



# Bassett Creek Watershed Management Commission

Regular Meeting  
Wednesday, November 15, 2023  
8:30 a.m.

Council Conference Room  
Golden Valley City Hall @ 7800 Golden Valley Rd.

## MEETING AGENDA

### 1. CALL TO ORDER and ROLL CALL

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

### 3. APPROVAL OF AGENDA

### 4. CONSENT AGENDA (10 minutes)

- A. Approval of Minutes – October 19, 2023 Commission Meeting
- B. Acceptance of November 2023 Financial Report
- C. Approval of Payment of Invoices
  - i. Keystone Waters, LLC – October 2023 Administration
  - ii. Keystone Waters, LLC – October 2023 Administrative Expenses
  - iii. Barr Engineering – October 2023 Engineering Services
  - iv. Kennedy & Graven – September 2023 Legal Services
  - v. Redpath – October 2023 Accounting Services
  - vi. Triple D Espresso – Meeting Catering
  - vii. Minnesota Watersheds – 2024 Dues
  - viii. Stantec – WOMP Tasks
- D. Approval of Medicine Lake Lift Station Floodplain Mitigation Project

### 5. BUSINESS

- A. Receive Report on Study of Chloride Extraction/Dilution Options for Parkers Lake (40 min)
- B. Consider Approving Agreement with City of Plymouth for Accounting Services (15 min)
- C. Consider Approving Agreement with City of Golden Valley for Cost Share of High Efficiency Street Sweeper (15 min)
- D. Appoint Delegates to the Minnesota Watersheds Annual Business Meeting (10 min)
- E. Discuss Minnesota Watersheds Resolutions Packet and Legislative Platform (20 min)
- F. Review 2022/2023 Plymouth Street Sweeping Report (10 min)
- G. Receive Update from Plan Steering Committee (5 min)
- H. Discuss Staff Evaluation Process (5 min)

### 6. COMMUNICATIONS (10 minutes)

- A. Administrator's Report
  - i. WOMP Station Update
- B. Engineer
- C. Legal Counsel
- D. Chair
- E. Commissioners
- F. TAC Members
- G. Committees
  - i. Education Committee

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

- A. BCWMC Administrative Calendar
- B. CIP Project Updates [www.bassettcreekwmo.org/projects](http://www.bassettcreekwmo.org/projects)
- C. Grant Tracking Summary and Spreadsheet
- D. WCA Notices Plymouth, Golden Valley, New Hope

**8. ADJOURNMENT**

**Upcoming Meetings & Events**

- BCWMC Budget Committee Meeting: Monday, November 20<sup>th</sup>, 12:00 – 1:30 p.m., Sweeney Lake Room, Brookview
- Minnesota Watersheds Annual Conference and Business Meeting: November 29 – December 1, Alexandria MN
- BCWMC Plan Steering Committee Meeting: Wednesday, December 6<sup>th</sup>, 8:30 a.m, Wirth Lake Room, Brookview
- BCWMC Technical Advisory Committee Meeting: Wednesday, December 6<sup>th</sup>, 10:30 a.m, Wirth Lake Room, Brookview
- BCWMC Regular Meeting: Thursday December 21, 8:30 a.m., Golden Valley City Hall



# Bassett Creek Watershed Management Commission

## AGENDA MEMO

Date: November 9, 2023

To: BCWMC Commissioners

From: Laura Jester, Administrator

RE: Background Information for 11/15/23 BCWMC Meeting

1. **CALL TO ORDER and ROLL CALL**
2. **PUBLIC FORUM ON NON-AGENDA ITEMS**
3. **APPROVAL OF AGENDA – ACTION ITEM with attachment**
  
4. **CONSENT AGENDA**
  - A. Approval of Minutes – October 19, 2023 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 payment.*
    - i. Keystone Waters, LLC – October 2023 Administration
    - ii. Keystone Waters, LLC – October 2023 Administrative Expenses
    - iii. Barr Engineering – October 2023 Engineering Services
    - iv. Kennedy & Graven – September 2023 Legal Services
    - v. Redpath – October 2023 Accounting Services
    - vi. Triple D Espresso – Meeting Catering
    - vii. Minnesota Watersheds – 2024 Dues
    - viii. Stantec – WOMP Tasks
  
  - D. Approval of Medicine Lake Lift Station Floodplain Mitigation Project – **ACTION ITEM with attachment** – *The Commission Engineer recommends conditional approval of this project that provides mitigation for floodplain impacts from a previously constructed and permitted lift station project in the City of Medicine Lake. Please see the attached memo and figures.*
  
5. **BUSINESS**
  - A. Receive Report on Study of Chloride Extraction/Dilution Options for Parkers Lake (40 min) – **DISCUSSION ITEM with attachment** – *At their meeting in September 2022, the Commission approved a scope of work for this study by the Commission Engineer. The study analyzed two alternatives for reducing chloride concentrations in Parkers Lake and represents one of the first detailed evaluations of chloride removal from a waterbody. It provides details on equipment specifications, permitting considerations, annual maintenance needs, and estimated costs. As the memo indicates, staff recommends using this information to consider chloride reduction on a smaller waterbody (such as a stormwater pond) rather than on Parkers Lake. Commission Engineer Wilson will present results of the study at this meeting.*

- B. Consider Approving Agreement with City of Plymouth for Accounting Services (15 min) – ACTION ITEM with attachment – *The City of Golden Valley financial department staff served as the Commission’s accountant and prepared monthly financial reports for decades before stepping back from that role a few years ago. At that time no other member cities wished to assume that same role. The Commission has been contracting with Redpath & Associates for this work since March 2021. The City of Plymouth now has the staff capacity and interest in providing accounting services to the Commission. The attached agreement was drafted by the Commission Attorney and reviewed by Plymouth staff. As the agreement states, Plymouth would assume accounting responsibilities February 1<sup>st</sup> - at the beginning of the Commission’s next fiscal. The current contract with Redpath expires January 31, 2024 for monthly accounting services and the date on which the 2023 audit is complete for audit assistance. I recommend approval of the agreement and look forward to working with a member city on these activities.*
- C. Consider Approving Agreement with City of Golden Valley for Cost Share of High Efficiency Street Sweeper (15 min) – ACTION & INFORMATION ITEM with attachment – *At the September meeting the Commission officially ordered this CIP project to cost share the purchase of a high efficiency street sweeper for the City of Golden Valley. The Commission Attorney drafted this agreement which was reviewed by city staff and which follows the Commission’s [policy on use of CIP funds for capital equipment purchases](#). Golden Valley staff developed exhibit A in the agreement which also follows the policy noted above and is modeled off a similar exhibit in the 2020 street sweeper cost share project with the City of Plymouth. Staff recommends approval of the agreement.*
- D. Appoint Delegates to the Minnesota Watersheds Annual Business Meeting (10 min) – ACTION ITEM with attachment – *The Minnesota Watersheds organization will hold its annual meeting and conference November 28 – December 1 in Alexandria, MN. As a member of Minnesota Watersheds, the Commission should appoint two delegates and one alternate delegate to represent the Commission at the regional caucus meeting (Region 3) on the morning of Nov 30, and at the business meeting on Dec 1. Meeting materials are attached here (the resolutions packet was pulled out and included in Item 5E below).*
- E. Discuss Minnesota Watersheds Resolutions Packet and Legislative Platform (20 min) – DISCUSSION ITEM with attachment – *At the Minnesota Watersheds’ annual business meeting, delegates will discuss and vote on resolutions that should be considered for the 2024 legislative session. At this meeting, commissioners should discuss the resolutions and provide general direction to meeting delegates on voting positions. Resolutions that did not get resolved in previous legislative sessions (such as the chloride limited liability legislation) are included within the legislative platform, also attached here.*
- F. Review 2022/2023 Plymouth Street Sweeping Report (10 min) – INFORMATION ITEM with attachment – *The agreement with the City of Plymouth for cost sharing an enhanced street sweeper (2020) requires the city to submit annual reports on street sweeping efforts and outcomes for 5 years. A report on 2021 sweeper operations was presented in January 2022. This report represents 2022 and 2023 sweeping efforts. City staff can provide additional information at the meeting.*
- G. Receive Update from Plan Steering Committee (5 min) – INFORMATION ITEM no attachment – *The Plan Steering Committee meets on the first Wednesday of each month at 8:30 a.m. The committee continues to work on developing issues statements, measurable goals, and potential actions or strategies to realize the goals (following the [calendar shared](#) at last month’s Commission meeting). Committee meeting materials and meeting minutes can be found here: <https://www.bassettcreekwmo.org/document/2025-plan-update>. Staff is also scheduling a December*

*Planning TAC meeting (city staff + review agency staff). Committee Chair Kennedy and I will provide additional information at this meeting.*

- H. Discuss Staff Evaluation Process (5 min) – **DISCUSSION ITEM no attachment** – *The Commission should discuss how it would like to evaluate staff performance (typically the administrator and engineer) in 2023. In the last few years surveys have been sent to commissioners, alternates, and TAC members to gather quantitative evaluations and open-ended comments/feedback. That same process can be used again or the Administrative Services Committee could act as a personnel committee to evaluate or discuss performance with staff. Other options can also be considered.*

## **6. COMMUNICATIONS (10 minutes)**

- A. Administrator’s Report – **see attachment**
  - i. WOMP Station Update
- B. Engineer
- C. Legal Counsel
- D. Chair
- E. Commissioners
- F. TAC Members
- G. Committees
  - i. Education Committee

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

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## Bassett Creek Watershed Management Commission

**DRAFT Minutes of Regular Meeting**  
**Thursday, October 19, 2023**  
**8:30 a.m.**  
**Golden Valley City Hall, 7800 Golden Valley Road**

**1. CALL TO ORDER and ROLL CALL**

On Thursday, October 19, 2023 at 8:31 a.m. Chair Cesnik called the Bassett Creek Watershed Management Commission (Commission) to order.

**Commissioners, city staff, and others present**

City	Commissioner	Alternate Commissioner	Technical Advisory Committee Members (City Staff)
Crystal	Dave Anderson	Joan Hauer	Ben Perkey
Golden Valley	<i>Absent</i>	Roxanne Gould	Eric Eckman
Medicine Lake	<i>Absent</i>	Shaun Kennedy	<i>Absent</i>
Minneapolis	Michael Welch	Jodi Polzin	<i>Absent</i>
Minnetonka	<i>Absent</i>	Stacy Harwell	Sarah Schweiger
New Hope	Jere Gwin-Lenth	Jen Leonardson	Nick Macklem
Plymouth	Catherine Cesnik	Monika Vadali	Ben Scharenbroich
Robbinsdale	Wayne Sicora	<i>Absent</i>	Richard McCoy
St. Louis Park	RJ Twiford	<i>Vacant</i>	Erick Francis
<b>Administrator</b>	Laura Jester, Keystone Waters, LLC		
<b>Engineers</b>	Karen Chandler, Barr Engineering		
<b>Recording Secretary</b>	<i>Vacant Position</i>		
<b>Legal Counsel</b>	Dave Anderson, Kennedy & Graven		
<b>Presenters/ Guests/Public</b>	None		

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

No public comments. Chair Cesnik introduced Roxanne Gould, the new alternate commissioner for the City of Golden Valley. Alternate Commissioner Gould noted that she is a 17-year resident of Golden Valley, that she is an Indigenous environmental educator, and that she is Ojibwe. She said she is honored to serve on the Commission.

**3. APPROVAL OF AGENDA**

**MOTION:** Commissioner Gwin-Lenth moved to approve the agenda. Commissioner Twiford seconded the motion. Upon a vote the motion carried 9-0.

#### 4. CONSENT AGENDA

Commissioner Welch requested that items 4A and 4D be removed from the consent agenda.

**MOTION:** Commissioner Welch moved to approve the consent agenda as amended. Commissioner Gwin-Lenth seconded the motion. Upon a vote the motion carried 9-0.

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

- Acceptance of October 2023 Financial Report
- Approval of Payment of Invoices

#### 4A. Approval of Minutes – September 21, 2023 Commission Meeting

Commissioner Welch requested specific revisions to the minutes which Administrator Jester showed on the screen in the room and read aloud.

**MOTION:** Commissioner Gwin-Lenth moved to approve the revised minutes of the September 21<sup>st</sup> meeting. Alternate Commissioner Kennedy seconded the motion. Upon a vote the motion carried 9-0.

#### 4D. Approval of Settlement Agreement with Lagoon Dredging Project Contractor

Commissioner Welch requested additional background on the item from Commission Attorney Anderson. Attorney Anderson reported that the settlement agreement provisions negotiated with the project contractor were within the parameters set by the Commission during the closed session of the September meeting. Attorney Anderson reviewed the major components of the settlement agreement including the settlement payment of \$60,000 to the Commission and the release of claims provision. He noted the agreement has been signed by the contractor. It was noted the TAC had discussed the lessons learned from the project and will bring those items to the Commission in the future. The Commission's legal team was commended for good work on the agreement.

**MOTION:** Commissioner Welch moved to approve the settlement agreement with Fitzgerald Excavating and Trucking. Commissioner Twiford seconded the motion. Upon a vote the motion carried 9-0.

#### 5. BUSINESS

##### A. Consider Approving Letter of Support for Bassett Creek Valley Community Works Program

Administrator Jester reminded commissioners that Hennepin County Chair Fernando recently convened a second meeting of Bassett Creek Valley stakeholders that she, Commission Engineers Chandler and Johnson, Commissioner Welch and Alternate Commissioner Polzin attended. She reported that at the stakeholder meeting the group received a presentation on the county's Community Works Program and discussed how a program established for the Bassett Creek Valley could help develop a large, regional floodplain and stormwater management project through a multi-jurisdictional partnership. She reported that stakeholders were told they could request the formation of a Community Works Program through correspondence to the county and that the draft letter in the meeting packet was written as a letter of support from the Commission for establishment of a Community Works Program in the Bassett Creek Valley.

There was discussion about the how the Commission may not be able to serve as an official member of a multijurisdictional partnership that would be oversee the Community Works Program, pending interpretation of statute language which says "watershed districts" (rather than "joint powers agreement watershed management organizations") can be members.

Administrator Jester provided more information on the 2019 Bassett Creek Valley – Floodplain and Stormwater Management Study completed by Stantec, which provided the background for this potential Community Works Program. There was discussion about floodplain management in the area.

Commissioners asked if the letter commits the Commission to anything. Administrator Jester recommended some revisions to the letter to convey support for the county to start a Bassett Creek Valley Community Works Program but removing language on how the Commission expects to be involved. Commissioner Polzin agreed that once a program

gets underway, it can be determined who is involved and how but that at this point, Chair Fernando needs to hear that there is support in the first place.

**MOTION:** Commissioner Welch moved to authorize the Chair to send the letter of support with suggested revisions and for Administrator Jester to informally communicate with Chair Fernando's staff that the Commission is assessing its role in a potential Community Works Program. Alternate Commissioner Harwell seconded the motion.

Discussion: Alternate Commissioner Gould recommended adding improvements to ecological health among the benefits of a future Community Works Program in the first paragraph of the letter. Commissioner Welch and Alternate Commissioner Harwell agreed to add that to the motion.

**VOTE:** Upon a vote the motion passed 9-0.

[Commissioner Sicora leaves the meeting.]

## **B. Consider Approving Recommendations from Technical Advisory Committee**

### **i. Process to Consider Next Steps for Lagoon Dredging Project**

Commission Engineer Chandler reported that the TAC reviewed and discussed possible best practices to follow for future dredging projects. She reported that TAC member Ray is reaching out to different entities to gather additional information and that lessons learned from the lagoon dredging project and potential best practices will be brought to a future meeting. TAC member Scharenbroich noted that cities are actively reviewing this item. Commissioner Welch noted that all CIP projects should have a post implementation report with lessons learned.

Commission Engineer Chandler then reviewed information discussed by the TAC on whether to recommend that the Commission complete the Lagoon Dredging Project by dredging to the originally designed 6-foot depth, whether to leave the project as-is, or even consider dredging a different lagoon (such as Lagoon G or Lagoons A, B, or C) in conjunction with additional dredging. She walked through a table of estimated costs and benefits of various future scenarios and noted that completing dredging to 6-feet in the original lagoons would be difficult because the material to be dredged is now deeper and harder to access. She noted that the TAC's recommendation is to consider a potential future project to complete the Lagoon Dredging Project and/or dredge Lagoon G (or Lagoons A, B, and C) in conjunction with the normal review and ranking process of other potential CIP projects during development of the 5-year CIP early in 2024.

Commissioners agreed it was a good idea to evaluate future dredging in this area against other potential CIP projects. There was some discussion about the potential benefits or downsides to dredging Pond G.

### **ii. Protocol for Monitoring and Analysis of Potential Blue Green Algae Blooms**

Administrator Jester reported that the BCWMC was alerted to multiple potential blue green (BG) algae blooms in lakes and ponds over the summer and since BG algae blooms could pose health threats to humans and pets, there is often a request from a resident for the BCWMC to sample and confirm/deny the bloom. She noted that the Commission would benefit from a policy on how to handle such requests and reviewed a TAC-recommended protocol for sampling BG algae blooms. She noted a similar protocol is used by Nine Mile Creek Watershed District; sampling and analyses would only be done if BCWMC monitoring staff are currently sampling a lake and notice a potential bloom or if a member city requests that BCWMC sample a lake (at the city's expense).

### **iii. Targeting Outreach Through Low Salt, No Salt Minnesota Campaign**

Administrator Jester explained that through a new Hennepin County position, the West Metro Water Alliance has a half time education coordinator to significantly augment WMWA's capacity for education and outreach programming. She noted that each of WMWA's four partner watersheds, including BCWMC, can receive time from the coordinator to concentrate on a project or workshop of the watershed's choosing. She reviewed the TAC's recommendation that the Hennepin County educator's time allocated to the BCWMC be used for outreach to targeted properties in the Parkers Lake subwatershed using the Low Salt, No Salt Minnesota campaign materials.

**MOTION:** Commissioner Gwin-Lenth moved to approve all three TAC recommendations as presented. Commissioner Twiford seconded the motion. Upon a vote the motion passed 8-0 with the city of Robbinsdale absent from the vote.

### C. Receive Updates from Plan Steering Committee (PSC)

#### i. Receive Update on Plan Development Budget

#### ii. Consider Approving Recommendation to Develop Scope of Work for Medicine Lake TMDL Assessment

#### iii. Receive Update on Committee Progress and Calendar of Work

Alternate Commissioner Polzin presented the PSC's report as she was appointed temporary PSC Chairperson for the last meeting. She noted that water quality improvement in Medicine Lake was a high priority as approved by the Commission. She reviewed the PSC's recommendation to direct the Commission Engineer to develop a scope and budget for an assessment of the status of the Medicine Lake nutrient TMDL so that projects needed to reduce nutrients and remove the lake from the impaired waters list could be identified now and incorporated into the 2025 Watershed Plan.

