as provided in Section 4.1 of these Bylaws for the payment for reasonable expenses

incurred by them in the performance of their duties. The pecuniary interests of immediate family members or close personal or business associates of a Director are considered to also be the pecuniary interest of the Director.

- 4.9 Indemnification. All directors and officers of the corporation shall be indemnified against any and all claims that may be brought against them as a result of action taken by them on behalf of the corporation as provided for and subject to the requirements of Chapter 317A of Minnesota Statutes as amended.

ARTICLE V. Board Officers

- 5.1 Officers and Duties. There shall be four officers of the board, consisting of a president, vice-president, secretary and treasurer. All officers shall be directors of the corporation. Their terms and duties are as follows:

- 5.2 President. The president shall serve a term of office of one year and may, upon re-election succeed himself/herself for two additional successive terms. The president shall have the following duties:

- Convene and preside over regularly scheduled board meetings.
- Have general powers and duties of supervision and management as directed by the MOPP. usually vested in the office of president.
- Appoint such committees as he/she shall deem necessary with the advice and consent of the Board of Directors.

- 5.3 Vice-President. The Vice-President shall serve a term of office of one year and may, upon re-election succeed himself/herself for two additional successive terms. The Vice-President shall have the following duties:

- Assume and perform the duties of the president in case of his/her absence or incapacity; and shall chair committees on special subjects as designated by the President.
- Have general powers and duties of supervision and management as directed by the MOPP. usually vested in the office of Vice-President.

- 5.4 Secretary. The Secretary shall serve a term of office of one year and may, upon re-election succeed himself/herself for two additional successive terms.

The Secretary shall be responsible for preparing and keeping all records of board actions, including overseeing the taking of minutes at all board meetings, sending out meeting announcements, distributing copies of minutes and the agenda to each board member, and assuring that corporate records are maintained.

- 5.5 Treasurer. The Treasurer shall serve a term of office of one year and may, upon re-election succeed himself/herself for two additional successive terms.

The treasurer shall chair the finance committee, maintain account of all funds deposited and disbursed, disburse corporate funds as designated by the Board of Directors, assist in the preparation of the budget, collect membership dues, and make financial information available to board members and the public.

ARTICLE VI.

Fiscal Year, Dues and Annual Review of Financial Procedures

- 6.1 Fiscal Year. The fiscal year of the corporation shall end on September 30 each year.
- 6.2 Membership Dues. Dues will be determined annually by the Board of Directors as specified in the Policies and Procedures Manual.
- 6.3 Annual Dues. Annual dues shall be payable in January of each year. If a member's dues are not paid on or before April 30 of each year, such member's name shall be stricken from the membership roll. Reinstatement shall be upon such terms and conditions as prescribed by the Board of Directors.

The Board of Directors shall have the authority to suspend or defer dues of any newly organized WD or WMO that joins this association until such member WD or WMO is in actual receipt of its first authorized fund. The Board shall send out the annual dues statement with payment directed to MAWD's the Authorized Accounting-accounting firm. The Board of Directors may consider deferring, suspending, or reducing dues to new members or on an individual case basis when an appeal is made by a member because of hardship or funding problems.

- 6.4 Annual Review of Financial Procedures. The Board of Directors of this corporation shall provide for an annual review of financial procedures of all its resources and expenditures. A full report of such review and financial status shall be furnished at each annual meeting of the members. This review will be conducted by an auditing firm selected by the Board of Directors with experience in the field of government and water management. The review results shall be furnished to all members within forty-five days after receipt thereof by the Treasurer.

ARTICLE VII.

Employees

- 7.1 Employees. At the discretion of and under the direction of the Board of Directors, MAWD may choose to hire and administer various employees. Their positions and job expectations shall be individually developed and included in the Policies and Procedures Manual.

ARTICLE VIII.

Resolutions and Petitions

- 8.1 Resolutions: The Chair of the MAWD Resolutions/Policy Committee will send a request for resolutions, along with a form for submission, to the membership at least 3 months prior to the annual MAWD membership meeting. Resolutions and their justification must be submitted to the MAWD Resolutions/Policy Committee in the required format at least 2 months prior to the annual MAWD membership meeting for committee review and recommendation. The committee will present these resolutions and their recommendations to the Board of Directors and the MAWD membership at least 1 month prior to the start of the annual MAWD membership meeting. The Board of Directors may make additional recommendations on each proposed resolution through its board meeting process. This same procedure will be used when policy issues are to be considered at any special MAWD membership meeting.

8.2 Emergency Resolutions. The Legislative Committee will review any emergency resolutions and make recommendations to the Board who will vote the recommended action up or down. The membership will vote to confirm the action at the next membership meeting.

8.3 Petitions: Any member or group of members may submit to the Board of Directors at any time a petition requesting action, support for, rejection of, or additional information on any issue of potential importance to the members. Such petitions require signed resolutions from at least 15 members before a Special meeting of the membership will be convened.