Alternate Commissioner Polzin also reported that work completed so far on Plan development is over budget. She noted that it's not surprising given the amount of detail and discussion by the PSC. The Budget Committee could consider a budget amendment or the budget could be adjusted during the 2025 budgeting process.

Alternate Commissioner Polzin also noted the calendar of work for the PSC included with the meeting materials that gives a good overview of the amount of work and discussion yet to be had.

**MOTION:** Alternate Commissioner Kennedy moved to direct the Commission Engineer to develop a scope of work for the Medicine Lake TMDL status assessment. Commissioner Gwin-Lenth seconded the motion.

Discussion: It was noted that development of the scope would cost about \$1,000 - \$2,000 and that Plymouth staff and Three Rivers Park District staff would likely lend support to the assessment due to their annual monitoring of the lake and Plymouth Creek.

**VOTE:** Upon a vote the motion carried 8-0 with the city of Robbinsdale absent from the vote.

### D. Consider Approving Scope and Budget for Development of Feasibility Study for Plymouth Creek Restoration Project Dunkirk Lane to Plymouth Ice Center

Administrator Jester reported that the project originally slated for 2025, the 3rd project in the Medicine Lake Rd & Winnetka Ave Long Term Flood Mitigation Plan in Golden Valley, is not ready for feasibility study development now nor implementation in 2025. She noted that rather than having a gap in the capital improvement program, she recommends moving the 2026 project to 2025: Plymouth Creek Restoration, Dunkirk Lane to 38th Avenue North behind Plymouth Ice Center (2026 CR-P). She requested that the Commission Engineers work with Plymouth staff to develop a scope and budget for development of a feasibility study for this project which is presented here for Commission's consideration.

TAC member Eckman noted that the city of Golden Valley is committed to implementation of the original 2025 project, but more time is needed to secure DNR Flood Reduction funding and to work with a landowner where the project is slated to be constructed.

Commission Engineer Chandler walked through the feasibility study proposal noting the proposed stream restoration along 7,000 feet of Plymouth Creek is similar to the Main Stem Restoration Project recently ordered by the Commission. She noted this project may consider remeandering a portion of the stream and may remove accumulated sediment from the stream channel.

[Commissioner Sicora rejoins the meeting. Alternate Commissioner Gould leaves the meeting.]

Engineer Chandler also noted there may be an opportunity to involve adjacent Plymouth Creek Elementary School and that the feasibility study would include a survey of the entire stream length, a drone flight by the city, and desktop analyses. There was some discussion about using drones for surveying sites and the possible need for a drone use policy.

Commissioner Welch noted that both city and BCWMC issues should be identified by the study and that the option for

BCWMC implementation of the project should be considered.

**MOTION:** Commissioner Gwin-Lenth approved the scope and budget for the feasibility study for the Plymouth Creek Restoration Project for a not to exceed cost of \$111,100. Commissioner Twiford seconded the motion. Upon a vote the motion passed 9-0.

[There was a 5-minute break.]

- E. Consider Amending the Cooperative Agreement for the Bryn Mawr Meadows Water Quality Improvement Project**  
 Administrator Jester reminded commissioners about the \$400,000 BWSR Clean Water Fund grant for the Bryn Mawr Meadows Water Quality Improvement Project that expires December 31, 2023. She noted that although \$100,000 in grant funding and \$84,000 in matching funds have been spent to date, construction expenses of \$400,000 should be paid by the end of the year (to cover eligible grant expenses + required matching funds) or the Commission will forfeit the remaining grant funds of \$300,000. She reported construction of the project is complete and through a cooperative agreement with the City of Minneapolis and the Minneapolis Park and Recreation Board (MPRB), the MPRB constructed the project and Minneapolis performed some storm sewer and street reconstruction work. She noted these entities can be reimbursed by the BCWMC with CIP and grant funds but per the agreement, no BCWMC funds will be reimbursed before a maintenance agreement between the MPRB and the City is fully executed. She reported that while work is underway to develop an operation and maintenance plan and subsequent maintenance agreement, an agreement will not be executed by the end of this year.

Administrator Jester noted her and Commission Attorney Anderson's recommendation for a simple amendment to the cooperative agreement with the MPRB and City allowing reimbursement of \$400,000 prior to full execution of a maintenance agreement. The remaining project funds (likely totaling around \$1M) would not be eligible for reimbursement to the MPRB or the City until the maintenance agreement is fully executed.

There was some discussion about long term maintenance of the project. Attorney Anderson noted the BCWMC requires long term maintenance of its CIP project by member cities, or in this case, by the MPRB and/or the city of Minneapolis.

**MOTION:** Commissioner Welch moved to authorize execution of the agreement amendment by the chair and secretary. Alternate Commissioner Kennedy seconded the motion. Upon a vote the motion carried 9-0.

**F. Receive Update on Status of 2023 Operating Budget**

Administrator Jester reported that aside from the Plan Development budget, the operating budget was in good standing with some budget lines being slightly over budget and others being slightly under budget. She noted the budget for legal assistance was higher than normal (even though legal work on the Lagoon Dredging Project came directly from that CIP budget). Commissioner Welch recommended that the Budget Committee consider a budget amendment for 2024 to increase the legal assistance budget.

**G. Consider Approving Administrator and Commissioner Attendance at Minnesota Watershed Conference**

Administrator Jester reported the Minnesota Watersheds Annual Conference and Meeting is scheduled for November 28 – December 1 in Alexandria, MN and that she would like to attend the Minnesota Association of Watershed Administrators meeting on Nov 28, she is interested in attending a workshop on November 29<sup>th</sup>, and she is scheduled to give a presentation on the Low Salt, No Salt MN campaign on Nov 30. She requested approval to attend the full conference with a registration cost of \$258 (including a speaker discount) plus 3 nights lodging and mileage for a total estimated cost of \$794, plus her time to attend. She noted the Administrator's budget line would be used this expense.

**MOTION:** Alternate Commissioner Kennedy moved to approve the Administrator's request to attend the MN Watersheds Conference. Commissioner Gwin-Lenth seconded the motion.

Discussion: Commissioner Welch recommended that all commissioners review the agenda and consider attending. He noted the conference this year is better designed to allow commissioners to attend educational sessions as well as meetings. Commissioner Harwell noted she didn't get a lot out of last year's meeting and would appreciate a report back from those who attend. Alternate Commissioner Hauer reported she liked the conference and found the presentations helpful. Commissioner Welch noted the conference is good, particularly for new commissioners. He requested the

motion be amended to approve registration and lodging costs for any commissioner who wished to attend.

The motion was amended to include approval of registration and lodging costs for any commissioner or alternate who wished to attend the MN Watersheds Conference.

VOTE: Upon a vote the motion passed 9-0.

## 6. COMMUNICATIONS

### A. Administrator's Report

Administrator Jester reminded commissioners about the Wednesday November Commission meeting. She also noted that the meeting room can now accommodate hybrid meetings. She was directed to work with city staff on arranging for hybrid meetings.

[Alternate Commissioners Harwell and Vadali leave the meeting.]

Administrator Jester reported that a post-treatment survey of aquatic plants in Sweeney Lake found a second small patch of Eurasian watermilfoil near the boat launch. She will work with the lake association and Commission Engineers and other partners on how to address it next year as it's too late to treat this year.

Administrator Jester reported that she recently facilitated an interview with a Minneapolis resident to gather input on the 2025 watershed plan and used the BCWMC's compensation policy to provide the interviewee with a \$50 Visa gift card.

- B. Engineer –Commission Engineer Chandler reported on the development of the Atlas 15 precipitation frequencies.
- C. Legal Counsel – No report
- D. Chair – No report
- E. Commissioners – Commissioner Welch reported that the Commission's BWSR representative, Steve Christopher, is leaving BWSR and moving to Met Council. Commissioners agreed the watershed tour was good.
- F. TAC Members – TAC Chair Ray is leaving his position at the City of Crystal to become the public works director for the City of Burnsville.
- G. Committees – The Education Committee began working on the watershed map update. Additionally, Commissioner Twiford reported that Utepils staff is happy to discuss installation of signs along the creek in the brewery's back patio area.

## 7. INFORMATION ONLY

- A. BCWMC Administrative Calendar
- B. CIP Project Updates [www.bassettcreekwmo.org/projects](http://www.bassettcreekwmo.org/projects)
- C. Grant Tracking Summary and Spreadsheet
- D. Bassett Creek Watershed Tour Handout
- E. Ĥaĥa Wakpadaŋ Pronunciation Video
- F. Article on Ĥaĥa Wakpadaŋ Water Ceremony
- G. WCA Notices Plymouth, New Hope

## 8. ADJOURNMENT - The meeting adjourned at 11:10 a.m.

Item 4B.  
BCWMC  
11-15-23

<b>Bassett Creek Watershed Management Commission</b>						
<b>Statement of Financial Position</b>						
				<b>Capital Improvement Projects</b>	<b>General Fund</b>	<b>TOTAL</b>
<b>ASSETS</b>						
<b>Current Assets</b>						
<b>Checking/Savings</b>						
		<b>101 · Wells Fargo Checking</b>	-813,128.33	830,057.03	16,928.70	
		<b>102 · 4MP Fund Investment</b>	3,501,986.62	201,702.21	3,703,688.83	
		<b>103 · 4M Fund Investment</b>	3,533,650.36	-96,388.95	3,437,261.41	
		<b>Total Checking/Savings</b>	6,222,508.65	935,370.29	7,157,878.94	
<b>Accounts Receivable</b>						
		<b>111 · Accounts Receivable</b>	0.00	600.67	600.67	
		<b>112 · Due from Other Governments</b>	52,806.40	-0.26	52,806.14	
		<b>113 · Delinquent Taxes Receivable</b>	11,396.55	0.00	11,396.55	
		<b>Total Accounts Receivable</b>	64,202.95	600.41	64,803.36	
<b>Other Current Assets</b>						
		<b>114 · Prepays</b>	0.00	2,978.75	2,978.75	
		<b>116 · Undeposited Funds</b>	0.00	1,500.00	1,500.00	
		<b>Total Other Current Assets</b>	0.00	4,478.75	4,478.75	
		<b>Total Current Assets</b>	6,286,711.60	940,449.45	7,227,161.05	
<b>TOTAL ASSETS</b>				<b>6,286,711.60</b>	<b>940,449.45</b>	<b>7,227,161.05</b>
<b>LIABILITIES &amp; EQUITY</b>						
<b>Liabilities</b>						
<b>Current Liabilities</b>						
<b>Accounts Payable</b>						
		<b>211 · Accounts Payable</b>	17,448.45	82,735.55	100,184.00	
		<b>Total Accounts Payable</b>	17,448.45	82,735.55	100,184.00	
<b>Other Current Liabilities</b>						
		<b>212 · Unearned Revenue</b>	438,823.00	0.00	438,823.00	
		<b>251 · Unavailable Rev - property</b>	11,396.55	0.00	11,396.55	
		<b>Total Other Current Liabilities</b>	450,219.55	0.00	450,219.55	
		<b>Total Current Liabilities</b>	467,668.00	82,735.55	550,403.55	
		<b>Total Liabilities</b>	467,668.00	82,735.55	550,403.55	
<b>Equity</b>						
		<b>311 · Nonspendable prepaids</b>	0.00	2,978.75	2,978.75	
		<b>312 · Restricted for improvements</b>	4,562,582.00	0.00	4,562,582.00	
		<b>315 · Unassigned Funds</b>	0.00	375,424.57	375,424.57	
		<b>32000 · Retained Earnings</b>	1,198,999.33	108,188.52	1,307,187.85	
		<b>Net Income</b>	23,462.01	405,122.32	428,584.33	
		<b>Total Equity</b>	5,785,043.34	891,714.16	6,676,757.50	
<b>TOTAL LIABILITIES &amp; EQUITY</b>				<b>6,252,711.34</b>	<b>974,449.71</b>	<b>7,227,161.05</b>
<b>UNBALANCED CLASSES</b>				34,000.26	-34,000.26	0.00

**Bassett Creek Watershed Management Commission**

**Statement of Revenues, Expenditures and Changes in Fund Balances - General Fund**

	Annual Budget	Oct 20 - Nov 16, 23	Feb 1 - Nov 16, 23	Budget Balance
<b>Ordinary Income/Expense</b>				
<b>Income</b>				
411 · Assessments to Cities	617,430.00	0.00	617,430.00	0.00
412 · Project Review Fees	80,000.00	4,500.00	73,170.50	6,829.50
413 · WOMP Reimbursement	5,000.00	0.00	4,500.00	500.00
414 · State of MN Grants		0.00	12,257.72	-12,257.72
415 · Investment earnings		32,396.65	245,312.72	-245,312.72
416 · TRPD Reimbursement	5,000.00	0.00	0.00	5,000.00
417 · Transfer from LT & CIP	68,000.00	0.00	0.00	68,000.00
<b>Total Income</b>	<b>775,430.00</b>	<b>36,896.65</b>	<b>952,670.94</b>	<b>-177,240.94</b>
<b>Expense</b>				
<b>1000 · Engineering</b>				
1010 · Technical Services	145,000.00	6,280.50	111,234.68	33,765.32
1020 · Development/Project Reviews	80,000.00	5,540.50	60,546.60	19,453.40
1030 · Non-fee and Preliminary Review	30,000.00	1,182.50	14,033.50	15,966.50
1040 · Commission and TAC Meetings	15,000.00	1,040.00	12,307.40	2,692.60
1050 · Surveys and Studies	15,000.00	0.00	0.00	15,000.00
1060 · Water Quality / Monitoring	105,000.00	1,467.93	58,994.57	46,005.43
1070 · Water Quantity	9,000.00	0.00	5,920.96	3,079.04
1080 · Annual Flood Control Inspectio	15,000.00	4,376.36	12,691.36	2,308.64
1090 · Municipal Plan Review	2,000.00	0.00	1,860.00	140.00
1100 · Watershed Monitoring Program	27,000.00	4,095.68	22,109.03	4,890.97
1110 · Annual XP-SWMM Model Updat	3,000.00	0.00	319.00	2,681.00
1120 · TMDL Implementation Reportin	0.00	0.00	0.00	0.00
1130 · APM/AIS Work	40,000.00	2,397.50	44,674.84	-4,674.84
1140 · Erosion Control Inspections	0.00	0.00	0.00	0.00
1000 · Engineering - Other		0.00	0.00	0.00
<b>Total 1000 · Engineering</b>	<b>486,000.00</b>	<b>26,380.97</b>	<b>344,691.94</b>	<b>141,308.06</b>
<b>2000 · Plan Development</b>				
2010 · Next Gen Plan Development	53,250.00	4,909.70	61,442.81	-8,192.81
2000 · Plan Development - Other		0.00	0.00	0.00
<b>Total 2000 · Plan Development</b>	<b>53,250.00</b>	<b>4,909.70</b>	<b>61,442.81</b>	<b>-8,192.81</b>
<b>3000 · Administration</b>				
3010 · Administrator	78,750.00	5,780.21	54,417.71	24,332.29
3020 · MAWD Dues	7,500.00	7,500.00	7,500.00	0.00
3030 · Legal	17,000.00	2,159.83	17,665.52	-665.52
3040 · Financial Management	14,540.00	1,075.00	10,515.00	4,025.00
3050 · Audit, Insurance & Bond	18,700.00	0.00	20,705.00	-2,005.00
3060 · Meeeting Catering	2,400.00	161.23	1,612.30	787.70
3070 · Administrative Services	7,240.00	120.81	2,383.82	4,856.18
3000 · Administration - Other		0.00	0.00	0.00
<b>Total 3000 · Administration</b>	<b>146,130.00</b>	<b>16,797.08</b>	<b>114,799.35</b>	<b>31,330.65</b>
<b>4000 · Education</b>				
4010 · Publications / Annual Report	1,000.00	0.00	1,338.00	-338.00
4020 · Website	1,600.00	0.00	687.16	912.84
4030 · Watershed Education Partnersl	18,350.00	0.00	9,500.00	8,850.00
4040 · Education and Public Outreach	28,000.00	3,538.05	13,825.84	14,174.16
4050 · Public Communications	1,100.00	0.00	1,263.52	-163.52
4000 · Education - Other		0.00	0.00	0.00
<b>Total 4000 · Education</b>	<b>50,050.00</b>	<b>3,538.05</b>	<b>26,614.52</b>	<b>23,435.48</b>
<b>5000 · Maintenance</b>				
5010 · Channel Maintenance Fund	25,000.00	0.00	0.00	25,000.00
5020 · Flood Control Project Long-Ter	35,000.00	0.00	0.00	35,000.00
5000 · Maintenance - Other		0.00	0.00	0.00
<b>Total 5000 · Maintenance</b>	<b>60,000.00</b>	<b>0.00</b>	<b>0.00</b>	<b>60,000.00</b>
<b>Total Expense</b>	<b>795,430.00</b>	<b>51,625.80</b>	<b>547,548.62</b>	<b>247,881.38</b>
<b>Net Ordinary Income</b>	<b>-20,000.00</b>	<b>-14,729.15</b>	<b>405,122.32</b>	<b>-425,122.32</b>
<b>Net Income</b>	<b>-20,000.00</b>	<b>-14,729.15</b>	<b>405,122.32</b>	<b>-425,122.32</b>







## Memorandum

**To:** Bassett Creek Watershed Management Commission (BCWMC)  
**From:** Barr Engineering Co. (Gabby Campagnola, Jim Herbert, P.E.)  
**Subject:** Item 4D: Medicine Lake Lift Station Floodplain Mitigation – Medicine Lake, MN  
BCWMC November 15, 2023, Meeting Agenda  
**Date:** November 9, 2023  
**Project:** 23270051 2023 2329

### 4D Medicine Lake Lift Station Floodplain Mitigation – Medicine Lake, MN BCWMC 2023-22

#### Summary:

**Project Proposer:** City of Medicine Lake

**Proposed Work:** Excavation, grading, and drainage improvements

**Basis for Review at Commission Meeting:** Proposed plan to fulfill requirements of a previously approved temporary variance request, work in the floodplain

**Impervious Surface Area:** No change

**Project Construction Schedule:** December 2023

**Recommendation:** Conditional approval

#### General Project Information

The City of Medicine Lake reconstructed a sanitary lift station on Kaiser Avenue that resulted in 81 cubic yards of fill below the Medicine Lake 100-year floodplain. The city initially intended to construct the lift station and provide compensatory storage as part of the BCWMC #2021-36 Peninsula Road Street and Utility Improvements project that the BCWMC reviewed and approved at the March 18, 2022 meeting, but the street project was delayed. According to the City, the sanitary lift station improvements were separated from the street project and the schedule was accelerated due to the poor condition of the existing lift station and concerns about failure. Therefore, the city completed the lift station reconstruction project during the summer of 2022 with no compensatory storage.

At the November 16, 2022, BCWMC meeting, the City of Medicine Lake requested “after-construction” approval of the lift station rehabilitation project (BCWMC #2022-17) and a temporary variance to BCWMC Rule 4.8 (Policy 38), which requires “that projects within the floodplain maintain no net loss in floodplain storage and no increase in flood level at any point along the trunk system.” The BCWMC conditionally approved the project and a temporary variance for floodplain fill without compensatory storage, valid until December 31, 2024. The floodplain mitigation project includes excavation of a series of ditches in Jevne Park to improve drainage and provide compensatory floodplain storage in the 100-year floodplain, as required by the temporary variance (see attached grading plan showing the ditches).

## Floodplain

The project includes work in the BCWMC (Medicine Lake) 1% annual-chance (base flood elevation, 100-year) floodplain. The January 2023 BCWMC Requirements for Improvements and Development Proposals (Requirements) document states that projects within the floodplain must maintain no net loss in floodplain storage and no increase in flood level at any point along the trunk system (managed to at least a precision of 0.00 feet). The 1% annual-chance (base flood elevation, 100-year) floodplain elevation of Medicine Lake is 890.4 feet NAVD88.

The lift station rehabilitation project resulted in 81 cubic yards of net fill below the 100-year floodplain. The proposed work in Jevne Park will provide a net gain of 67 cubic yards of floodplain storage, but 14 cubic yards short of the required 81 cubic yards of compensatory storage. The city will provide the remainder of the compensatory storage as part of the Peninsula Road Street and Utility Improvements project (BCWMC #2021-36), which the city expects to begin in April/May of 2024. Table 1 provides a summary of the compensatory storage by project and timeline for the three projects.

**Table 1: Proposed Compensatory Storage and Timeline**

Project	Floodplain Fill (cubic yards)	Compensatory Storage Provided (cubic yards)	Net Floodplain Impact	Completion Timeline
Medicine Lake Lift Station Rehabilitation (BCWMC #2022-17)	85	4	81 CY fill	Summer 2022
Medicine Lake Lift Station Floodplain Mitigation (BCWMC #2023-22)	2	69	67 CY cut	December 2023
Peninsula Road Street and Utility Improvements (BCWMC #2021-36)	22	38	16 CY cut	November 2024 <sup>1</sup>
<b>TOTAL</b>	109	111	2 CY cut	-

<sup>1</sup>In the case of unforeseen circumstances and the street project is extended until 2025, the volume reduction work of the utility project will be completed to ensure compensatory storage is provided by December 31, 2024

The combination of the 3 projects (lift station rehabilitation, lift station floodplain mitigation, and street project) will result in a net increase of 2 cubic yards of floodplain storage.

## Wetlands

The BCWMC is the local government unit (LGU) responsible for administering the Wetland Conservation Act (WCA) in the City of Medicine Lake. There is one wetland at the floodplain mitigation project site that will be temporarily impacted due to equipment access. The applicant has submitted a wetland permit application that is under review by Barr on behalf of the LGU.

## Rate Control

The floodplain mitigation project does not create one or more acres of net new impervious surfaces; therefore, BCWMC rate control review is not required.

**To:** Bassett Creek Watershed Management Commission (BCWMC)  
**From:** Barr Engineering Co. (Gabby Campagnola, Jim Herbert, P.E.)  
**Subject:** Item 4D: Medicine Lake Lift Station Floodplain Mitigation – Medicine Lake, MN  
**Date:** November 9, 2023  
**Page:** 3

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## **Water Quality**

The floodplain mitigation project does not create one or more acres of net new impervious surfaces; therefore, BCWMC water quality review is not required.

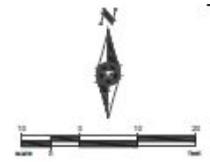
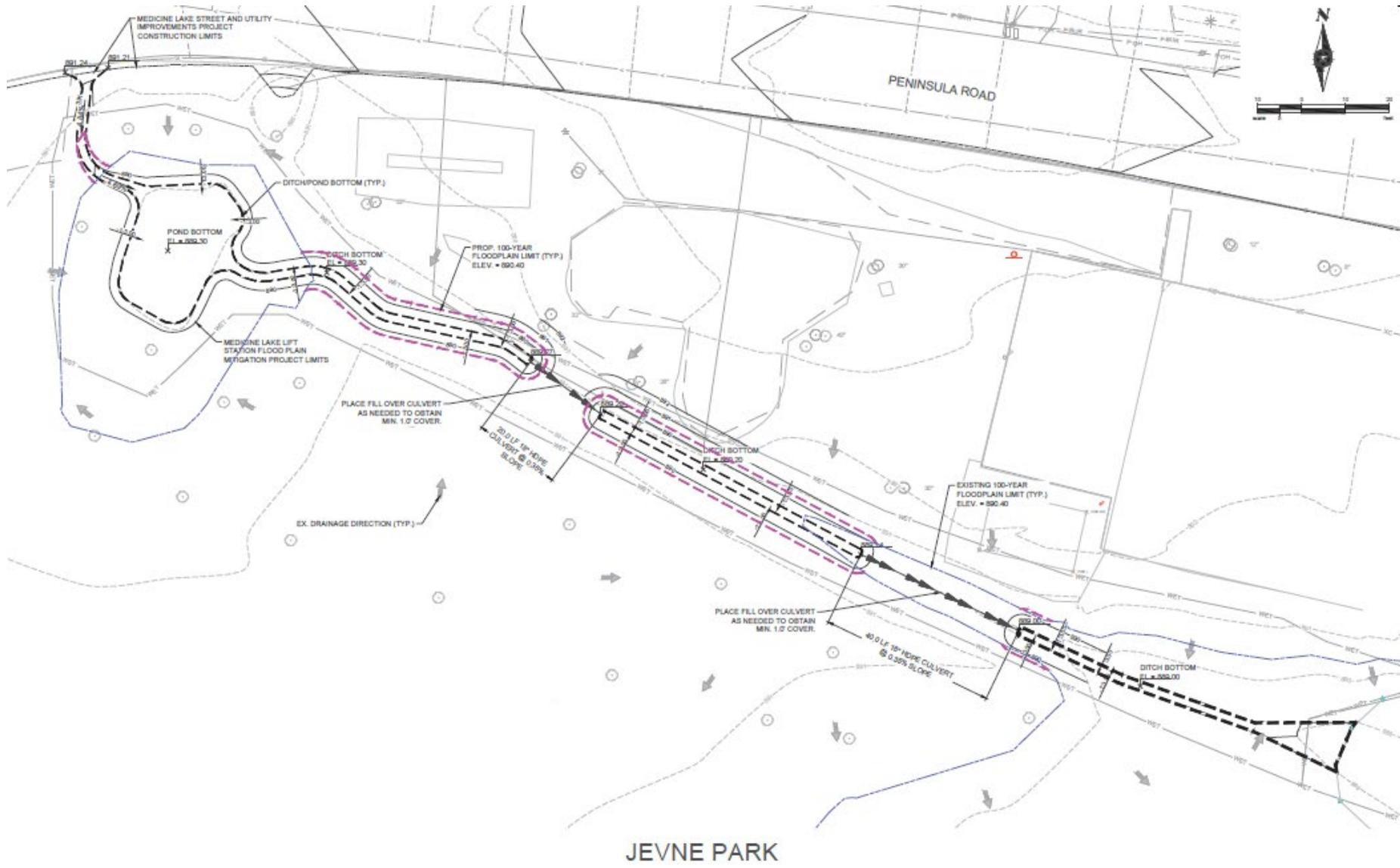
## **Erosion and Sediment Control**

Although an erosion and sediment control plan was prepared, the floodplain mitigation project does not result in more than 10,000 square feet of land disturbance or 200 cubic yards of cut and fill; therefore, BCWMC erosion and sediment control plan review is not required.

## **Recommendation**

Conditional approval based on the following comment:

- Final WCA documents must be approved by Barr on behalf of the LGU prior to the start of construction.





Project Location

- Project Location
- Municipality
- BCWMC Legal Boundary
- Major Subwatershed
- BCWMC Hydrologic Boundary
- Bassett Creek



0 400 800 Feet



BCWMC 2023-22  
 MEDICINE LAKE LIFT STATION  
 FLOODPLAIN MITIGATION  
 Medicine Lake, MN

LOCATION MAP





## Technical Memorandum

**To:** Bassett Creek Watershed Management Commission (BCWMC) and City of Plymouth  
**From:** Barr Engineering Co.  
**Subject:** Item 5A – Study of Chloride extraction/dilution for Parkers Lake (PL-7)  
**Date:** November 9, 2023  
**Project:** 23270051.57

### 5A. Study of Chloride extraction/dilution for Parkers Lake (PL-7)

#### Recommendations:

1. We recommend that the Commission use the results of this study to consider the feasibility of implementing ion exchange treatment at a small scale, such as at a stormwater pond upstream of a chloride-impaired or threatened lake (e.g., at a pond upstream of Crane Lake). A small pilot project could also include comparing the ion exchange treatment option with the cost and practicality of enhanced source control in the tributary watershed.
2. In addition to the recent changes to the City's Parkers Lake monitoring program, we recommend that the Commission and the City of Plymouth add a winter (January or February) lake water quality sampling event to the current protocols to establish an annual chloride mass balance baseline and to better measure future watershed source reductions of applied chloride.

#### Executive Summary

Parkers Lake, in the City of Plymouth, is impaired due to high chloride concentrations. Stormwater monitoring data shows that most chloride enters the lake from industrial and commercial areas to the northeast of the lake. Prior to this study, there was some belief that lake water only left the lake when water levels were high, leaving salty water to continuously accumulate in the bottom of the lake. This study revealed that the lake and chloride-laden water flushes about once every 1.4 years (consistent with the lake water residence time). Regardless of flushing, the lake currently does not meet State water quality standards for chloride. Hence, chloride reduction measures are needed.

The Commission approved a scope of work for the Chloride Extraction/Dilution from Parkers Lake Study (this study) from the Commission Engineer at their September 15, 2022, meeting. The goal of the study was to determine viable options for sufficiently removing chloride from Parkers Lake to meet the MPCA water quality standard. The study analyzed two primary alternatives to reduce chloride in Parkers Lake: 1) pumping lake bottom water directly to the sanitary sewer, and 2) pumping lake bottom water, treating it, and returning treated water to the lake.

Alternative 1: Despite numerous discussions with Metropolitan (Met) Council regulators and submittal of pre-permit documentation, the Met Council ultimately declined a request to permit the proposed discharge of chloride-laden lake water into the sanitary sewer. The Met Council noted that their Metro wastewater treatment plant is not designed to treat chloride and their internal policy precludes them from accepting discharges that they cannot treat and would simply pass pollution downstream.

Alternative 2: Two different treatment systems were evaluated for this alternative – a small scale reverse osmosis system (RO) and an ion exchange system (IX). Both systems would pump water from the bottom of the lake, treat it, and return the treated water back to the lake. This memo presents detailed data on both systems including permitting considerations, pre-treatment needs to remove total suspended solids (TSS) in the water before it goes through either RO or IX, equipment needs, maintenance needs, capital costs, and annual operation costs. The table below summarizes the outcomes of the evaluations. Recommendations for next steps are shown at the top of this memo and explained more fully in Section 4.2.

	Reverse Osmosis	Ion Exchange
Advantages	<ul style="list-style-type: none"> <li>• Has high quality permeate stream</li> <li>• Has high removal efficiency of chlorides</li> </ul>	<ul style="list-style-type: none"> <li>• No other effluents to be managed if regenerated off-site.</li> </ul>
Disadvantages	<ul style="list-style-type: none"> <li>• Requires pretreatment for TSS and organic matter removal</li> <li>• Has high capital cost</li> <li>• Requires proper management of the reject or concentrate</li> </ul>	<ul style="list-style-type: none"> <li>• Requires pretreatment for TSS and organic matter removal.</li> <li>• High sulfate may compete with ion exchange sites and shorten the run time between regeneration.</li> <li>• On-site regeneration would require storage of caustic regenerant at the site and disposal of high pH spent regenerant.</li> </ul>
Capital Cost	\$825,000	\$540,000 (equipment rental)
Annual Operation and Maintenance	\$97,300	\$126,200
Annualize Cost per Pound Chloride Removed	\$11.04	\$11.84

## 1 Introduction and Background

This memo presents results of a study on the efficacy of extracting or diluting chloride in Parkers Lake in the City of Plymouth. The Commission approved the scope for this study in September 2022.

Parkers Lake is impaired for chloride, which builds up at the bottom of the lake. During dry conditions, there are no outflows from the lake. In high-water conditions, water flows from the lake to the stormwater system, a lift station and eventually discharges into Medicine Lake. Land uses south of the lake are primarily residential, northwest of the lake is primarily park and multifamily, and northeast of the lake are industrial/ commercial. In-lake chloride monitoring, which has been ongoing since 2006, confirms that it is common for the lake to exceed chloride standards. Stormwater flowing into the lake is monitored by the

City of Plymouth and Three Rivers Park District (TRPD). This monitoring shows the area northeast of the lake contributes the highest amount of chloride to the lake.

The Commission approved a feasibility study for the BCWMC CIP Parkers Lake Drainage Improvement Project (PL-7) in May 2020, which included an alternative to add the Parkers Lake Chloride Reduction Project to the project (<https://www.bassettcreekwmo.org/index.php?cID=521>). In 2021 and 2022 the City of Plymouth partnered with the Hennepin County Chloride Initiative, cities, Met Council staff and watersheds to convene a technical cohort to investigate chloride reduction projects and education strategies. Data was pooled and analyzed for similarities to better target best management practices (BMPs), risks and opportunities for Parkers Lake. Three primary recommended BMPs resulted from the technical cohort's work: 1) develop a grant program that targets chloride reduction through private applicators and private property, 2) construct a pilot program for an on-site collection system to capture chloride effluent for disposal or reuse, and 3) perform in-lake chloride removal through dilution or effluent removal.

At the July 21, 2022, Commission meeting, the City of Plymouth reviewed the specifics of each BMP option including pros and cons, general cost, general level of effort, and presumed efficacy. Commissioners discussed the options and their previous engagement with Met Council staff regarding whether they would allow the discharge of chloride-laden stormwater to the sanitary sewer. It was noted that the discussion with Met Council may need to be revisited for some of the options. During that Commission meeting, it was noted that discharge to the sanitary sewer bypasses other resources like Medicine Lake, which is on the cusp of being impaired for chlorides. It was also noted that the Mississippi River is still far from exceeding chloride standards and occasional discharges to the river through the sanitary sewer are unlikely to impair the river; thus, this strategy could be a cost-effective removal tool to protect the environmental health of a lake. However, the Met Council does not treat for chlorides at the wastewater treatment plants so the pollutant load would be conveyed to the downstream river systems. The City of Plymouth proposed that they bring back to the Commission a scope of work for the Commission Engineer to perform an initial study of Parkers Lake to determine how practical in-lake removal could be. The Commission approved a scope of work for the Chloride Extraction/Dilution from Parkers Lake Study from the Commission Engineer at their September 15, 2022, meeting. The goal of the study was to determine viable options for sufficiently removing chloride from Parkers Lake to meet the MPCA water quality standard.

This study included many activities:

- sample coordination and testing with City of Plymouth and TRPD
- review and discussion of targeted sample analysis with MET COUNCIL
- review of permitting requirements for water withdrawal from the lake and discharge of raw and/or treated water (including treatment residuals)
- estimating costs and amount of chloride removal for each removal method
- evaluating the possibility of delisting Parkers Lake and/or estimated time to revert to current state without additional source control measures.

Permitting requirements were also documented as this project would likely require a Special Discharge Permit from MET COUNCIL for discharge of the high-chloride lake water and/or treatment residuals. In addition, the project may require a Minnesota Department of Natural Resources (MnDNR) Public Waters or Appropriation permits for lake water withdrawal and conditions on the return flow of treated water.

The study analyzed two primary alternatives to reduce chloride in Parkers Lake: 1) pumping lake bottom water directly to the sanitary sewer, and 2) pumping lake bottom water, treating it, and returning treated water to the lake.

This memorandum summarizes the water quality parameters of Parkers Lake, describes potential water treatment technologies for chloride removal, and provides preliminary treatment design concepts, cost estimates and chloride load reduction estimates for each viable water treatment technology.

## 1.1 Parkers Lake and Lake Watershed

Table 1-1 shows information on Parkers Lake and its watershed used for mass balance modeling and evaluating treatment objectives. The lake volume, surface area and average depth were calculated from lake bathymetric data. Parkers Lake is dimictic, which means that it typically mixes twice per year, and the thermocline depth can vary between 15 feet and 20 feet during summer stratification. (The thermocline delineates the top of the lake from the bottom of the lake. During summer stratification, these layers rarely mix due to differences in water density.) The volume of Parkers Lake below the thermocline is approximately 40 million gallons, or between 10 and 20 percent of the overall lake volume. Historical lake level monitoring indicated that the observed water surface elevations have exceeded the normal level of the lake two thirds of the time. As a result, lake outflow (and flushing) is common during all, but the driest years.

**Table 1-1 Parkers Lake Information <sup>(1)</sup>**

Parameter	Value
Watershed Area	1,065 acres
Lake Size	97 acres
Average Depth	12 ft
Maximum Depth	37 ft
Volume	379 million gallons
Ordinary High Water Level (OHWL)	935.9 ft
Normal Water Level (NWL)	934 ft
Downstream Receiving Waterbody	Medicine Lake

Figure 1-1 shows the Parkers Lake watershed, including the stormwater monitoring locations. Based on the mass balance modeling developed for this study, it is estimated that approximately two thirds (66%) of the total chloride load to Parkers Lake is coming from the Site 2a subwatershed to the northeast (industrial/commercial land use). The Site PL2 subwatershed from the northwest (parkland and multifamily residential land use) contributes approximately 16 percent of the total chloride load, while the Site PL1

from the subwatershed to the south (residential land use) and the unmonitored (direct) drainage areas each contribute 9 percent. Based on the estimated total watershed chloride load and typical mass of chloride in Parkers Lake, it is expected that the full lake mass of chloride is typically flushed out by the incoming load every 1.4 years.