ARTICLE IX.

Chapters

9.1 Chapters. Members may form chapters to further the purposes stated in Article II of the Articles of Incorporation, to carry out policies of the Board of Directors, and to suggest policies for consideration by the Board of Directors.

ARTICLE X.

Rules of Order

10.1 Rules. When consistent with its Articles of Incorporation and these Bylaws, the 12th edition of Robert's Rules of Order Newly Revised shall govern the proceedings of this corporation. For consistency in operation, a copy ~~of Robert's Rules of Order~~ shall be available for consultation if requested at every scheduled meeting of the Board of Directors and Membership meetings.

ARTICLE XI. Amendments

11.1 Amendments. These Bylaws may be amended by a majority vote of the members of this corporation only as provided below.

11.2 Annual Meeting. At the annual meeting of the members of this corporation, the Bylaws may be amended by the majority of the members present if there is a quorum at said annual meeting and due notice has been given to the membership of the changes 30 days in advance of the meeting.

11.3 Special Meeting. These Bylaws may be amended by the members at a special meeting called for that reason but only by a majority vote of the entire membership of the corporation, and only if there has been thirty days' written notice to all members of such special meeting. Such special meeting may be called upon the request of one-third of the members of this corporation by notice in writing to the secretary or president, which notice shall ask for said special meeting and shall state the proposed Bylaws changes, and upon receipt of such request, the secretary or president must send written, either by mail or electronically, notice of the meeting to the members of this corporation within thirty days of receipt of such request, which shall be not less than thirty days nor more than fifty days of the date of the written notice.



520 Lafayette Road North
St. Paul, MN 55155-4194

Request for Proposals (RFP)

The RFP assists applicants in applying for state grants. This document describes the State Fiscal Year 2022 (FY22) Planning Grants for Stormwater, Wastewater, and Community (SWC) Resilience, including information on who may apply for funding, activities eligible for funding and other information that will help the applicants plan their project and submit a competitive application. Applications are due no later than **Tuesday, December, 21, 2021 at 4:00pm Central Standard Time (CST).**

The applicant should check the [SWIFT Supplier Portal](#) and the Minnesota Pollution Control Agency (MPCA) [Planning Grants for SWC Resilience](#) webpage for any updates.

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The Grant Application Form, Workplan and Budget, Sample Grant agreement, Questions and Answers, and any addendums can be found in the [SWIFT Supplier Portal](#).

1. Project overview

Minnesota’s climate is changing – it is happening here and now and will continue well into the future. We see the harmful effects in communities across our state today, from our own health and safety to overwhelmed infrastructure, damaged property, dying trees and culturally important native species, and the inability of population centers to cool off overnight. Climate trends identified through monitoring over decades of changes in temperature and precipitation, snow depth, and lake ice, storms and droughts, our growing season and more show that Minnesota is becoming warmer and wetter, with more damaging rains, and cold weather warming. More extreme heatwaves and extended periods of drought alternating with intense precipitation are expected in the future.

During the 2021 Legislative Session, 1st Special Session, ongoing funding was appropriated in the Omnibus bill [Chapter 6 – S.F.No.20](#), Article 1, Sec. 2, Subdivision 7(h) to increase the resilience of water infrastructure and communities in Minnesota. This is the first RFP for funding from this new grant program.

This funding provides an opportunity for communities to assess vulnerabilities and begin **planning** for the effects of Minnesota’s changing climate in three areas: how to increase resilience to stormwater and reduce localized flood risk, how to improve the resilience of wastewater systems, and how to reduce human health effects and adapt community services, ordinances and public spaces to the changing climate.

2. Funding

Up to \$870,000 is available for planning projects to be awarded during FY22. Grant projects must be completed no later than June 30, 2023. There is no minimum and no maximum grant award under this RFP.

Match requirement

The minimum match requirement is 10% (ten percent) of the grant amount, either cash or in-kind, provided by any organization involved in the project. Grantees will be expected to track and report all match provided for the project by kind and source, even if the amount exceeds 10%. This will assist MPCA with better understanding of project funding needs for future grant solicitations.

Reimbursement schedule

Grant funding for eligible costs of the planning project will be reimbursed during and upon completion of the approved project with approved invoices.

Invoices for expenses incurred to-date may be submitted as frequently as monthly. Grantees are required to submit their first invoice no later than 6 (six) months or midway through the project, whichever comes first. A final invoice for payment of remaining grant funds expended by the project is required to be submitted at the completion of the project. Payment of the final 10% of grant funds will be held back until the project is completed satisfactorily and all deliverables have been submitted and approved. Invoices are sent directly to MPCA Accounts Payable.

3. Eligible and ineligible applicants

Eligible applicants

Tribal Nations, and Local Governmental Units (LGUs) including only cities, counties, towns (townships), soil and water conservation districts (SWCDs), water management organizations (WMOs), water districts (WDs), regional development commissions (RDCs), and the Metropolitan Council of the Twin Cities region, and that are located within the geographic boundaries of the state of Minnesota are eligible applicants.

Ineligible applicants

- Any other organization or individual not listed above as an eligible applicant.
- Entities that are currently suspended or debarred by the State of Minnesota and/or the federal government are ineligible applicants.
- The MPCA may also deem an applicant ineligible because of, but not limited to: enforcement issues, labor standards, tax status, or other such issues.

4. Eligible and ineligible projects

Eligible projects

Eligible projects are those that conduct **planning for increased resilience** to the impacts of Minnesota’s changing climate (i.e. already becoming warmer and wetter with more damaging rains and cold weather warming, and

expected to have more extreme heat and drought in the future) ***within any of the following three focus areas: stormwater, wastewater, community resilience.***

Some examples of eligible planning projects in the three focus areas –

Stormwater resilience:

- Vulnerability assessment using a hydrologic/hydraulic model such as XP-SWMM or equivalent to identify areas (e.g. creek corridors, bridges, intersections, etc.) within a tribal/local governmental unit that are at risk for flooding. Includes assessment of changes in future precipitation with storm events of greater intensity and frequency to evaluate how to optimize resiliency of stormwater infrastructure.
- Inventory of water infrastructure issues developed using new or existing modeling information to identify critical impacts (e.g. number of structures flooded, frequency of flooding, social vulnerability, local environmental impacts, etc.), including but not limited to consideration of existing asset management plans. Provides a prioritized list of critical areas needing infrastructure improvements to increase resilience.
- Feasibility study that compares design alternatives (e.g. replacing small or undersized stormwater infrastructure, adding surface or underground stormwater storage areas, increasing infiltration of stormwater, etc.) to address known or predicted areas of flooding within a tribal/local governmental unit. Identifies a preferred alternative with sufficient information to support consideration for future construction funding.
- Plan development (conducted in-house or by contract) for the bidding or contracting, design work, modeling, etc. needed for self-funded projects (not on the Project Priority List (PPL) / Intended Use Plan (IUP)) that have been identified by a tribal/local governmental unit risk assessment or adaptation/resilience plan.

Wastewater resilience:

- Risk assessment of wastewater facilities using the Environmental Protection Agency (EPA) Climate Resilience Evaluation and Awareness Tool (CREAT) or similar analysis to discover which extreme weather hazards pose significant challenges to the utility, identify the critical assets at risk, and explore various actions to protect them.
- Climate vulnerability assessment of public and/or privately-owned sewer and/or sewer sheds.
- Planning and investigative work for climate resiliency of wastewater, sewer, and or Inflow & Infiltration (I&I) projects to determine implementation plan for self-funded projects (that will not be part of a Public Facilities Authority (PFA) /Project Priorities List (PPL) Facilities Plan)
- Plan development (conducted in-house or by contract) for the bidding or contracting, design work, modeling, etc. needed for self-funded projects (not on the Project Priority List (PPL) / Intended Use Plan (IUP)) that have been identified by a risk assessment or adaptation/resilience plan (CREAT or other).

Community resilience:

- Community-wide climate vulnerability assessment involving stakeholders and authentic community engagement processes to identify community assets (such as parks and recreational areas, roads, public buildings, local power infrastructure, etc.) at risk from more extreme weather and changing climate conditions, as well as local population segments at greater risk from harm, stress or displacement due to climate change.
- Community-wide climate adaptation planning involving stakeholders and authentic community engagement to identify specific strategies, policies, actions, and responsible parties needed for equitable adaptation.

- Plan development (costing, bidding or contracting, design work, modeling, etc.) needed for projects that will increase the climate resilience of one or more community assets identified by a community-wide vulnerability assessment or climate adaptation plan.

Ineligible projects

Projects that do not fit any of the three focus areas – stormwater, wastewater, or community resilience – and projects that are not planning-oriented are ineligible.

5. Eligible and ineligible costs

Eligible costs

Any cost that is directly related to the workplan tasks of an eligible planning project and not deemed ineligible below or by MPCA staff.

Ineligible costs

Ineligible costs include costs that are not directly related to the workplan tasks of an eligible planning project. The following costs, including but not limited to, even if they are directly related to the project, are ineligible:

- Any expenses incurred before the contract is fully executed including applicant's expense for preparing the eligibility and cost applications
- Bad debts, late payment fees, finance charges or contingency funds, interest, and investment management fees
- Attorney fees
- Employee worksite parking
- Lobbying, lobbyists and political contributions
- Mark-up on purchases and/or subcontracts
- Taxes, except sales tax on eligible equipment and expenses
- Activities associated with permit fees
- Activities addressing enforcement actions or that involve a financial penalty
- Memberships (including subscriptions and dues)
- Reimbursement to non-staff stakeholders for their attendance at stakeholder participation meetings
- Food (other than staff per diem)
- Alcoholic refreshments
- Entertainment, gifts, prizes and decorations
- Merit awards and bonuses
- Donations and fundraising
- Computer(s), tablets, and software, unless unique to the project and specifically approved by the MPCA as a direct expense
- Purchase or rental of mobile communication devices such as pagers, cell phones, and personal data assistants (PDAs), unless unique to the project and specifically approved by the MPCA.