## **1.2 Water Quality and Comparison with State Chloride Standard**

Parkers Lake is included on the Minnesota Pollution Control Agency's (MPCA) Impaired Waters List for exceeding the chronic chloride standard of 230 milligrams per liter (mg/L) <sup>(2)</sup>. Chloride enters the lake primarily during winter and spring snow melt from the use of deicing salt. Because higher chloride concentrations result in higher water density, the chloride accumulates in the lowest part of the lake, resulting in higher chloride concentrations in the lake bottom (hypolimnion). When the lake mixes during the spring and fall, the high chloride concentrations in the hypolimnion can mix throughout the lake and cause the chloride concentration to exceed the MPCA standard.

Because of the higher concentrations, chloride removal can be accomplished most effectively by treating water from the hypolimnion.

Figure 1-2 shows that the chloride concentration generally increases as the sample depth increases. Very few of the surface and mid-depth samples exceeded the chloride standard, while the bottom-water chloride sample concentrations typically exceed the 230 mg/L chloride standard.

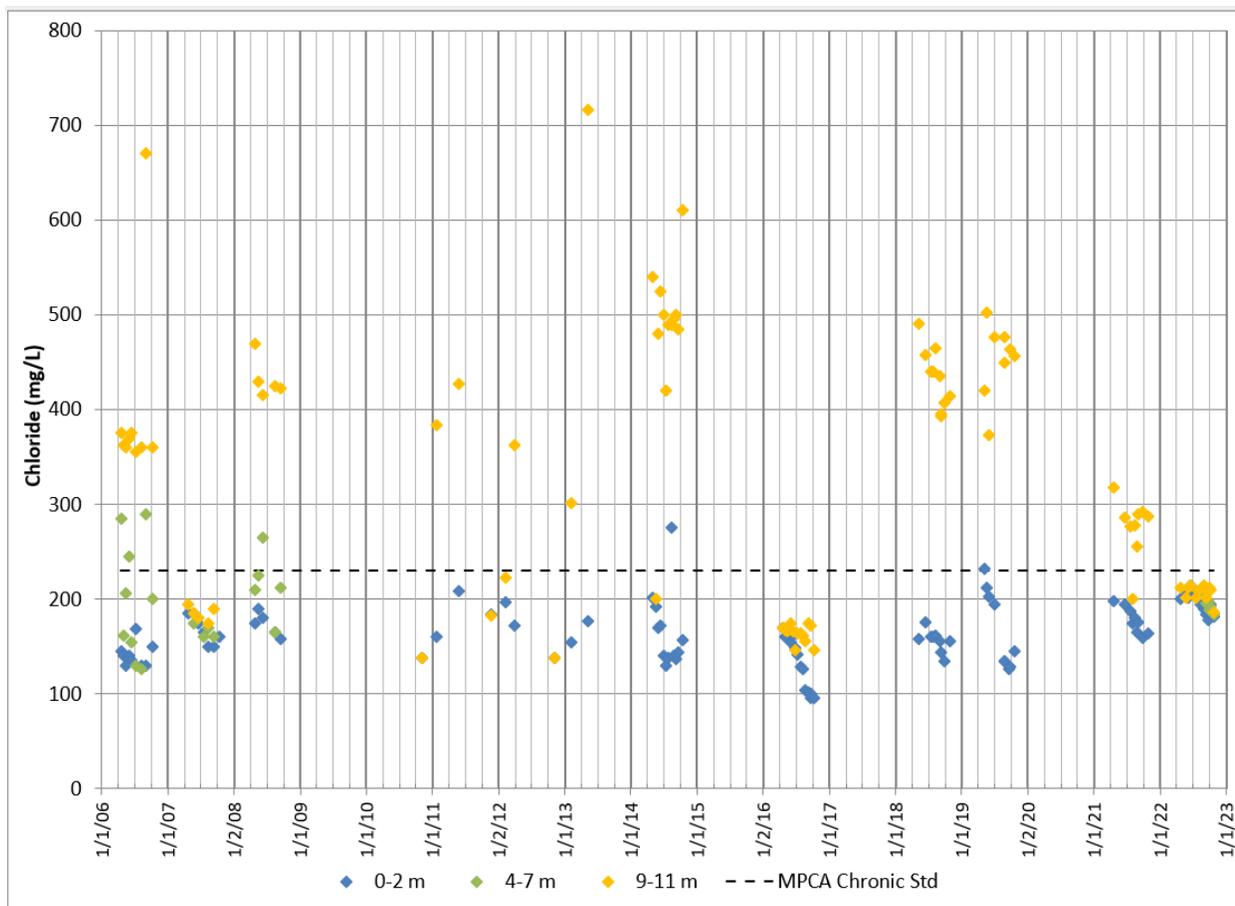
For delisting purposes, the MPCA evaluates exceedances of standards for toxic pollutants (including chloride) over consecutive three-year periods. Two or more exceedances of the chronic standard (230 mg/L), or one exceedance of the maximum standard (860 mg/L for chloride), in three years is considered an impairment.

The chloride concentrations from all samples (analyzed throughout the water column) met the chloride standard in 2007, 2016 and 2022. Our review of the lake and watershed monitoring and modeling data and climate records indicates that all three years benefitted from higher lake levels and flushing, along with early spring (mid-March) snowmelt, followed by higher-than-normal rainfall runoff through the end of April.

Parkers Lake appears to stratify during most years. During drier years, the stratification may be more pronounced, but that was not evaluated in detail for this memorandum. For purposes of treatment design, we assumed that the water to be removed or treated would be collected from the lake bottom (36-foot depth), but it could be collected at a shallower depth if intake installation costs warrant.



**Figure 1-1 Parkers Lake Watershed and Stormwater Monitoring Sites**



**Figure 1-2 Summary of 2006 through 2021 MPCA Chloride Data**

## 2 Alternative 1—Pumping Lake Bottom Water to Sanitary Sewer

Barr hosted several phone calls, sent email communications, and held a meeting with Met Council staff to discuss the possibility of obtaining a Special Discharge permit that would allow for pumping of the Parkers Lake bottom water to the sanitary sewer during times where hypolimnetic chloride concentrations exceeded the State standard. Met Council considered a pre-permit submission that provided more background about the proposed discharge, including pumping rates/timing, water quality and basis for the request. After considering the pre-permit submission, Met Council indicated that they would not permit the proposed discharge, primarily because their Metro wastewater treatment plant is not designed to treat chloride and their internal policy precludes them from accepting discharges that they cannot treat and would simply pass pollution downstream. Their decision is in keeping with their decision for a similar request to discharge pond water with high chloride levels from the Ridgedale stormwater pond(s).

### 3 Alternative 2—Pumping Lake Bottom Water, Treating, and Returning to Lake

#### 3.1 Study Objectives

The study objectives included:

- Evaluating chloride removal technologies to achieve a reliable chloride concentration <230 mg/L in the lake.
- Comparing pretreatment technologies to protect the chloride removal treatment process from total suspended solids (TSS) in the influent water.
- Describing the process flow of potential water treatment options including source water, treated water and residual discharges.
- Providing cost estimates of the water treatment options for chloride removal.

#### 3.2 Design Basis

The chloride treatment system will need to meet the design basis requirements shown in Table 3-1. The design flow is selected based on the capacity of small reverse osmosis (RO) treatment systems. The duration of operation is selected based on operation during warmer weather only. The goal is to treat a significant volume of water within the hypolimnion as this is the only layer of the lake that experiences exceedances of the chloride standard.

**Table 3-1 Design Basis**

Parameter	Value	Comments
Flow	20 gpm	Selected to minimize size of chloride removal technology
Daily Operation	24 hrs/day	Assumes automated operation; permits for continual operation may also be needed from Planning Department
Annual Operation	Up to 32 weeks per year (to treat up to 5 million gallons) during the spring-fall period	Allow sufficient time for residuals drying
TSS at Inlet	10 mg/L	Used to determine backwash frequency, or frequency of filtration media change-out
Prefiltration Requirement	5 microns for RO 10 microns for ion exchange	
Residuals disposal	Dry to less than 60% solids – RO Replaceable media vessels – ion exchange Media replacement once per week – cartridge or bag filters Backwash – discharge to infiltration basin or pond	Disposal of any residual to the Met Council sewer is deemed unacceptable.

### 3.3 Evaluation of Chloride Removal Technologies

The sections below evaluate a treatment technology to separate chloride from water and return the treated water to the lake. Pretreatment will be required to protect the chloride removal technologies from periodically high TSS in the lake.

#### 3.3.1 Pretreatment Technologies

It is assumed that Parkers Lake total suspended solids (TSS) concentrations are high enough (>1 mg/L) that the lake water will require prefiltration/pretreatment for TSS prior to using a chloride-reducing technology. Sand filtration, cartridge filtration, bag filtration, and ultrafiltration (UF) are all potential pretreatment technologies. The following bullets (and Table 3-2) provide an overview of these options, comparing the advantages and disadvantages of each pretreatment option.

##### Sand filters

- Remove contaminants from water by allowing contaminated water to percolate through a sand-based filter media.
- Require backwashing when the sand filter reaches its solids holding capacity.
- Filter more than 99% of TSS larger than 1 micron.

##### Cartridge and bag filters

- Uses replaceable cloth or paper media as the filtering agent.
- Filter bags or cartridges must be replaced when the solids holding capacity is reached.
- Can be sized to remove particles as small as 0.2 microns.
- For this application, we assumed a 2-stage system to produce the desired filtration without requiring unacceptably frequent filter changeouts.

##### Microfiltration/Ultrafiltration (MF/UF)

- Use hollow-fiber membranes to remove solids based on their sizes relative to the membrane pores.
- UF membranes filter more than 99% of TSS mass greater than 0.01 micron.
- MF membranes filter more than 99% of TSS mass greater than 0.1 micron
- The resulting water (permeate) quality is consistent.
- UF requires continuous, usually automated, maintenance cleaning and backwashing to considerably extend the life of the membranes.

**Table 3-2 Comparison of pretreatment technologies**

	Advantages	Disadvantages
<b>Sand filters</b>	<ul style="list-style-type: none"> <li>• Efficient removal of suspended particles</li> <li>• Easy to operate and low maintenance requirements</li> <li>• Long service life</li> </ul>	<ul style="list-style-type: none"> <li>• Backwash water may require treatment.</li> <li>• Will generate 400 to 500 gpd of backwash for every 10 gpm of capacity</li> </ul>
<b>Cartridge filters</b>	<ul style="list-style-type: none"> <li>• Removal of smaller particles than sand filters</li> <li>• Lower pressure requirements and energy costs</li> <li>• Backwash is not required</li> <li>• Suitable for smaller treatment systems</li> </ul>	<ul style="list-style-type: none"> <li>• Not practical for larger flows or large systems</li> <li>• Cartridges need to be replaced periodically</li> <li>• Replace 1 to 2 20-inch cartridges per day.</li> </ul>
<b>Bag filters</b>	<ul style="list-style-type: none"> <li>• Lower cost compared to cartridge filters</li> <li>• Suitable for smaller treatment systems</li> </ul>	<ul style="list-style-type: none"> <li>• Not practical for larger flows or large systems</li> <li>• Bags need to be replaced periodically</li> </ul>
<b>MF/UF</b>	<ul style="list-style-type: none"> <li>• Best removal of suspended solids</li> </ul>	<ul style="list-style-type: none"> <li>• Frequent backwash required</li> <li>• Will generate 700 to 800 gpd of backwash for every 10 gpm of capacity</li> <li>• Chemical backwash required</li> <li>• Will generate 25 to 35 gpd of chemical backwash for every 10 gpm of capacity required</li> <li>• Higher operational costs due to energy and chemical requirements</li> <li>• Higher capital cost</li> </ul>

### 3.3.2 Pretreatment Recommendation

Because the Met Council is already concerned about reject RO water going to the sanitary sewer, we recommend using cartridge or bag filters because there is no liquid waste stream to deal with. If the solid waste is deemed excessive, or if the filters clog excessively, sand filtration can be considered.

A sand filter will generate a backwash flow that can likely be returned to the lake with the treated water. The backwash would include solids removed from the treated water to protect the downstream treatment process but would not include the chlorides. If the lake has periods of high solids, this may be the preferred filtration method. If the backwash is not allowed to be returned to the lake, it could be discharged to a small infiltration basin or pond.

Because the MF/UF system will generate a backwash stream that may be difficult to dispose of, we did not consider this option further.

### 3.3.3 Chloride Treatment Technologies

Reverse osmosis and ion exchange are the two treatment technologies we considered for chloride removal. Below is a summary of each technology. Table 3-3 compares their advantages and disadvantages.

### 3.3.3.1 Reverse Osmosis

Reverse osmosis (RO) uses spiral-wound membranes to remove more than 95% of monovalent and divalent ions. A pump pressurizes the feed water and pushes it against the RO membrane resulting in two streams, the permeate (the water after it flows through the membrane) and the reject (concentrate).

- The permeate:
  - Is approximately 80% of the feed flow.
  - Has approximately 5% of the chlorides and other ions present in the feed flow.
- The reject or concentrate stream:
  - Is approximately 20% of the feed flow.
  - Has approximately 5 times the concentration of the ions removed from the feed flow.
  - Requires further treatment (evaporation) to reduce its volume for proper disposal (incineration or landfilling), or discharge to Met Council sewer (if permitted).
- RO systems have high capital costs due to cost of membranes, pressurized vessels, high-pressure pump, and manufactured skids.
- RO membranes require chemical addition to the feed such as antiscalants and biocides to avoid membrane fouling and reduced performance.
- Since chloride removal from Parkers Lake would be an annual event during spring, summer, and fall, the RO membranes would need to be properly cleaned and flushed, then stored with water and possibly a preserving chemical to ensure optimum performance for yearly treatment events. As an alternative, the membrane elements could be replaced on an annual basis.

### 3.3.3.2 Ion Exchange (IX)

Ion exchange (IX) treatment consists of resin selective to specific ion(s) loaded in pressurized vessels. In this case, chloride is exchanged with another anion, usually hydroxide (OH<sup>-</sup>) upon contact with the resin inside the vessel.

- IX vessels require backwashing when the flow drops or differential pressure across the vessel increases, but this is not expected to be a frequent requirement unless run times are very long.
- No chemical is added prior to the IX treatment.
- The effluent has similar water quality as the influent but with low concentrations of the target ions and any other ions that the resin has a high affinity for. For this application, the resin will likely remove sulfate and phosphate preferentially. The phosphate removal will be beneficial and will not significantly reduce the resin's capacity for chloride. Depending on the sulfate concentration in the lake, the resin's chloride reduction capacity may be somewhat lower. Future monitoring of sulfate is recommended, but it was already assumed that we wouldn't get 100% chloride treatment in the vessel, and thus, do not expect sulfate concentration to change capital (or greatly increase O&M) costs.
- After all exchange sites are filled, the resin requires replacement or regeneration. Because on-site regeneration will generate a waste that is difficult to dispose of, on-site regeneration was not considered further.

- Because chloride removal from Parkers Lake will be a yearly event during spring, summer, and fall, the IX vessels would need to be properly cleaned and flushed, then stored with water and possibly a preserving chemical to ensure optimum performance for yearly treatment events and to avoid damage to the resin.

**Table 3-3 Advantages and disadvantages of chloride removal technologies**

	<b>Advantages</b>	<b>Disadvantages</b>
<b>Reverse Osmosis</b>	<ul style="list-style-type: none"> <li>• Has high quality permeate stream</li> <li>• Has high removal efficiency of chlorides</li> </ul>	<ul style="list-style-type: none"> <li>• Requires pretreatment for TSS and organic matter removal</li> <li>• Has high capital cost</li> <li>• Requires proper management of the reject or concentrate</li> </ul>
<b>Ion Exchange</b>	<ul style="list-style-type: none"> <li>• No other effluents to be managed if regenerated off-site.</li> </ul>	<ul style="list-style-type: none"> <li>• Requires pretreatment for TSS and organic matter removal.</li> <li>• High sulfate may compete with ion exchange sites and shorten the run time between regeneration.</li> <li>• On-site regeneration would require storage of caustic regenerant at the site and disposal of high pH spent regenerant.</li> </ul>

### 3.3.3.3 Chloride Treatment Recommendation

Because RO and IX both offer advantages for treatment, and because they will have different capital and operational costs, both are considered in the following sections.

## 3.4 Preliminary concept design

This section describes preliminary concept design of both RO and IX treatment systems.

### 3.4.1 Assumptions

We made the following assumptions for designing the process flow diagram, sizing equipment, and providing cost estimates.

- The treatment system and any necessary structures will be placed on City, County or TRPD property.
- The treatment system will be operated by City of Plymouth staff.
- The system will be operated at 20 gpm average flow to treat up to 5,000,000 gallons in 180 days during April to October every year.
- The water will be pumped from the lake bottom (36-foot depth).
- The treatment system will typically operate when the lake is at its normal water level of 934.0 ft NAVD 88.
- All equipment will be housed in a secure treatment building with access for maintenance activities. The treatment building will be located at 5 feet above the lake’s OHWL of 935.9 ft NAVD 88.

### 3.4.2 Common requirements

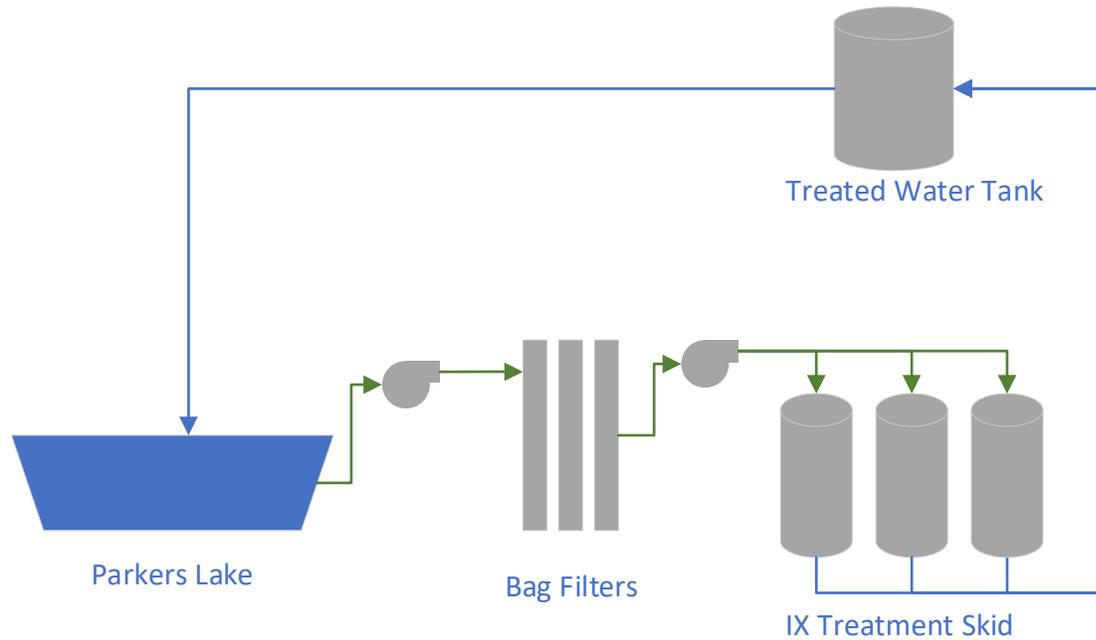
The following systems are required for both options, which can be run by a typical operator with maintenance performed by the supplier:

- Inlet screen – ¼" wedge-wire tee-screen installed at the intake.
  - Designed to meet fish entrainment requirements.
  - Lowered into place from a small work barge with a precast concrete ballast to set approximately 1 foot off the bottom of the lake.
  - Set at approximately 36 feet of depth.
- Inlet pipe – 3-inch ductile iron pipe.
  - 1000 feet length lowered into place from a work barge to lay on the bottom of the lake between the inlet screen and lake exit.
  - Dewatering adjacent groundwater required to install the pipe 3 feet below the NWL and maintain at least 3 feet of cover as it leaves the lake.
- Pump station – Self-priming centrifugal pumps.
  - Will lift water from the hypolimnion and pump through the prefilter at a rate of up to 20 gpm.
  - Capable of pumping flush water from the treated water tank to the inlet screen at a rate of 30 gpm.
- Prefilter – multi-stage bag filter.
  - 50-micron x 10 micron, or 50-micron x 5 micron depending on the chloride treatment process.
  - Sized to require bag replacement no more frequently than once per week.
- Treated water tank – staging tank for water used for flushing the inlet screen
  - 600-gallon cross-linked polyethylene tank
- Return pipe – 2-inch ductile iron pipe in joint trench below ice level.
  - Will return treated water to the epilimnion.
- Process piping and valves – will allow flushing of the inlet pipe and screen with treated water.

### 3.4.3 Option 1 – Ion Exchange treatment

The first option considers IX for chloride removal. Figure 3-1 shows the process flow diagram for this treatment option. Option 1 includes the following:

- Ion exchange
  - Chloride selective resin in a three-vessel rental skid.
  - 20 gpm capacity.
  - Sufficient resin volume to require change-out no more than once per week
  - The rental option assigns responsibility for resin changeout, regeneration, and storage between treatment events to the equipment supplier.



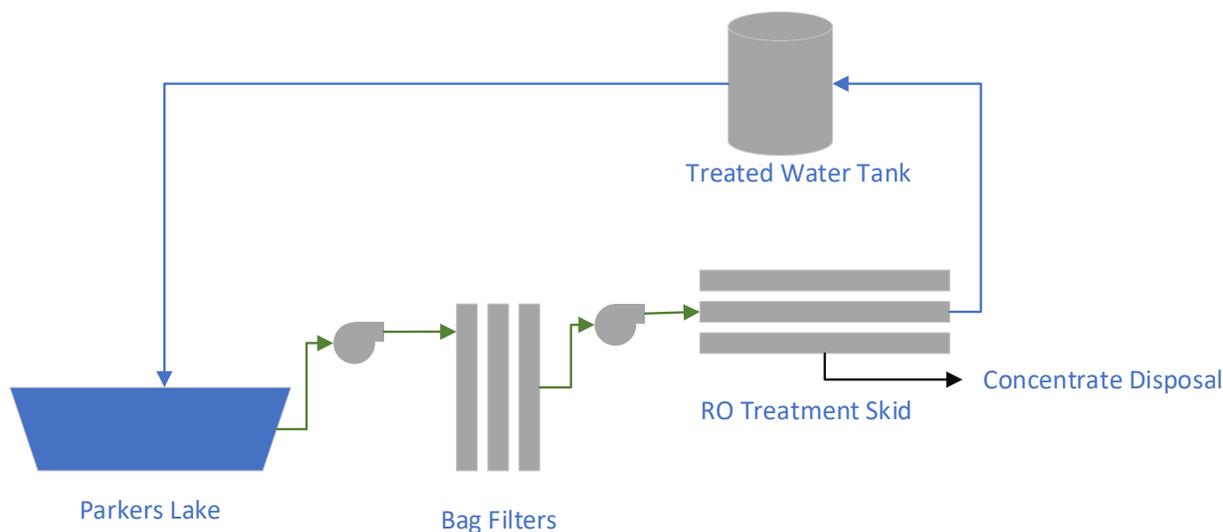
**Figure 3-1 Ion Exchange Process Flow Diagram**

### **3.4.4 Option 2 – Reverse Osmosis Treatment**

The second option considers RO for chloride removal. Figure 3-2 shows the process flow diagram for this treatment option.

Option 2 includes the following systems:

- Reverse osmosis
  - 20 gpm capacity
  - 2-stage RO skid with pumps, valves, pressure vessels, membrane elements, instrumentation, and control panel.
  - Replaceable membrane elements



**Figure 3-2 Reverse Osmosis Process Flow Diagram**

It may be possible to dispose of concentrate in the sanitary sewer system. This is typically where reverse osmosis concentrate from industrial wastewater or municipal water treatment processes is discharged. However, the Met Council provided a preliminary opinion that this would not be allowed.

Landfill disposal is feasible if the wastewater is dried sufficiently to pass a paint filter test. This would likely require drying the concentrate to approximately 60% total solids. At a treatment rate of 20 gpm, the RO system will generate almost 6,000 gallons of concentrate per day. This would need to be reduced to about 80 gpd of concentrate solids through evaporation. This cannot be accomplished with non-mechanical drying systems and would be cost prohibitive with a mechanical evaporator crystallizer due to the high capital cost of equipment and energy input for evaporating water. For this evaluation, concentrate disposal is not considered beyond sewer discharge. If the Met Council refuses to accept the concentrate discharge, the RO option may not be viable.

### **3.5 Class 4 cost estimate**

Barr prepared Class 4 cost estimates, as defined by the American Association of Cost Engineers International (AACI International), for each option as summarized in Table 3-4.

**Table 3-4 Summary of capital cost estimates**

	Option 1 IX vessel Rental	Option 2 RO
Mobilization	\$35,000	\$53,000
Site Grading and Access	\$10,000	\$10,000
Inlet Screen	\$15,000	\$15,000
Inlet and Return Pipe	\$240,000	\$240,000
Inlet Pump	\$15,000	\$15,000
Prefilter	\$27,000	\$27,000
Chloride Removal Treatment	\$0	\$111,000
Treated Water Tank	\$3,000	\$3,000
Residuals Pipe	\$0	\$10,000
Treatment Building	\$25,000	\$60,000
Electrical and Controls	\$14,000	\$44,000
Contingencies	\$58,000	\$88,000
<b>Construction Cost</b>	<b>\$442,000</b>	<b>\$676,000</b>
Engineering, Legal, Administrative	\$98,000	\$149,000
<b>Total Project Cost</b>	<b>\$540,000</b>	<b>\$825,000</b>
Accuracy Range (-20%)	\$440,000	\$660,000
Accuracy Range (+30%)	\$710,000	\$1,070,000

**Mobilization** includes contractor overhead costs for performance bonds, regulatory requirements, insurance, submittals, and moving equipment to and from the site. It is estimated to be approximately 10% of the total construction cost.

**Site Grading and Access Roads** includes construction silt fence and other construction stormwater management requirements as well as mass grading and pavement construction.

**Inlet Screen** includes a ¼" wedge-wire tee-screen sized to meet fish entrainment requirements installed from a construction barge.

**Inlet, Outlet, and Residuals Pipe** includes pipes and valves required to move water from the inlet through treatment and to the discharge. Because locations have not been evaluated, costs are allowances that account for installation below the water level and added length required for inlet pipe.

**Inlet Pump** includes a single self-priming centrifugal pump sized to pump water from the lake through the prefilter.

**Prefilter** includes bag filtration housing and media and installation.

**Chloride Removal** includes capital equipment and installation required for each option. Because the ion exchange option will include rental vessels, the cost of those tanks is included in O&M costs. The capital cost for that system does include appropriate piping, valves, instrumentation, and tank pads.

**Treated Water Tank** includes treated water storage for backwash, flushing, and discharge to the lake.

**Treatment Building** includes sheltered space for process equipment and pumps. The treatment building is assumed to be a concrete block construction.

**Electrical and Controls** is a placeholder based on 20% of equipment and building costs that includes motor control, heating and ventilation, and wiring and lighting.

**Contingencies** are estimated at 15% of direct costs. This is a place holder for work that is required but is not identified in a specific line item. As the design progresses, the contingencies will decrease.

**Engineering, legal, and administrative** costs are estimated at 22% of construction costs.

**Table 3-5 Summary of annual operation and maintenance costs**

	Option 1 IX Rental	Option 2 RO
Operation	\$48,600	\$44,400
Maintenance	\$10,800	\$15,300
Material	\$30,000	\$30,000
Chemical		\$1,000
Energy	\$800	\$1,600
Fees	\$36,000	\$5,000
<b>Total</b>	<b>\$126,200</b>	<b>\$97,300</b>

**Operation** costs include operational labor, laboratory labor and testing fees, reporting, and administrative costs. Systems with more unit processes tend to have higher costs in this category. The main assumption that influences this line item is labor costs, which are assumed to be \$100/hr for operators and \$150/hrs for administration.

**Maintenance** costs include labor for maintaining, adjusting, and repairing mechanical equipment. Systems with more pumps and other motor-driven equipment tend to have higher costs in this category.

**Material** costs include lubricating fluids, gaskets, seals, replacement parts, and disposal of residuals. Systems with more pumps and other motor-driven equipment tend to have higher costs in this category. Residual disposal fees for the RO system are assumed to be equal to a typical residential monthly sewer bill.

**Chemical** costs include antiscalants and cleaning chemicals.

**Energy** costs include the power costs for operating motor-driven equipment. Power costs are assumed to be \$0.12/kW-hr.

**Fees** includes rental costs and assumes current sewer use fees and we assume a time value of money based on BCWMC policy. The Met Council levies industrial charges for flow, BOD, and TSS.

### **3.6 Treatment Option Summary**

Removal of chloride from the Parkers Lake hypolimnion could be achieved with reverse osmosis (RO) treatment or ion exchange (IX). RO will have higher capital costs and lower operation and maintenance (O&M) costs, while IX will have lower capital costs and higher O&M costs. Based on the initial cost estimates, the payback period for RO treatment would be more than 30 years. Assumptions that could change the payback period include:

- Extending treatment longer through the summer months would increase the IX rental costs and decrease the payback period.
- Drying and landfill disposal of RO residuals would increase disposal costs and increase the payback period.

To further develop the chloride treatment design option(s), we recommend these next steps:

- Conduct comprehensive water quality testing on the water to be treated to inform potential treatment interferences, chemical use and other O&M costs associated with the pretreatment and/or treatment options. Samples should be collected from the same depth that the treatment system will pump and treat. This data will:
  - Determine raw water quality parameters that may impact RO treatment and chemical requirements.
  - Model water quality data of both RO reject, and RO permeate.
  - Determine concentrations of all ions that may potentially interfere with chloride ion exchange.
  - Verify assumptions on seasonal TSS concentrations.
- Discuss the location and operation of the treatment system with City of Plymouth and Hennepin County, as a specific location was not selected. The preferred location will be:
  - Close to the lake edge.
  - At an elevation close to the OHWL.
  - Acceptable to the landowners.
  - Accessible from existing access drives.
- Review RO concentrate discharges with the Met Council.

## **4 Overall Project Cost Considerations, Conclusions and Recommendations**

### **4.1 Analysis of Annualized Cost Per Pound of Chloride Removal**

We used the following assumptions to develop the economic analysis:

- The system will be operated at up to 20 gpm flow to treat up to 5 million gallons within a 32-week period during the Spring-Fall period each year that preliminary monitoring indicates that chloride exceedances are expected.
- Options are compared as equivalent uniform annual costs (EUAC) estimated for a 30-year life cycle.

- Capital costs are converted to an annual cost using an interest rate of 3% with discrete compounding.
- O&M costs will be incurred once per year at the end of the year.
- Salvage values (applicable for intake piping and building) are not considered.
- Equipment service life is 20 years. With regular maintenance this could be extended to 30 years without extra wear and tear or corrosion on parts.

Table 4-1 summarizes the annualized cost estimates and cost per pound of chloride removed for both treatment options considered. Option 2 includes Met Council fees in the O&M costs, while the rental fees are the primary drivers of increased O&M costs for Option 1. We expect that both options will result in long-term average chloride removals of approximately 13,120 pounds per year, which would reduce the average amount of chloride in the hypolimnion of Parkers Lake by 16%. We expect that this estimated load reduction would correspond to a long-term chloride concentration of 280 mg/L in the hypolimnion, while the long-term average chloride concentrations in the surface and middle sampling points of Parkers Lake would be maintained at approximately 165 mg/L, well below the 230 mg/L State Water Quality Standard.

**Table 4-1 Summary of capital and O&M cost estimates and cost-effectiveness**

	Option 1 IX vessel Rental	Option 2 RO
Total Capital Cost (from above)	\$540,000	\$825,000
Annual O&M Cost (from above)	\$126,200	\$97,300
Year 20 Replacement Costs	\$56,000	\$197,000
<b>30-year EUAC Including Replacement Costs</b>	<b>\$155,300</b>	<b>\$144,900</b>
30-year EUAC Without Replacement Costs	\$153,700	\$139,400
<b>Annualized Cost per Pound of Chloride Removed</b>	<b>\$11.84</b>	<b>\$11.04</b>

## 4.2 Discussion and Overall Recommendations

Parkers Lake regularly discharges water during all but the driest years; therefore, we expect that the full in-lake mass of chloride is typically flushed out by the incoming load every 1.4 years. Per State water quality standards, a lake is considered impaired if two or more measurements exceed the chronic criterion (230 mg/L) within a 3-year period or if one measurement exceeds the maximum criterion (860 mg/L). Because of this, it will be difficult for either of the treatment options to produce early season chloride concentrations that meet the 230 mg/L standard in a typical year, without additional source load reductions (about 20%) or an order of magnitude increase in treatment capacity (and corresponding cost increases).

It is likely that a combination of watershed source control to reduce chloride loading and the treatment Option 1 (ion exchange) will meet MPCA's lake chloride standard. However, because of the large scale of the Parkers Lake project and the additional costs and permitting requirements (Parkers Lake is a MnDNR public water), we do not recommend moving ahead with the Parkers Lake project at this time. Rather, we recommend that the Commission consider design refinements and the feasibility of implementing ion

exchange treatment at a smaller scale, such as at a stormwater pond upstream of a chloride-impaired or threatened lake (e.g., at a pond upstream of Crane Lake). A smaller, pilot project could also include comparing the ion exchange treatment option with the cost and practicality of enhanced source control in the tributary watershed. If the ion exchange treatment option is successful at this smaller scale, then the Commission can consider implementing this type of treatment at a larger scale/larger waterbody.

In addition to the recent changes to the City's Parkers Lake monitoring program, we further recommend that the Commission and the City of Plymouth add a winter (January or February) lake water quality sampling event to the current protocols to establish an annual chloride mass balance baseline and to better measure future watershed source reductions of applied chloride.

## 5 References

1. **Bassett Creek Watershed Management Commission.** Parkers Lake. *Bassett Creek WMO*. [Online] Bassett Creek WMO, 2023. [Cited: August 25, 2023.] <https://www.bassettcreekwmo.org/lakes-streams/parkers-lake>.
2. **Minnesota Pollution Control Agency.** Minnesota's impaired waters list. *Minnesota Pollution Control Agency*. [Online] MPCA, 2023. [Cited: August 25, 2023.] <https://www.pca.state.mn.us/air-water-land-climate/minnesotas-impaired-waters-list.wq-iw1-73>.

**JOINT POWERS AGREEMENT  
BETWEEN  
THE CITY OF PLYMOUTH  
AND  
THE BASSETT CREEK WATERSHED MANAGEMENT COMMISSION**

This Agreement (“Agreement”) is entered into and effective as of the 1<sup>st</sup> day of February, 2024 (“Effective Date”) by and between the **CITY OF PLYMOUTH**, a Minnesota municipal corporation (“Plymouth”) and the **BASSETT CREEK WATERSHED MANAGEMENT COMMISSION**, a joint powers watershed management organization (“Commission”), hereinafter referred to individually as “Party” and together as the “Parties.”

**RECITALS**

**WHEREAS**, Minnesota Statutes § 471.59 authorizes two or more governmental units to enter into an agreement to jointly or cooperatively exercise any power common to the contracting entities; and

**WHEREAS**, Plymouth employs designated staff for financial management and accounting; and

**WHEREAS**, the Commission desires to have Plymouth perform certain financial services for the Commission, and the Parties are willing for such services to be provided subject to the terms and conditions provided in this Agreement.

**NOW, THEREFORE**, Plymouth and the Commission agree as follows:

1. **FINANCIAL SERVICES.** Plymouth will perform for the Commission all financial management and accounting services outlined in Appendix A attached hereto. Such services shall be performed and provided by a qualified accountant level position. Each Party agrees to designate a qualified representative to communicate with the other Party on an as-needed basis to carry out all services contemplated herein.

2. **EMPLOYEE STATUS.** Plymouth employees working to provide services for the Commission under this Agreement shall remain employees of Plymouth and shall not be deemed employees of the Commission for any purpose whatsoever. Plymouth shall maintain all required workers’ compensation insurance on such employees.

3. **PAYMENT FOR SERVICES.** For 2024, the Commission shall pay Plymouth for the services contemplated herein and contained on Appendix A at a rate of \$1,334 per month, except that a separate additional charge of \$150 per hour will be invoiced for Plymouth’s provision of up to 25 hours of the annual financial audit assistance services described on Appendix A. Plymouth shall invoice the Commission quarterly or pursuant to another timeframe that may be agreed upon by both Parties in writing. The Commission shall pay undisputed invoices within forty-five (45) days of receipt.