6. Priorities

It is the policy of the State of Minnesota to ensure fairness, precision, equity and consistency in competitive grant awards. This includes implementing diversity and inclusion in grant-making. [The Policy on Rating Criteria for Competitive Grant Review](#) establishes the expectation that grant programs intentionally identify how the grant serves diverse populations, especially populations experiencing inequities and/or disparities.

This grant prioritizes communities with higher concentrations of low-income residents, people of color and non-English speakers, including tribal communities. Click here to see if the project is located in an area of concern for Environmental Justice:

<http://mpca.maps.arcgis.com/apps/MapSeries/index.html?appid=f5bf57c8dac24404b7f8ef1717f57d00>.

Alternatively, an applicant may determine with independent research if the project is located in an environmental justice area defined as one or more census blocks (1) in which, based on the most recent data published by the U.S. Census Bureau: (i) 40 percent or more of the population is nonwhite; (ii) 35 percent or more of the households have an income at or below 200 percent of the federal poverty level; or (iii) 40 percent or more of the population over the age of five have limited English proficiency; or (2) within Indian country, as defined in U.S. Code, title 18, section 1151. Applicant will need to identify/describe the area(s) and provide the specific information and source(s) used to determine the area(s) that meet the criteria.

This grant also prioritizes:

- Projects located in Minnesota outside of the 7-county (Anoka, Carver, Dakota, Hennepin, Ramsey, Scott and Washington) Twin Cities Region.
- Stormwater projects that address localized flooding.

7. Application instructions

All applicants must complete the Grant Application Form, work plan and budget. Applications without all forms submitted will be deemed ineligible.

8. Application submission instructions

Applications must be received electronically by the MPCA by **Tuesday, December 21, 2021 at 4pm CST**. Application submissions received after the deadline will not be considered eligible.

Applications must be submitted through the [SWIFT Supplier Portal](#). Note: The RFP is termed an “Event” within SWIFT. MPCA is not responsible for any errors or delays caused by technology-related issues.

Applicants do not need to log in to view the RFP and associated documents in the SWIFT system. Applicants interested in applying will need to register as a bidder in the system by clicking on the [SWIFT Supplier Portal](#), then *Register for an Account and Register as a Bidder*. Applicants should allow up to two business days to become registered as a Bidder.

Questions regarding submitting an application can be directed to the Vendor Assistance Help Desk at 651-201-8100, option 1 or by clicking on *Supplier Portal Help* within the [SWIFT Supplier Portal](#).

Applications submitted via any other method, including but not limited to email, fax, mail, in-person deliveries, will not be accepted.

9. Application questions

The MPCA is obligated to be transparent in all aspects surrounding grant work. To meet this obligation, all questions must be submitted in the same manner, and answers are only provided via the [SWIFT Supplier Portal](#). It is the applicant’s responsibility to check the [SWIFT Supplier Portal](#) and MPCA website for the most recent updates.

Applicants who have any questions regarding this RFP must email questions to grants.pca@state.mn.us, subject line: “**FY 22 Planning Grants for SWC Resilience**”, no later than **Thursday, December 16, 2021**. Answers to questions will be posted frequently in the [SWIFT Supplier Portal](#).

MPCA personnel are not authorized to discuss this RFP with applicants outside of the question and answer forum. Contact regarding this RFP with any MPCA personnel may result in disqualification.

10. Application review process

Applicants are encouraged to score their own application using the evaluation score-sheet (Exhibit A) before submitting their application. Formal review of applications will be conducted by a team of MPCA staff

Applications received by the grant deadline will be reviewed by MPCA staff using a two-step process.

Late applications will not be considered for review.

Step 1: Eligibility review

The MPCA will determine if eligibility requirements are met. Any application found to be ineligible will be eliminated from further evaluation. Minimum requirements:

- Applicant is eligible as described in section 3.
- Project is eligible as described in section 4.
- All required forms submitted by the deadline.

Step 2: Application scoring

Only applications meeting the eligibility criteria under Step 1 will be considered for scoring in Step 2. Reviewers will evaluate applications per project using the weighted criteria listed in Exhibit A.

In addition to the ability to partially award projects, the MPCA reserves the right to refrain from awarding any grants.

Applicants past performance as a grantee will be considered when evaluating a grant application.

Notification

All applicants will be notified by MPCA staff within approximately 60 days of application due date. Applicants selected for funding will be contacted concerning the next steps in the award process, including execution of the appropriate agreements.