For each 12-month period following January 31, 2025, while this Agreement remains in effect, a three percent (3%) cost inflator will be applied to the monthly compensation and hourly rate for annual financial audit assistance services, as established above. Any such increased rate, whether monthly or hourly, will be rounded up to the nearest dollar.

4. **INDEMNIFICATION; LIABILITY.** Each Party shall be liable for its own acts and the results thereof to the extent provided by law and each Party (“Indemnifying Party”) agrees to defend, indemnify and hold harmless the other Party (including its officials, employees, volunteers and agents), from any liability, claims, causes of action, judgments, damages, losses costs or expenses, including reasonable attorney’s fees, resulting directly or indirectly from any act or omission of the Indemnifying Party, anyone directly or indirectly employed by the Indemnifying Party, and/or anyone for whose acts

and/or omissions the Indemnifying Party may be liable, in the performance or failure to perform its obligations under this Agreement. Each Party's liability shall be governed by the provisions of Minnesota Statutes, Chapter 466 and other applicable law.

To the fullest extent permitted by law, action by the Parties to this Agreement is intended to be and shall be construed as a "cooperative activity" and it is the intent of the Parties that they shall be deemed a "single governmental unit" for the purposes of liability, as set forth in Minnesota Statutes, section 471.59, subdivision 1a(a), provided further that for purposes of that statute, each Party to this Agreement expressly declines responsibility for the acts or omissions of the other Party to this Agreement except to the extent they have agreed in writing to be responsible for the acts or omissions of the other Party. The total liability for the Parties shall not be added together to exceed the limits on governmental liability for a single governmental unit.

Each Party shall promptly notify the other of any claim, action, cause of action or litigation brought against that Party, its employees, officers, agents, or subcontractors, which arises out of the services contemplated pursuant to this Agreement and should also notify the other Party whenever any Party has a reasonable basis for believing that the Party, and/or its employees, officers, agents or subcontractors, and/or the other Party might become the subject of a claim, action, cause of action or litigation arising out of the services contemplated pursuant to this Agreement. The Parties agree that all above indemnity obligations shall survive the termination of this Agreement.

5. **TERM.** This Agreement shall commence on the Effective Date and remain in place unless and until terminated by either Party, for any reason or for no reason at all, upon providing 120 days' written notice to the other Party.

6. **MINNESOTA GOVERNMENT DATA PRACTICES ACT.** All data collected, created, received, maintained, or disseminated, in any form, for any purposes because of the Agreement is governed by the Minnesota Government Data Practices Act (Minn. Stat. Chap. 13 and related statutes), as amended, the Minnesota Rules implementing such Act, as amended, as well as any applicable federal regulations on data privacy.

7. **ENTIRE AGREEMENT.** This Agreement supersedes any prior or contemporaneous representations or agreements, whether written or oral, between the Parties and contains the entire agreement of the Parties related to the services contemplated herein.

8. **AMENDMENTS.** Any modification or amendment to this Agreement shall require a written agreement signed by both Parties.

9. **NOTICE.** Any notice, statement or other written documents required to be given under this Agreement shall be considered served and received if delivered personally to the other Party, or if deposited in the U.S. First Class mail, postage prepaid, as follows:

- a. Notice to: City of Plymouth  
City Manager  
3400 Plymouth Boulevard  
Plymouth, Minnesota 55447
- b. Notice to: Bassett Creek Watershed Management Commission  
Administrator  
P.O. Box 270825  
Golden Valley, Minnesota 55427

10. **AUDIT.** Plymouth must allow the Commission, or its duly authorized agents, and the state auditor or legislative auditor reasonable access to all books, records, documents, and accounting procedures

and practices that are pertinent to all services provided under this Agreement for a minimum of six years from the termination of this Agreement.

11. **CHOICE OF LAW.** This Agreement shall be governed by and construed in accordance with the laws of Minnesota.

12. **NO ASSIGNMENT.** This Agreement may not be assigned by either Party without the written consent of the other.

13. **SEVERABILITY.** The provisions of this Agreement are severable. If any portion of this Agreement is, for any reason, held by a court of competent jurisdiction to be contrary to law, such decision will not affect the remaining provisions of the Agreement.

14. **WAIVER.** Any waiver by either Party of a breach of any provision of this Agreement will not affect, in any respect, the validity of the remainder of this Agreement.

15. **COMPLIANCE.** The Parties shall each exercise due professional care to comply with applicable federal, state and local laws, rules, ordinances and regulations in carrying out this Agreement.

16. **HEADINGS.** The headings contained in this Agreement have been inserted for convenience of reference only and shall in no way define, limit, or affect the scope and intent of this Agreement.

17. **THIRD PARTY RIGHTS.** The Parties to this Agreement do not intend to confer on any third party any rights under this Agreement.

**CITY OF PLYMOUTH**

By: \_\_\_\_\_

Jeffry Wosje, Mayor

And: \_\_\_\_\_

David Callister, City Manager

**BASSETT CREEK WATERSHED  
MANAGEMENT COMMISSION**

By: \_\_\_\_\_

Its Chair

And: \_\_\_\_\_

Its Secretary

## **Appendix A - Services Provided**

### Monthly bookkeeping services

#### Banking & Investments

- Maintain check register and software (Plymouth reserves the right to change software)
- Prepare monthly checks
- Post receipts from grant funding to appropriate accounts
- Reconcile bank statements
- Ensure proper collateralization
- Deposit checks
- Monitor and manage investment funds

#### Financial reports/statements

- Statement of revenue, expenditures, and changes in fund balance
- Income statement/balance sheet
- Administrative and program/project budget reporting
- Budget to actual comparison for all funds

### Annual financial audit assistance services

- Prepare schedules and other documents for the Commission's annual audit as directed by the Commission personnel
- Prepare and transmit form 1099's for the year
- Submit all reporting requirements to the OSA

### Financial oversight

- Monitor fund balances

**COOPERATIVE AGREEMENT**  
(Cost Share Purchase of High Efficiency Street Sweeper BC-12)

This Cooperative Agreement (“**Agreement**”) is made as of this \_\_\_\_ day of \_\_\_\_\_, 2023 by and between the Bassett Creek Watershed Management Commission, a joint powers watershed management organization (“**Commission**”), and the City of Golden Valley, a Minnesota municipal corporation (“**City**”). The Commission and the City may hereinafter be referred to individually as a “party” or collectively as the “parties.”

**RECITALS**

- A. The Commission adopted the Bassett Creek Watershed Management Commission Watershed Management Plan on September 17, 2015 (“**Plan**”), a watershed management plan within the meaning of Minnesota Statutes, section 103B.231.
- B. The Plan includes a capital improvement program (“**CIP**”) that lists a number of water quality project capital improvements.
- C. The Commission adopted an amendment to the Plan on August 19, 2021 to include in its CIP the Cost Share Purchase of High Efficiency Street Sweeper in Golden Valley (“**Sweeper**”) for use within the Bassett Creek Watershed (“**Project**”).
- D. The Project includes sharing the cost of the purchase of the Sweeper for use by and in the City. The Project, including the cost sharing structure outlined herein, is consistent with the BCWMC’s “Policy on Use of CIP Funds for City Equipment Purchase” (“**Policy**”), which was approved by the Commission on April 16, 2020.
- E. The City shall use the Sweeper in subwatersheds of certain waterbodies and will collect data and document the effectiveness of the equipment at reducing pollutant loads, as provided in Exhibit A attached hereto and as required under the Policy.
- F. The estimated total cost of the Project to the Commission, including cost share pursuant to Policy guidelines, administration, and technical review is \$150,000.
- G. On September 21, 2023, the Commission adopted a resolution ordering the Project and directing that it be implemented by the City.
- H. In accordance with the Plan, Project costs were certified to Hennepin County, which will levy taxes throughout the watershed for Project costs in 2023 and 2024 for collection and settlement in 2024 and 2025, respectively, pursuant to Minnesota Statutes, section 103B.251.
- I. The City is willing to implement the Project in accordance with the terms and conditions hereinafter set forth.

## AGREEMENT

In consideration of the mutual covenants and agreements hereinafter set forth, and intending to be legally bound, the parties hereby agree as follows:

1. Project. The Project will include a purchase of the Sweeper by the City, in accordance with all statutory municipal contracting requirements, and its use pursuant to Exhibit A attached hereto. Upon the City's initial purchase of the Sweeper, the Commission agrees that it will reimburse the City for approximately 50% of the cost in accordance with this Agreement, which pursuant to sections 2 and 3 of this Agreement shall not exceed \$150,000. The City shall use the Sweeper in certain subwatersheds, as specified in the attached Exhibit A, and it will annually report on the use of the Sweeper and its effectiveness at reducing total phosphorus in subwatersheds of nutrient impaired lakes and reducing chlorides in the subwatershed of Sweeney Lake. Reporting will occur annually for five years and shall include, but may not necessarily be limited to, all data specified in Exhibit A. Said annual reports (the "**Effectiveness Report**") shall be promptly submitted to the Commission upon their completion.
2. Commission Reimbursement. The Commission will use its best efforts to secure payment from the County in accordance with Minnesota Statutes, section 103B.251 in the amount of One Hundred Fifty Thousand Dollars (\$150,000) by tax levy in 2023 and 2024 for collection in 2024 and 2025, respectively. The total reimbursement paid by the Commission to the City for the Project will not exceed One Hundred Fifty Thousand Dollars (\$150,000) towards purchase of the Sweeper less other Commission costs expected to be associated with the Project including up to a 2% administrative charge, and the cost of technical reviews of the effectiveness reports that will be prepared by the City and submitted to the Commission in accordance with this Agreement. Reimbursement to the City of 90% of the cost shared amount (\$135,000) will be made as soon as funds are available, provided a request for payment has been received from the City that contains such detailed information as may be requested by the Commission to substantiate costs and expenses. The City may then request reimbursement of the remaining 10% of the cost shared funds (up to \$15,000, less Commission costs) after submittal of the first Effectiveness Report and subsequent review by the Commission.
3. Limits on Reimbursement. Reimbursement to the City will not exceed the lesser of \$150,000, less Commission costs as provided in section 2 above, or the total amount received from the County for the Project. All costs of the Project incurred by the City in excess of such reimbursement shall be borne by the City or secured by the City from other sources.
4. Audit. All City books, records, documents, and accounting procedures related to the Project are subject to examination by the Commission and either the State Auditor or the Legislative Auditor for at least six years after completion of the Project.
5. Ongoing Service Period; Maintenance. The City shall be responsible for ongoing maintenance of the Sweeper and shall ensure that it remains in service, in good repair, and continues to effectively remove pollutants in the Bassett Creek Watershed for no less than 60 months from its date of purchase. The City agrees to perform all maintenance of the Sweeper at its sole cost and expense.

6. Data Practices. The City shall retain and make available data related to effectiveness documentation in accordance with the Minnesota Government Data Practices Act.
7. Term. This Agreement shall be in effect as of the date first written above and shall terminate after the last annual report that is required herein is finalized by the City and submitted to the Commission.
8. Entire Agreement. The above recitals and the exhibits attached hereto are incorporated in and made part of this Agreement. This Agreement contains the entire understanding between the parties regarding this matter and no amendments or other modifications of its terms are valid unless reduced to writing and signed by both parties.

IN WITNESS WHEREOF, the parties have caused this Agreement to be executed by their duly authorized officers on behalf of the parties as of the day and date first above written.

BASSETT CREEK WATERSHED  
MANAGEMENT COMMISSION

By: \_\_\_\_\_  
Its Chair

And by: \_\_\_\_\_  
Its Secretary

Date: \_\_\_\_\_

CITY OF GOLDEN VALLEY

By: \_\_\_\_\_  
Its Mayor

And by: \_\_\_\_\_  
Its City Manager

Date: \_\_\_\_\_

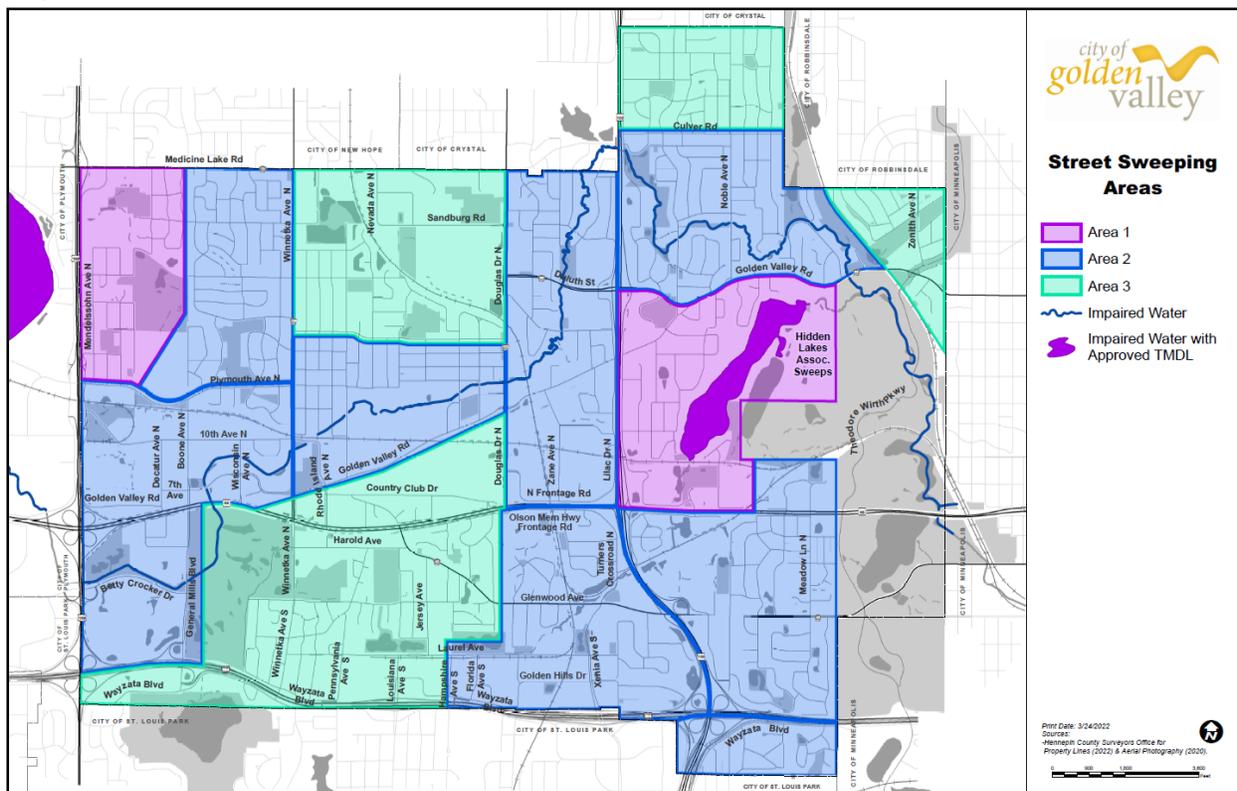
## EXHIBIT A

### Use and Reporting Requirements for High Efficiency Street Sweeper

The City shall use the Sweeper in subwatersheds of certain waterbodies and shall collect data to document the effectiveness of the equipment at reducing pollutant loads, as provided in this Exhibit A and as required under the BCWMC's "Policy on Use of CIP Funds for City Equipment Purchase" ("Policy"). The Commission shall deliver a copy of the Policy to the City and shall provide at least 30 days written notice to the City of any changes to the Policy.

#### Required Sweep Areas:

The City shall use the Sweeper to sweep zones (areas) 1, 2, and 3 shown in the Street Sweeping Areas map below.



#### Required Timing for Sweeping:

The City shall use the Sweeper to sweep in all zones at least once in October or November to reduce nutrients and at least once in March, April or May to reduce chlorides.

#### Required Effectiveness Testing and Reporting:

The City shall collect a representative sample from each sweeping zone and submit for testing of parameters that include chloride and phosphorus concentrations (the "Sample(s)"). The City shall submit the samples to a laboratory for testing at least twice per year, once in the Spring and once in the Fall. The City shall provide all test results to the Commission.

In the years 2024-2028, the City shall prepare an annual Effectiveness Report and provide the report to the Commission. The annual report shall contain at least the following information:

- Zone number and downstream waterbody
- Dates of sweeping
- Lane miles swept
- Estimated pollutant load reduction in mg/kg for total phosphorus and chlorides

The City shall promptly submit all Effectiveness Reports to the Commission upon their completion.

NOVEMBER  
28-DEC 1

ARROWWOOD  
CONFERENCE  
CENTER  
Alexandria, MN

# Tentative CONFERENCE SCHEDULE

## TUESDAY, NOV 28

- 10 A-3 P Minnesota Association of Watersheds Administrators (MAWA) Meeting
- 12-1 P Lunch for MAWA
- 3-4 P Partner Updates
- 4-6 P Minnesota Watersheds Board of Directors Meeting

## WEDNESDAY, NOV 29

- 8 A-4 P Choose Your Workshop — See Page 4-6
- 12-1 P Lunch
- 4-9 P Trade Show – Opening Night
- 5-8 P Night at the Movies

## THURSDAY, NOV 30

- 7-9 A Regional Caucuses
- 8 A-4 P Choose your Concurrent Sessions — See Page 7-15
- 12-1:30 P Lunch, Awards and Mark Seeley Keynote  
*\*Break from 12-3 for lunch and Trade Show networking\**
- 8 A-3 P Trade Show
- 5-7 P Happy Hour, Banquet + Awards

## FRIDAY, DEC 1

- 7-9 A Breakfast
- 9 A-Noon Business Meeting (resolutions)
- Noon-1 P Minnesota Watersheds Board of Directors Meeting

# Region III Caucus

Thursday, November 30, 2023 @ 7:00 a.m.