11. Grantee responsibilities

Awardees are required to be a registered vendor in SWIFT and will sign the grant agreement using DocuSign.

To register, go to the Supplier Portal webpage in [SWIFT](#) and click on the *Register for an Account link and then Register as a Supplier.*

Grant agreement

Each awardee must enter into a grant agreement. The agreement will address the conditions of the award. Once the agreement is signed, the recipient is required to comply with all conditions.

Reporting requirements

Email updates about the status of the project are required to be provided to the MPCA Authorized Representative whenever an invoice is submitted to MPCA Accounts Payable. The MPCA Authorized Representative will not approve an invoice through the state system without this project update. A Grant Project Final Report, in a format provided to the Grantee by the MPCA, is required to be submitted to the MPCA Authorized Representative at the same time as the final invoice is submitted to MPCA Accounts Payable.

Public data

Applications are private or nonpublic until opened. Once the applications are opened, the name and address of the applicant and the amount requested is public. All other data in an application is private or nonpublic data until all agreements are fully executed. After all agreements are fully executed, all remaining data in the applications is public with the exception of trade secret data as defined and classified in [Minn. Stat. § 13.37](#). A statement by a grantee that the application is copyrighted or otherwise protected does not prevent public access to the application ([Minn. Stat. § 13.599](#), subd. 3).

Conflict of interest

MPCA will take steps to prevent individual and organizational conflicts of interest, both in reference to applicants and reviewers per [Minn. Stat. §16B.98](#) and [Conflict of Interest Policy for State Grant-Making](#).

Organizational conflicts of interest occur when:

- a grantee or applicant is unable or potentially unable to render impartial assistance or advice to the Department due to competing duties or loyalties
- a grantee's or applicant's objectivity in carrying out the grant is or might be otherwise impaired due to competing duties or loyalties

In cases where a conflict of interest is suspected, disclosed, or discovered, the applicants or grantees will be notified and actions may be pursued, including but not limited to disqualification from eligibility for the grant award or termination of the grant agreement.

Grant Monitoring

[Minn. Stat. §16B.97](#) and [Policy on Grant Monitoring](#) require the following:

- One monitoring visit during the grant period on all state grants of \$50,000 and higher.
- Annual monitoring visits during the grant period on all grants of \$250,000 and higher.
- Conducting a financial reconciliation of grantee's expenditures at least once during the grant period on grants of \$50,000 and higher. For this purpose, the grantee must make expense receipts, employee timesheets, invoices, and any other supporting documents available upon request by the State.

The monitoring schedule will be determined at a later date.

Grantee Bidding Requirements

For Municipalities

Grantees that are municipalities must follow:

- The contracting and bidding requirements in the Uniform Municipal Contracting Law as defined in [Minn. Stat. §471.345](#)
- The requirements of prevailing wage for grant-funded projects that include construction work of \$25,000 or more, per [Minn. Stat. §§177.41](#) through [177.44](#). These rules require that the wages of laborers and workers should be comparable to wages paid for similar work in the community as a whole.

The grantee must not contract with vendors who are suspended or debarred in MN:

<http://www.mmd.admin.state.mn.us/debarredreport.asp>.

Audits

Per [Minn. Stat. § 16B.98](#) Subdivision 8, the grantee's books, records, documents, and accounting procedures and practices of the grantee or other party that are relevant to the grant or transaction are subject to examination by the granting agency and either the legislative auditor or the state auditor, as appropriate. This requirement will last for a minimum of six years from the grant agreement end date, receipt, and approval of all final reports, or the required period of time to satisfy all state and program retention requirements, whichever is later.

Affirmative Action and Non-Discrimination requirements for all Grantees:

- A. The grantee agrees not to discriminate against any employee or applicant for employment because of race, color, creed, religion, national origin, sex, marital status, status in regard to public assistance, membership or activity in a local commission, disability, sexual orientation, or age in regard to any position for which the employee or applicant for employment is qualified. [Minn. Stat. §363A.02](#). The grantee agrees to take affirmative steps to employ, advance in employment, upgrade, train, and recruit minority persons, women, and persons with disabilities.
- B. The grantee must not discriminate against any employee or applicant for employment because of physical or mental disability in regard to any position for which the employee or applicant for employment is qualified. The grantee agrees to take affirmative action to employ, advance in employment, and otherwise

treat qualified disabled persons without discrimination based upon their physical or mental disability in all employment practices such as the following: employment, upgrading, demotion or transfer, recruitment, advertising, layoff or termination, rates of pay or other forms of compensation, and selection for training, including apprenticeship. [Minnesota Rules, part 5000.3500](#).

- C. The grantee agrees to comply with the rules and relevant orders of the Minnesota Department of Human Rights issued pursuant to the Minnesota Human Rights Act.

Voter Registration Requirement:

The grantee will comply with [Minn. Stat. § 201.162](#) by providing voter registration services for its employees and for the public served by the grantee.

Exhibit A: Application evaluation score sheet

A 100 – point scale will be used to evaluate eligible applications and develop final recommendations.

Evaluation Category	Maximum Points
Project has clearly defined objectives, tasks that are clearly delineated, a realistic timeframe, and a detailed budget that includes reasonable and cost-effective expenses.	20
Organizations and specific individuals that will do the work on the project are well-qualified for their roles with the knowledge, skills and abilities to carry out the project successfully.	15
Project will directly engage and benefit communities with higher concentrations of low-income residents, people of color and/or non-English speakers – including tribal communities – within areas of concern for environmental justice or environmental justice areas and seems likely to contribute to more equitable resilience.	15
Project methodology effectively incorporates consideration of current climate trends and projections of future climate change and how its impacts are anticipated to affect the general location of the project.	10
The project is well-designed to: <ul style="list-style-type: none"> • Address a much-needed resiliency planning issue that can make a meaningful difference to the community in preparing for climate change including human health impacts. • Have a high likelihood of overcoming any barriers to success. • Provide results that position a tribal/local government to take future action, assign responsibility for implementation, and/or pursue funding to undertake follow-up implementation of the resilience project(s) for which planning was conducted. 	30
The project is located in Minnesota outside the 7-county Twin Cities region.	5
The project is a stormwater project to address localized flooding.	5
Total	100



Bassett Creek Watershed Management Commission

MEMO

Date: November 10, 2021
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 (See Item 6C.): 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: A feasibility study by the Commission Engineer began last fall and 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. At their meeting in April, the Commission approved a TAC and staff recommendation to move this project from implementation in 2019 to design in 2020 and construction in 2021 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. The final feasibility study was approved at the January 2019 Commission meeting. Staff discussed the maintenance of Penn Pond with MnDOT and received written confirmation that pond maintenance will occur prior to the park's reconstruction project with coordination among the BCWMC, MPRB, and MnDOT. A public hearing for this project was held September 19, 2019. The project was officially ordered at that meeting. An agreement with the MPRB and the city of Minneapolis will be considered at a future 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. 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 early September, 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 more formally recognize and assign roles and responsibilities for implementation. The draft agreement was developed over several months and multiple conversations among the parties. At the May 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. CIP Project design is underway. Four public open houses have been held in the park since late July to gather input on park concepts. Project partners meet regularly to discuss schedules, planning and design components, and next steps. 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 Oct 2019): 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 on October 17th, the Commission moved to table discussion on the project. The project remains on the 2020 CIP list. Project webpage: <http://www.bassettcreekwmo.org/index.php?cID=467>.

2019 Westwood Lake Water Quality Improvement Project (WST-2) St. Louis Park (No change since October 2020): At their meeting in September 2017, the Commission approved a proposal from the Commission Engineer to complete a feasibility study for this project. The project will be completed in conjunction with the Westwood Hills Nature Center reconstruction project. After months of study, several meetings with city consultants and nature center staff, and a public open house, the Commission approved Concept 3 (linear water feature) and set a maximum 2019 levy at their May meeting. 50% designs were approved at the July meeting and 90% design plans were approved at the August meeting. The Hennepin County Board approved a maximum 2019 levy request at their meeting in July. A BCWMC public hearing on this project was held on August 16th with no comments being received. At that meeting the Commission officially ordered the project and entered an agreement with the City of St. Louis Park to design and construct the project and directed the Education Committee to assist with development of a BCWMC educational sign for inside the nature center. The draft sign was presented at the October 2017 meeting and was finalized over the winter. The Sun Sailor printed [an article](#) on the project in October 2018. A ribbon cutting by the city was held September 13th. The building and site are open to the public and being used to educate students. The system is capturing stormwater runoff from roof and paving, and the runoff is being stored underground and pumped via solar or hand pumps into the engineered creek. None of the captured water is flowing over land into Westwood Lake. The educational sign indoors is installed. Project website: <http://www.bassettcreekwmo.org/projects/all-projects/westwood-lake-water-quality-improvement-project>.

2017 Main Stem Bassett Creek Streambank Erosion Repair Project (2017CR-M) (no change since Feb): The feasibility study for this project was approved at the April Commission meeting and the final document is available on the project page at: <http://www.bassettcreekwmo.org/index.php?cID=281>. A Response Action Plan to address contaminated soils in the project area was completed by Barr Engineering with funding from Hennepin County and was reviewed and approved by the MPCA. The Commission was awarded an Environmental Response Fund grant from Hennepin County for \$150,300 and a grant agreement is in the process of being signed by the county. A subgrant agreement with the City will be developed. The City hired Barr Engineering to design and construct the project. Fifty-percent and 90% designs were approved at the August and October Commission meetings, respectively. In September 2017, design plans were presented by Commission and city staff to the Harrison Neighborhood Association's Glenwood Revitalization Team committee and through a public open house on the project. Construction was to begin summer of 2018 but was delayed until due to the unanticipated need for a field based cultural and historical survey of the project area required by the Army Corps of Engineers and ongoing negotiations with Pioneer Paper.