**Caucus location: Ballroom (main floor)**

## AGENDA

- 7:00 a.m. Welcome and Call to Order (Convener David Ziegler)
- 7:03 a.m. Appointment of a Secretary (Ziegler)
- 7:05 a.m. Election of Caucus Chairperson (Ziegler)
- 7:10 a.m. Nominations of a Region Director to Minnesota Watersheds Board (Caucus Chair)  
*Current Region 3 Minnesota Watersheds Board Members:*
- Mary Texer – term expires December 2023
  - Don Pereira – appointed to fill a vacancy for a term expires December 2024
  - David Ziegler – term expires December 2025
- Vote for one open position, currently held by Don Pereira who was appointed to fill the position until the end of 2023. The term expires in 2024.***
- Vote for one open position, currently held by Mary Texer for a term to expire in 2026.***
- 7:15 a.m. Candidate Remarks - 5 minutes each (Caucus Chair)
- 7:30 a.m. Voting (Caucus Chair)  
***Election results should be reported to the Minnesota Watersheds President and Executive Director so they can be presented to the members at the annual business meeting.***
- 7:45 a.m. Call for Committee Members (Caucus Chair)  
***One manager or commissioner is needed for each committee, who is committed to attending meetings and fulfilling responsibilities, no alternates, please. In the past, not all regions have been able to fill the committee positions, let alone designate an alternate. Having alternates also makes representation lopsided, with more representation from one region over another. It is more efficient to designate one individual who is willing to commit to attending meetings. If the person is unable to attend a scheduled meeting, it is his/her responsibility to contact the committee co-chair(s). (See table on page 2.)***
- 8:15 a.m. Open Forum (Caucus Chair)  
*Discussion of proposed resolutions, regional hot topics, etc.*
- 9:00 a.m. Adjournment (Caucus Chair)

Region III		
Bassett Creek WMC	Brown's Creek	Capitol Region
Carnelian Marine St. Croix	Comfort Lake-Forest Lake	Coon Creek
Minnehaha Creek	Mississippi WMO	Nine Mile Creek
Ramsey-Washington Metro	Rice Creek	Riley-Purgatory-Bluff Creek
South Washington	Vadnais Lake Area WMO	Valley Branch

## Minnesota Watersheds Committees – Region II Representatives

December 2023

Committee*	Region	2023 Members	2024	Responsibilities
<b>Legislative</b>	III	Shawn Mazanec, Capitol Region		To provide focus and direction to the lobbyist(s) and Executive Director on annual priority legislative efforts and to keep members informed of the Association's efforts and progress.
Co-Chairs: Vacant, Michelle Overholser				
<b>Governance</b>				
<b>Bylaws &amp; MOPP</b>	III	Mike Bradley, Rice Creek		The By-Laws/MOPP committee is responsible for the annual review of these documents to ensure that they meet the needs and operating procedures of the organization.
Co-Chairs: David Ziegler, Jamie Beyer				
<b>Strategic Plan</b>	III	Mike Welch, Bassett Creek WMC		This Strategic Plan Committee is responsible for the review and annual prioritization of the organization's strategic plan.
Co-Chairs: David Ziegler, Andy Henschel				
<b>Resolutions</b>	III	Joe Collins, Capitol Region		The Resolutions/Policy committee is responsible for the annual solicitation and review of resolutions and policy changes to be acted upon at the Annual Meeting and any petitioned special meetings.
Co-Chairs: Linda Vavra, Jamie Beyer				
<b>Finance</b>	III	David Ziegler, RPBCWD		The purpose of the Finance Committee is to make financial recommendations to the Board on items such as the annual budget and dues.
Co-Chairs: David Ziegler, Matt Moore				
<b>Events/Education</b>	III	Rick Sanders, Capitol Region		The purpose of the Events/Education Committee is to ensure Minnesota Watersheds events provide high quality educational and networking opportunities for members and non-members.
Co-Chairs: Gene Tiedemann, Tina Carstens				
<b>Awards</b>	I	Marcie Weinandt, Rice Creek		The purpose of the Awards Committee is to promote, manage and present the annual Minnesota Watersheds Project and Program of the Year Awards.
Co-Chairs: Dennis Kral, Karen Kill				
				*The Minnesota Watersheds President is a member of all committees.

## How Minnesota Watersheds Committees Work

Information about upcoming committee meetings is developed by the Minnesota Watersheds Executive Director and committee co-chairs. The information is distributed to committee members and is available to members upon request. Meeting summaries are created and shared with members through the monthly newsletter, as well as the pertinent committee page on the Minnesota Watersheds website.

***In the past, not all regions have been able to fill the committee positions, let alone designate an alternate. Having alternates also makes representation lopsided, with more representation from one region over another. It is more efficient to designate one individual who is willing to commit to attending meetings. If the person is unable to attend a scheduled meeting, it is his/her responsibility to contact the committee co-chair(s).***

### Executive Governance

The Executive Governance Committee works together to ensure daily operations align with the Bylaws, Manual of Policy and Procedures (MOPP), and Strategic Plan. The committee meets as needed.

### By-Laws-MOPP

The purpose of the Bylaws-MOPP Committee is to ensure the Bylaws and MOPP are kept up to date and adequately guide the organization. The committee meets annually or as needed.

### Strategic Plan Committee

The purpose of the Strategic Plan Committee is to ensure the Strategic Plan adequately guides the organization. The committee meets annually to prioritize the work plan for the Executive Director and to review the Strategic and Communication Plans.

### Executive Finance and Finance Committee

The Executive Finance Committee will handle the day-to-day financial decisions. The Finance Committee will deal with the larger picture issues, such as preparing an annual budget and making recommendations on the annual dues structure.

### Events-Education Committee

The purpose of the Events-Education Committee is to ensure Minnesota Watersheds events provide high quality educational and networking opportunities for members and non-members. The committee annually reviews the education work plan, provides input before and after events, and sets the convention presentation schedule, including recommendations for the staff development workshop. This committee is supported by the Executive Director and the Program Manager. The committee meets in January, February, April, June, July, September, and December.

### Resolutions Committee

The purpose of the Resolutions Committee is to oversee the resolutions process. The committee meets in October to review and recommend resolutions.

### Legislative Committee

The purpose of the Legislative Committee is to provide focus and direction to the Minnesota Watersheds lobbyist and Executive Director. They annually review the legislative program work and make recommendations to the Board of Directors on a legislative platform. The committee meets in June and December.

## Awards Committee

The purpose of the Awards Committee is to promote, manage, and present the annual Minnesota Watersheds Project and Program of the Year Awards. The committee conducts its business almost exclusively by email.

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**Minnesota Watersheds  
2023 Annual Conference  
November 29 – December 1  
Arrowwood Conference Center, Alexandria, MN**

## **Member Meeting Materials**

Enclosed are the following items:

1. Notice of Annual Meeting
2. Delegate Appointment Form – please return to [mnwatershed@gmail.com](mailto:mnwatershed@gmail.com)
3. 2022 Annual Business Meeting Minutes
4. Proposed Fiscal Year 2024 Budget
5. Proposed Bylaws Changes
6. Resolutions Information Packet
7. Draft Legislative Platform

Find 6 & 7 in BCWMC Item 5E

This packet has been distributed to administrators and managers via email. No paper copies of this packet will be sent via the U.S. Postal Service.

**We are looking forward to seeing you at this year's conference!**

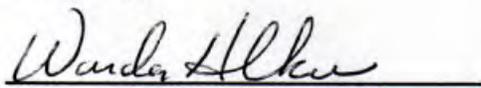
**PLEASE BRING THIS INFORMATION PACKET WITH YOU TO THE CONVENTION.  
EXTRA COPIES WILL NOT BE AVAILABLE ON SITE. THANK YOU!!**

## Minnesota Watersheds 2023 Annual Meeting Notice

NOTICE IS HEREBY GIVEN that the 2023 Annual Meeting of Minnesota Watersheds will be held at the Arrowwood Conference Center, Alexandria, MN, beginning at 9:00 a.m. on Friday, December 1, 2023 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 2024 budget;
4. To consider and act upon proposed Bylaws changes;
5. To consider and act upon proposed Resolutions;
6. To consider and act upon the draft Legislative Platform;
7. To elect three directors, one from each region, for terms ending in 2025; and
8. To consider and act upon any other business that may properly come before the membership.

Sincerely,



Wanda Holker  
Secretary

## Minnesota Watersheds 2023 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 Minnesota Watersheds for the year 2023.

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 their respective watershed district or watershed management organization.

**Delegate #1:** \_\_\_\_\_

**Delegate #2:** \_\_\_\_\_

**Alternate:** \_\_\_\_\_

Authorized by: \_\_\_\_\_

Signature

Date

\_\_\_\_\_  
Title

\*\* Please return this form to [mnwatershed@gmail.com](mailto:mnwatershed@gmail.com) at your earliest convenience. \*\*



**Minnesota Watersheds  
2023 Annual Conference**

Arrowwood Convention Center, Alexandria, MN

**Annual Business Meeting  
AGENDA**

**Friday, December 1, 2023 | 9 a.m.**

**GENERAL BUSINESS**

- 9:00 a.m. Call to Order  
9:01 a.m. Approval of Agenda (Action)  
9:02 a.m. Approval of 2022 Annual Business Meeting Minutes (Action) – Linda Vavra  
9:05 a.m. Treasurer’s Reports – Linda Vavra
- 2023 Year End Financial Report (Action)
  - 2023 Review of Financial Procedure Report (Action)
  - 2024 Proposed Budget (Action)

**REPORTS**

- 9:30 a.m. President’s Report – Linda Vavra  
9:40 a.m. Caucus Election Results Report – Linda Vavra  
9:45 a.m. Executive Director’s Report – Jan Voit  
10:05 a.m. M.S. Chapter 103D Proposed Fixes – Jan Voit  
10:15 a.m. Board of Water and Soil Resources Report - Executive Director John Jaschke

10:30 a.m. **BYLAWS HEARING** (Action) – Linda Vavra

10:45 a.m. **RESOLUTIONS HEARING** (Action) – Linda Vavra

*Note: There will be two microphones in the room – One to use if you are “FOR” an amendment and one if you are “AGAINST” an amendment. If you wish to testify on a resolution, please proceed to the appropriate microphone and limit your comments to 2 minutes.*

**Resolution 1** – Require Watershed District Permits for the Department of Natural Resources

**Resolution 2** – Clarify Budget Adoption Deadlines and Certification Types for Watershed Districts

**Resolution 3** – Support New Legislation Modeled after HF2687 and SF2419 (2018) Regarding DNR Regulatory Authority over Public Drainage Maintenance and Repairs

**Resolution 4** – Support Streamlining the DNR Flood Hazard Mitigation Grant Program

**Resolution 5** – Support Increased Flexibility in Open Meeting Law to Utilize Interactive Technology

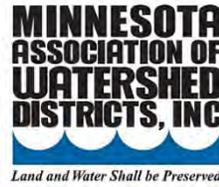
**Resolution 6** – Support Minnesota Watersheds Education and Outreach to Encourage Formation of Watershed Districts in Unserved Areas

11:45 a.m. **LEGISLATIVE PLATFORM** (Action) – Linda Vavra

12:00 p.m. **ADJOURNMENT**

# Minnesota Association of Watershed Districts (MAWD) Annual Business Meeting

December 2, 2022



## 1. CALL TO ORDER

The 2022 MAWD Annual Business Meeting was convened at 8:00 a.m. by MAWD President Linda Vavra, Bois de Sioux Watershed District (WD).

## 2. GENERAL HOUSEKEEPING

### *Agenda*

Scott Gillespie, Bois de Sioux WD made a motion to approve the agenda. David Ziegler, Riley-Purgatory-Bluff Creek WD seconded the motion. The motion passed by voice vote.

### *Secretary's Report*

President Vavra presented the minutes of the 2021 Annual Business Meeting. Jill Crafton, Riley-Purgatory-Bluff Creek WD moved to approve the Secretary's Report. David Ziegler, Riley-Purgatory-Bluff Creek WD seconded the motion. The motion passed by voice vote.

### *Treasurer's Report*

President Vavra presented the following reports:

- 2022 Year End Financial Report and Statement of Financial Position. Dennis Kral, Pelican River WD moved to approve the 2022 Year End Financial Report. David Ziegler, Riley-Purgatory-Bluff Creek WD seconded the motion. The motion passed by voice vote.
- Independent Accountant's Report on Applying Agreed upon Financial Procedures. The report dated November 28, 2022, was prepared by Redpath and Company, Ltd. Dennis Kral, Pelican River WD made a motion to accept the Report on Applying Agreed upon Financial Procedures. Sherry White, Minnehaha Creek WD seconded the motion. The motion passed by voice vote.
- 2023 Proposed Budget. Dennis Kral, Pelican River WD moved to approve the 2023 Proposed Budget. Sherry White, Minnehaha Creek WD seconded the motion. The motion passed by voice vote.

## 3. REPORTS

Reports were given by President Vavra and Interim Executive Director Voit.

## 4. STRATEGIC PLAN

Interim Executive Director Voit presented the Strategic Plan. President Vavra called for a motion to approve the Strategic Plan. Jill Crafton, Riley-Purgatory-Bluff Creek WD made a motion to approve the Strategic Plan. The motion was seconded by Scott Gillespie, Bois de Sioux WD. The motion carried by voice vote. Mary Texer, Capital Region WD abstained from voting.

## 5. BYLAWS HEARING

Mike Bradley, Rice Creek WD made a motion to open the Bylaws Hearing. David Ziegler, Riley-Purgatory-Bluff Creek WD seconded the motion. The motion passed by voice vote.

President Vavra reported on the proposed changes to the Bylaws. A motion was made by Mike Bradley, Rice Creek WD to approve the proposed changes to the Bylaws. The motion was seconded by Celia Wirth, Brown's Creek WD. The motion passed by voice vote.

A motion was made by Scott Gillespie, Bois de Sioux WD to close the Bylaws Hearing. David Ziegler, Riley-Purgatory-Bluff Creek WD seconded the motion. The motion passed by voice vote.

## 6. RESOLUTIONS HEARING

A motion was made by Scott Gillespie, Bois de Sioux WD to open the Resolutions Hearing. The motion was seconded by Peter Fjestad, Buffalo-Red River WD and passed by voice vote. President Vavra presided over the Resolutions Hearing.

### **Resolution #1 Resolution to Request MAWD Support for Including at Least One MAWD Member on the Minnesota Department of Health’s Workgroup to Move Forward, Prioritize, and Implement the Recommendations of the Interagency Report on Reuse of Stormwater and Rainwater in Minnesota.**

Don Pereira, Valley Branch WD presented the resolution. Mike Bradley, Rice Creek WD moved to adopt Resolution #1. Celia Wirth, Brown’s Creek WD seconded the motion. The motion passed by voice vote.

- **Adopted Resolution 2022-1: NOW, THEREFORE, BE IT RESOLVED** that MAWD supports administratively or legislatively including at least one MAWD member on the Minnesota Department of Health’s workgroup to move forward, prioritize, and implement the recommendations of the interagency report on reuse of stormwater and rainwater in Minnesota.

### **Resolution #2 Resolution Seeking to Request MAWD Support the Passage and Enactment of a State Law that Provides a Limited-Liability Exemption to Commercial Salt Applicators and Property Owners Using Salt Applicators who are Certified Through the Established Salt Certification Program and Follow Best Management Practices**

Randy Anhorn and Grace Butler, Nine Mile Creek WD presented the resolution. David Ziegler, Riley-Purgatory-Bluff Creek WD moved to adopt Resolution #2. Don Pereira, Valley Branch WD seconded the motion. The motion passed by voice vote.

- **Adopted Resolution 2022-2: NOW, THEREFORE, BE IT RESOLVED** that MAWD supports enactment of state law that provides limited liability protection to commercial salt applicators and property owners using salt applicators that are certified through the established state salt-applicator certification program and follow best management practices. Motion passed by voice vote.

### **Resolution #3 Resolution Seeking Increased Support and Participation for the Minnesota Drainage Work Group**

Jamie Beyer, Bois de Sioux WD presented the resolution. Scott Gillespie, Bois de Sioux WD moved to adopt Resolution #3. Peter Fjestad, Buffalo-Red River WD seconded the motion. The motion passed by voice vote.

- **Adopted Resolution 2022-3: NOW, THEREFORE, BE IT RESOLVED** that:
  - MAWD communications increase awareness of the DWG (meeting dates and links, topics, minutes, reports) amongst MAWD members; and
  - MAWD training opportunities strongly encourage participation in the DWG by watershed staff and board managers (for watersheds that serve as ditch authorities or work on drainage projects) – for e.g., add agenda space for DWG member updates, host a DWG meeting as part of a regular MAWD event; and
  - In preparation for MAWD member legislative visits, MAWD staff add a standing reminder for watershed drainage authorities to inform legislators on the existence, purpose, and outcomes of the DWG, and reinforce the legitimacy of the DWG as a multi-faceted problem-solving body; and
  - During MAWD staff BWSR visits, MAWD staff regularly seeks updates on how facilitation of the DWG is leading to improvements for member drainage authorities and conveys this information to MAWD members. The motion passed by voice vote.

**Resolution #4 Resolution Seeking Clarification of Watershed District Project Establishment with Government Aid or as Part of a Plan**

Jamie Beyer, Bois de Sioux WD presented the resolution. Scott Gillespie, Bois de Sioux WD moved to adopt Resolution #4. Jill Crafton, Riley-Purgatory-Bluff Creek WD seconded the motion. The motion passed by voice vote.

- **Adopted Resolution 2022-4: NOW, THEREFORE, BE IT RESOLVED** that MAWD and BWSR work to clarify Minn. Stat. § 103D.605, Subd. 5.

**Resolution #5 Resolution Seeking to Obtain Stable Funding for Projects that Provide Flood Damage Reduction and Natural Resources Enhancement**

Dan Money, Two Rivers WD and Nick Tomczik, Nine Mile Creek WD presented the resolution. Scott Gillespie, Bois de Sioux WD moved to adopt Resolution #5. Marcy Weinandt, Rice Creek WD seconded the motion. The motion passed by voice vote.

- **Adopted Resolution 2022-5: NOW, THEREFORE, BE IT RESOLVED** that the Minnesota Association of Watershed Districts collaborate with the Red River Watershed Management Board and State Agencies to seek funding from the Minnesota Legislature to provide stable sources of funding through existing or potentially new programs that provide flood damage reduction and/or natural resources enhancements. A suggested sustainable level of funding is \$30 million per year for the next 10 years. The motion passed by voice vote.

**Resolution #6 Seeking to Limit Wake Boat Activities that Cause Shoreline Erosion and Reduce the Efficacy of In-lake Phosphorus Control Practices, and Contribute to the Spread of Aquatic Invasive Species**

David Ziegler, Riley-Purgatory-Bluff Creek WD presented the resolution. Ann Warner, Carnelian-Marine-St. Croix WD moved to adopt Resolution #6. Grace Butler, Nine Mile Creek WD seconded the motion. The motion passed by voice vote.

**Resolution # 7 Resolution Seeking to Limit Excessive Use of Groundwater for the Purpose of Water Urban and Suburban Landscapes During Summer Months**

David Ziegler, Riley-Purgatory-Bluff Creek WD presented the resolution. David Ziegler, Riley-Purgatory-Bluff Creek WD moved to table Resolution #7. Joe Collins, Capitol Region WD seconded the motion. The motion passed by voice vote.