Construction began in November 2020 with clearing and grubbing to have access to the creek and to remove trees from the work area. In the Fruen Mill Reach work was completed per design plans on the south side of the creek, including stabilizing the existing MPRB trail, installing riprap toe protection and grading the bank. In the Cedar Lake Road to Irving Avenue Reach, the City was unable to come to an agreement with Pioneer Paper to get the amount of access needed to install the VRSS on the north side of the creek. The property owner allowed access to the streambank but instead of installing VRSS through this reach the City installed riprap toe protection, removed debris, completed bank grading and live staking and seeding, and installed the in-stream rock vanes to divert flows away from the steep banks. In Irving Avenue to the tunnel reach, the work was completed according to design plans with the installation of live staking, rock vanes within the stream channel, removal of brush and invasive species, and the installation of live stakes and fascines to encourage native plant growth and minimize bank erosion. Construction was completed in December 2020. An ERF grant report and RAP report are currently being developed. Vegetation was established in the spring. Project Website: www.bassettcreekwmo.org/projects/all-projects/bassett-creek-main-stem-erosion-repair-project-cedar-lake-ro

2014 Schaper Pond Diversion Project and Carp Management, Golden Valley (SL-3) (No change since September): 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. Evaluation results and recommendations will be presented at this meeting. Project webpage: <http://www.bassettcreekwmo.org/index.php?CID=277>.

Sweeney Lake Water Quality Improvement Project, Golden Valley (SL-8) (No change since March): This project was added to the 2020 CIP list after receiving a federal 319 grant from the MPCA. It is partially a result of the carp surveys completed through the Schaper Pond Diversion Project and a study of the year-round aeration on Sweeney Lake. This project will treat curly-leaf pondweed in spring 2020, will remove carp in summer 2020, and will perform an alum treatment on Sweeney Lake in late summer 2020. The project was officially ordered by the Commission after a public hearing in September 2019. A public open house on this project was held via Webex on April 8th with approximately 20 people joining. The open house presentation and a question and answer document are available online. The curly-leaf pondweed herbicide treatment was completed in May. Carp Solutions performed carp tracking and setting nets in early June. The first round of netting resulted in 334 carp removed from Sweeney Lake (mean length 620 mm, mean weight 3.1 kg), representing an estimated 29% of the total population. From Schaper Pond 82 carp removed which likely represents about 17% of the initial population. After another round of carp removals in late July, 118 additional carp were netted from Sweeney. Based on preliminary estimates, approximately 40% of the carp population was removed from Sweeney this summer. The carp biomass was reduced from approximately 129 kg/ha to 79 kg/ha, which is below the threshold where adverse impacts on water quality are expected. The first round of alum treatment was completed in late October. A grant report and payment request were submitted at the end of January. A report on the results of the carp removals and recommendations for future management were presented at the February 2021 meeting. Long term carp management evaluation will happen through the Schaper Pond Diversion Project funding. A one-page overview of 2020 activities and outcomes was developed for the Sweeney Lake Association and [posted online](#) in March. The project website: [Sweeney Lake Water Quality Improvement Project, SL-8](#)).

2014 Twin Lake In-lake Alum Treatment, Golden Valley (TW-2): (No change since June 2018) 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 2017 were presented at the June 2018 meeting. Commissioners agreed with staff recommendations to keep the CIP funding remaining 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) (No change since September): 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 draft agreement is expected at a future meeting. Project webpage: <http://www.bassettcreekwmo.org/index.php?cid=282>.

2021 Parkers Lake Drainage Improvement Project (PL-7): 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 design and construct the project. The city hired WSB for project design which is currently underway. 60% design plans were approved at the June meeting. 90% plans were approved at the August meeting. The city of Plymouth recently awarded the construction contract and will hold a pre-construction meeting soon. Construction is slated to get underway in mid-December. www.bassettcreekwmo.org/projects/all-projects/parkers-lake-drainage-improvement-project

2021 Parkers Lake Chloride Reduction Project (PL-7) (Item 5B): 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. The first technical stakeholders meeting was held July 26th. Staff will provide an update on the project at this meeting. Project website: www.bassettcreekwmo.org/projects/all-projects/parkers-lake-drainage-improvement-project

2021 Mt. Olivet Stream Restoration Project (ML-20): 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 design and construct the project. The city hired WSB for project design which is currently underway. 60% design plans were approved in June. 90% plans were approved at the August. The city of Plymouth recently awarded the construction contract and will hold a pre-construction meeting soon. Construction is slated to get underway in mid-December. www.bassettcreekwmo.org/projects/all-projects/mt-olivet-stream-restoration-project

2021 Main Stem Lagoon Dredging Project (BC-7): The feasibility study for this project was approved in May 2020 with Alternative 2-all (dredge all three lagoons to 6-foot depth) being approved. After a public hearing was held with no public in attendance, the Commission ordered the project on September 17, 2020. Rather than entering an agreement with a separate entity to design and construct this project, the Commission will implement the project in close coordination with the MPRB. At their meeting in November, the Commission approved a timeline for implementation and the Commission Engineer was directed to prepare a scope of work for project design and engineering. The engineering scope and budget were approved at the May 2021 meeting. Design and permitting should get underway in summer 2021. Dredging of all three lagoons is planned for winter 2022/2023. A grant agreement for the \$250,000 Watershed Based Implementation Funding grant was approved at the January meeting. The project work plan was approved by BWSR. In the spring the Commission approved a grant agreement for a Hennepin County Opportunity Grant for this project. An Environmental Assessment Worksheet was approved by the Commission at their October 2021 meeting and was sent to the City of Golden Valley as the RGU. Project website: www.bassettcreekwmo.org/projects/all-projects/bassett-creek-main-stem-lagoon-dredging-project

2021 Cost-share Purchase of High Efficiency Sweeper (ML-23) (No change since Dec): Because the Commission had not entertained a project like this in the past (to cost share equipment purchase), this proposed project was discussed by the Commission in February and April, 2020 after being recommended for approval by the TAC. The Commission approved a [policy](#) regarding the use of CIP funds for equipment purchases at their April 2020 meeting. The project was added to the CIP through a Watershed Plan Amendment adopted in August 2020 and was officially ordered by the Commission on September 17, 2020 after a public hearing. The Commission entered an agreement with the city of Plymouth which includes reporting requirements for street sweeper use and effectiveness. The first report is expected December 2021.

2022 Medley Park Stormwater Treatment Facility (ML-12) (No change since September): 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. 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 September): 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. www.bassettcreekwmo.org/projects/all-projects/sea-school-wildwood-park-flood-reduction-project.

Administrator Report October 13 – November 10, 2021

Subject	Work Progress
Education	<ul style="list-style-type: none"> • Coordinated volunteers for buckthorn pull event • Discussed chloride management training for public officials with MPCA GreenCorps member • Reviewed and posted educational video • Attended WMWA meeting • Contacted East Metro Water Education Program staff to request presentation at January WMWA meeting
CIP	<ul style="list-style-type: none"> • <u>Bryn Mawr Water Quality Improvement Project</u>: Participated in project partner meeting with Commission engineers, and all partners and their consultants; completed Barr Engineering “client care” form regarding project • <u>Parkers Lake Chloride Reduction Project</u>: Attended facilitation project meeting
Henn Co. Chloride Initiative	<ul style="list-style-type: none"> • Sent Request for Proposals for marketing firm to multiple firms; crafted responses to questions from potential proposers; received and incorporated feedback from HCCI sub-group members and sent to proposers • Gathered, posted, reviewed and scored five proposals • Discussed proposals with HCCI subgroup, developed interview questions; corresponded with top two firms and set up interviews
MAWD	<ul style="list-style-type: none"> • Forwarded MAWD annual meeting and conference information to commissioners; requested delegates • Attended Metro MAWD meeting • Corresponded with some metro administrators and MAWD Executive Director re: joint meeting with SWCD Managers; discussed with Chair Cesnik and cancelled hotel reservation • Held final meeting re: MAWD Handbook and turned over materials to new MAWD contractor
Environmental Justice	<ul style="list-style-type: none"> • Completed spreadsheet developed by Alt. Commissioner McDonald Black re: DFC intern and sent to TAC members • Attended “Equity in Climate Considerations” webinar
Administration	<ul style="list-style-type: none"> • Developed agenda; reviewed and submitted invoices; reviewed financial report; reviewed/revise minutes; reviewed memos and documents for Commission meeting; disseminated Commission meeting information to commissioners, staff, and TAC; updated online calendar; participated in pre-meeting call with Chair Cesnik and Commissioner Engineer; drafted meeting follow up email • Set TAC meeting • Attempted to set Administrative Services Committee meeting • Send Wednesday meeting reminder to commissioners/alternates • Resent invoice to Hollydale developed; discussed briefly by phone
2025 Watershed Plan	<ul style="list-style-type: none"> • Met with Commission Engineers Chandler, Williams, and Johnson to refine timeline, discuss development of scope, discuss public engagement options and begin planning for “Equity in Watershed Management” workshop • Drafted memo to commissioners with questions on public engagement and recommendation to direct staff to develop plan development scope and budget
Other Issues & Projects	<ul style="list-style-type: none"> • Corresponded with Minneapolis staff, Commission Engineer, Commission Attorney re: proposed development over Bassett Creek Tunnel access including phone calls, emails, meetings • Collected CAMP samples and equipment bins from 10 volunteers; wrote/distributed thank you notes and goodies to volunteers