**Resolution #8 Resolution Seeking Increased Flexibility in Open Meeting Law to Utilize Interactive Technology**

Jill Crafton and David Ziegler, Riley-Purgatory-Bluff Creek WD presented the resolution. Mike Bradley, Rice Creek WD moved to adopt Resolution #8. Celia Wirth, Brown's Creek WD seconded the motion. The motion failed.

**7. ADJOURNMENT**

Dennis Kral, Pelican River WD made a motion to adjourn the annual business meeting at 9:43 a.m. The motion was seconded by Jill Crafton, Riley-Purgatory-Bluff Creek WD. The motion passed by voice vote.

Ruth Schaefer  
Secretary



# Memorandum

DATE: October 27, 2023  
 TO: Minnesota Watersheds Members  
 FROM: David Ziegler, Treasurer  
 RE: **Draft FY23 Financial Statement, Review of Financial Procedure Report, and Proposed FY24 Budget**

**It is important to note that the majority of Minnesota Watershed’s revenue is generated through payment of dues.**

## INCOME FY23 ACTUAL

- The FY23 dues were based on the new dues’ structure adopted by the membership at the 2022 annual business meeting. We also had increased income from regaining the membership of Mississippi WMO, and High Island Creek and Warroad WDs.
- The increased income for the Annual Conference is due to sponsorships and increased attendance following the pandemic.

PRESIDENT  
 Linda Vavra (Region 1)  
 Bois de Sioux WD  
[lvavra@fedtel.net](mailto:lvavra@fedtel.net)  
 320-760-1774 | Term 2023

VICE PRESIDENT  
 Peter Fjestad (Region 1)  
 Buffalo Red River WD  
[pfiestad@prtcl.com](mailto:pfiestad@prtcl.com)  
 218-731-4630 | Term 2025

SECRETARY  
 Wanda Holker (Region 2)  
 Upper Minnesota WD  
[ewholker@fedtel.net](mailto:ewholker@fedtel.net)  
 320-760-6093 | Term 2024

TREASURER  
 David Ziegler (Region 3)  
 Riley-Purgatory-Bluff Creek WD  
[david\\_ziegler@outlook.com](mailto:david_ziegler@outlook.com)  
 952-905-1889 | Term 2025

DIRECTORS  
 Gene Tiedemann (Region 1)  
 Red Lake WD  
[gtiedemann@rrv.net](mailto:gtiedemann@rrv.net)  
 218-289-3511 | Term 2024

Jeff Gertgen (Region 2)  
 Middle Fork Crow River WD  
[jlaligison@gmail.com](mailto:jlaligison@gmail.com)  
 608-370-3934 | Term 2023

Brad Kramer (Region 2)  
 Shell Rock River WD  
[brad@provenioconsulting.com](mailto:brad@provenioconsulting.com)  
 507-369-6050 | Term 2025

Mary Texer (Region 3)  
 Capitol Region WD  
[metexer@gmail.com](mailto:metexer@gmail.com)  
 651-224-2919 | Term 2023

Don Pereira (Region 3)  
 Valley Branch WD  
[dpereira@vbwd.org](mailto:dpereira@vbwd.org)  
 651-968-9788 | Term 2023

Jan Voit  
 Executive Director  
[jvoit@mnwatersheds.com](mailto:jvoit@mnwatersheds.com)  
 507-822-0921

## INCOME FY23 ACTUAL

### Administrative and Program Management

- General Administration – staff: Minnesota Watersheds was supported by contractors in 2023, rather than employees.
- Administrative and Communications Support – Contract: fund paid to Executive Director.
- Event and Communication Management – Contract: funds paid to the Program Manager for managing Minnesota Watersheds events.
- Newsletter formatting, Website, Social Media, etc. – Contract: funds paid to the Program Manager for these tasks.

### Legislative Affairs

- Lobbying – Contracted Services: funds paid to lobbyist.

### Professional Services

- Legal Fees: funds paid for general legal services.
- Legal Fees – Drainage Work Group: funds paid to represent members at the DWG.
- Accounting and Audit Fees: funds paid to Obremski Ltd. For monthly accounting and bookkeeping services, and to Redpath Ltd. for agreed upon procedures report.
- Insurance: funds paid for insurance coverage for errors and omissions insurance for the Minnesota Watersheds Board of Directors, and for general coverage for office, records, and office equipment.

### Office Expenses

- Rent: funds paid to Capitol Region WD for storage and office rent.
- Mileage and General Office Expenses: for directors and contractors, as well as office supplies.

### Board and Committee Meetings

- Per Diems and Expenses: funds paid to directors for serving on the Board of Directors and Minnesota Watersheds Committees.

### Special Projects

- Costs associated with rebranding

### Education and Events

- Actual costs incurred for implementing the Legislative Briefing and Day at the Capitol, Summer Tour, and Annual Conference.



## **2023 REVIEW OF FINANCIAL PROCEDURE REPORT**

The report from Redpath Ltd. for the agreed upon procedures has not been submitted. It will be distributed to members as soon as it is available.

### ***INCOME PROPOSED FY24 BUDGET***

- *The estimated dues for FY24 are based upon payment in full by current members with the dues' structure that was approved by the membership in 2022, as well as the dues for returning members Buffalo Creek and Prior Lake Spring Lake WDs.*
- *The estimated income for the annual conference in FY24 is based on actual revenue received in FY19.*
- *The estimated costs for the Legislative Day at the Capitol and Summer Tour are based on actual costs for FY23 with consideration of the increased costs for venues and food likely in 2024.*

### ***EXPENSES PROPOSED FY24 BUDGET***

#### *Administration and Program Management*

- General Administration – staff: Minnesota Watersheds is supported by contractors, not employees.
- Administrative and Communications Support: projected expense for the Executive Director.
- Event and Communication Management: projected expense for Program Manager for managing Minnesota Watersheds events (Legislative Briefing and Day at the Capitol; Summer Tour; and Annual Conference).
- Newsletter formatting, website, social media, etc. - Contract: projected expense for Program Manager.

#### *Legislative Affairs*

- Lobbyist Contract: for current lobbyist through 2024.
- Lobbyist Contract: for lobbyist hired through succession plan to work alongside the current lobbyist in 2024.

#### *Professional Services*

- Legal Fees: costs incurred for legal fees is primarily for general legal work.
- Legal Fees – Drainage Work Group: costs incurred to represent members at the DWG.
- Drainage Work Group – Contract: costs for Minnesota Watersheds representative at DWG meetings and subcommittee meetings.
- Accounting and auditing funds paid to Obremski Ltd. for monthly accounting and bookkeeping services, and to Redpath Ltd. for agreed upon procedures report.
- Insurance coverage for errors and omissions insurance for the Minnesota Watersheds Board of Directors, and for general coverage for office, records, and office equipment.

#### *Office Expenses*

- Rent: funds paid to Capitol Region WD for storage and office rent.
- Mileage and General Office Expenses: for directors and contractors, as well as office supplies.

#### *Board and Committee Meetings*

- Per Diems and Expenses: Funds paid to directors for serving on the Board of Directors and Minnesota Watersheds Committees.

#### *Special projects*

- Funds for anticipated costs incurred with surveys, rebranding, or promotional items.

#### *Education and Events*

- Estimated costs for implementing the Annual Conference, Legislative Briefing and Day at the Capitol, Summer Tour, credit card processing fees, and special workshops.

Even with the additional projected expenses for a second lobbyist, we are projecting a modest increase in available capital at the end of FY24.

Questions regarding the FY24 proposed budget and/or the FY22 financial information should be directed to David Ziegler, Treasurer ([david\\_ziegler@outlook.com](mailto:david_ziegler@outlook.com) or 952-905-1889) or Jan Voit ([jvoit@mnwatersheds.com](mailto:jvoit@mnwatersheds.com) or 507-822-0921).

	FY2024	FY2023**	FY2023*	FY2022	FY2021
			Oct'22-Sep'23	Oct'21-Sep'22	Oct'20-Sep'21
<b>INCOME</b>	<b>BUDGET</b>	<b>BUDGET</b>	<b>FY 2023 ACTUAL</b>	<b>FY 2022 ACTUAL</b>	<b>FY 2021 ACTUAL</b>
Dues - Watershed District Members	251,008	222,500	225,419	188,081	202,175
Dues - Watershed Management Organization Members	22,500	18,750	22,500	15,000	7,500
Annual Conference					
Annual Conference Registrations	70,000	70,000	114,563	26,836	46,145
Annual Trade Show and sponsorships	43,500	43,500	-	19,779	29,616
Wednesday Workshops	17,000	17,000	-	-	-
Annual Conference: Other/Prior Year	-	-	-	2,500	485
Legislative Day at the Capitol	4,000	6,300	6,913	4,069	2,871
Summer Tour	20,000	16,000	18,658	-	-
Minnesota Watersheds Workshops	2,500	2,500	-	-	-
Interest	25	25	481	53	31
<b>TOTAL REVENUES</b>	<b>430,533</b>	<b>396,575</b>	<b>388,534</b>	<b>256,319</b>	<b>288,823</b>
<b>EXPENSES</b>					
<b>Administration &amp; Program Management</b>					
General Administration - Staff	-	95,000	-	126,390	98,250
Benefits / Taxes for Salaried Employees	-	26,250	-	29,550	25,361
Administrative and Communications Support - Contract**	111,600	40,000	89,708	52,611	8,455
Event and Communication Management - Contract	43,200	43,000	40,719	31,500	31,125
Newsletters, Website, Social Media, etc. - Contract	7,000	-	6,027	-	-
<b>Legislative Affairs</b>					
Lobbying - Contracted Services	45,000	45,000	33,122	40,000	40,000
Lobbying - Contracted Services	30,000	-	-	-	-
Lobbyist Expenses	1,000	1,000	353	314	-
<b>Professional Services</b>					
Legal Fees	25,000	15,000	17,118	25,919	24,763
Legal Fees - Drainage Work Group	7,500	-	5,289	-	-
Drainage Work Group - Contract	5,000	-	-	-	-
Accounting and Audit Fees	15,000	14,100	14,100	10,500	8,150
Insurance	1,700	2,200	2,407	2,067	1,971
<b>Office Expenses</b>					
Rent	4,800	4,800	3,000	4,800	3,600
Mileage and General Office Expenses	10,000	10,000	10,783	5,467	3,514
Dues, Other Organizations	-	-	-	-	385
Other Special Items	2,500	2,500	510	-	500
Memorials	250	250	-	-	-
<b>Board and Committee Meeting</b>					
Per Diems and Expenses - Directors	25,000	25,000	23,724	29,195	20,225
Board and Committee Meeting Expenses	1,000	1,000	-	2,237	172
<b>Special Projects</b>					
WD Handbook, Surveys, rebranding, etc	5,000	5,000	4,466	-	-
<b>Education and Events</b>					
Annual Conference					
Annual Conference	44,500	44,500	60,046	8,744	13,966
Annual Trade Show	3,300	3,300	-	-	495
Wednesday Workshop: Drainage	4,000	4,000	-	-	-
Wednesday Workshop: Managers	1,500	1,500	-	-	-
Wednesday Workshop: Administration	1,200	1,200	-	-	-
Other	-	-	-	-	-
Legislative Day at the Capitol	5,500	5,500	4,508	4,413	-
Summer Tour	20,000	16,000	14,379	852	1,080
Credit Card Processing Fees	4,100	4,100	939	2,807	3,065
Special Workshops	2,500	2,500	-	-	-
<b>TOTAL EXPENSES</b>	<b>427,150</b>	<b>412,700</b>	<b>331,197</b>	<b>377,365</b>	<b>285,077</b>
<b>REVENUES OVER (LESS THAN) EXPENSES</b>	<b>3,383</b>	<b>(16,125)</b>	<b>57,337</b>	<b>(121,046)</b>	<b>3,746</b>
<b>STATEMENT OF NET POSITION</b>					
Assets, Cash and Equivalents, actual			270,378	222,050	324,904
Dues receivable			-	911	8,147
Deposits received - deferred, prepaid expenses			(5,959)	(600)	(15,494)
Liabilities, accounts payable, taxes payable			(21,108)	(36,388)	(10,542)
<b>ENDING NET ASSETS</b>			<b>243,311</b>	<b>185,974</b>	<b>307,015</b>

\*These are not final numbers and are subject to slight changes. \*\*FY24 Budget approved by Finance Committee on 10/11/2023 and the BOD on 10/23/2023.



## Memorandum

DATE: October 27, 2023  
TO: Minnesota Watersheds Members  
FROM: Linda Vavra, Minnesota Watersheds President  
RE: **Proposed Bylaws Changes**

The Bylaws Committee met on October 16 to discuss proposed Bylaws changes. The proposed changes were also discussed at the Minnesota Watersheds Board of Directors (Board) meeting on October 23. Many of the proposed changes are minor and are shown in track changes throughout the document. The reasoning for the more extensive changes are as follows.

- Associate membership. There have been inquiries from non-governmental organizations to become associate members. At present, additional funds from outside organizations are not necessary for our budgetary needs. Representing both government and non-government organizations would be confusing for members and for legislators. The committee and Board recommend that the associate membership section should be removed from the Bylaws.
- Annual meeting. The annual business meeting is what this section is referring to. The directors are elected during regional caucuses. The committee and Board recommend updating this section to refer specifically to the annual business meeting and to reflect more accurately what transpires.
- Chairman and Recording Secretary. The agendas for the regional caucuses denote the election of a chairman and a recording secretary. Very often an administrator or other staff person takes the notes. The committee and Board recommend revising this section to more accurately reflect the procedure that is followed.

Questions regarding these proposed changes should be directed to Linda Vavra at 320-760-1774 or [lvavra@fedtel.net](mailto:lvavra@fedtel.net) or Jan Voit [jvoit@mnwatersheds.com](mailto:jvoit@mnwatersheds.com) or 507-822-0921.

PRESIDENT  
Linda Vavra (Region 1)  
Bois de Sioux WD  
[lvavra@fedtel.net](mailto:lvavra@fedtel.net)  
320-760-1774 | Term 2023

VICE PRESIDENT  
Peter Fjestad (Region 1)  
Buffalo Red River WD  
[pfjestad@prtel.com](mailto:pfjestad@prtel.com)  
218-731-4630 | Term 2025

SECRETARY  
Wanda Holker (Region 2)  
Upper Minnesota WD  
[wholker@fedtel.net](mailto:wholker@fedtel.net)  
320-760-6093 | Term 2024

TREASURER  
David Ziegler (Region 3)  
Riley-Purgatory-Bluff Creek WD  
[david\\_ziegler@outlook.com](mailto:david_ziegler@outlook.com)  
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Valley Branch WD  
[dpereira@vbwd.org](mailto:dpereira@vbwd.org)  
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Jan Voit  
Executive Director  
[jvoit@mnwatersheds.com](mailto:jvoit@mnwatersheds.com)  
507-822-0921



# BYLAWS

## MINNESOTA ASSOCIATION OF WATERSHED DISTRICTS, INC.

### Doing business as Minnesota Watersheds

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., which conducts business under the registered assumed name of, and is hereinafter referred to as, Minnesota Watersheds.
- 1.2 Purpose. The purpose of Minnesota Watersheds is to provide educational opportunities, access to information resources, interface with other agencies, facilitate tours, meetings, and lobby on behalf of members. Additionally, Minnesota Watersheds 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. Minnesota Watersheds will work to secure the capacity of its members to implement their statutory powers and purposes.
- 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, Minnesota Watersheds 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 the Manual of Policy and Procedures 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 or watershed management organization 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 watershed district or watershed management organization 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 Business 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 business meeting of the Association. No watershed district or watershed management organization shall have more than one board member elected to be a Director on the Board of Directors of the Corporation. In the event of a vacancy on the Board of Directors, the Board of Directors may appoint a member for the remaining term from a watershed district or watershed management organization with an existing representative on the Board of Directors if there are no other candidates from the region requesting appointment to the position. In the event a vacancy is filled by the Board of Directors, such appointment shall be submitted to the regional caucus for approval at the next regional caucus meeting. 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. The member watershed districts and watershed management organizations present at the Regional Caucus meeting shall have full authority to elect a Chairman, Recording Secretary, and representatives to the Board of Directors.

- 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 watershed district or watershed management organization 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 Manual of Policy and Procedures.
- 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 district or watershed management organization 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 ~~7~~ seven 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 Manual of Policy and Procedures.

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 Manual of Policy and Procedures. 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~~ director are considered to also be the pecuniary interest of the ~~Director~~ 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 Manual of Policy and Procedures.
  - 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 Manual of Policy and Procedures.
- 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 Manual of Policy and Procedures.
- 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 watershed district or watershed management organization that joins this association until such member watershed district or watershed management organization is in actual receipt of its first authorized fund. The Board shall send out the annual dues statement with payment directed to the Minnesota Watersheds 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, Minnesota Watersheds may choose to hire and administer various employees. Their positions and job expectations shall be individually developed and included in the Manual of Policy and Procedures.

#### **ARTICLE VIII.**

##### **Resolutions and Petitions**

- 8.1 Resolutions: The Chair of the Minnesota Watersheds Resolutions Committee will send a request for resolutions, along with a form for submission, to the membership at least three months prior to the annual Minnesota Watersheds membership meeting. Resolutions and their justification must be submitted to the Minnesota Watersheds Resolutions Committee in the required format at least two months prior to the annual Minnesota Watersheds membership meeting for committee review and recommendation. The committee will present these resolutions and their recommendations to the Board of Directors and the Minnesota Watersheds membership at least one month prior to the start

of the annual Minnesota Watersheds 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 Minnesota Watersheds membership meeting.

- 8.2 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~~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 12<sup>th</sup> edition of Robert's Rules of Order Newly Revised shall govern the proceedings of this corporation. For consistency in operation, a copy shall be available for consultation if requested at every scheduled meeting of the 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.

# Resolutions Packet



Item 5E.  
BCWMC 11-15-23

**MINNESOTA  
WATERSHEDS**  
*Connecting People. Protecting Water.*

**DATE:** October 10, 2023  
**TO:** Minnesota Watersheds Board of Directors  
**FROM:** Linda Vavra, Resolutions Committee Co-Chair  
**RE:** Resolutions Committee Recommendations

The Resolutions Committee met on Tuesday, October 10, 2023 to review and discuss the resolutions submitted by Minnesota Watersheds members. Their recommendations are as follows.

## Resolutions Recommendations

#	Resolution Title	Committee Recommendation
1	Require Watershed District Permits for the Department of Natural Resources	Recommends adoption
2	Clarify Budget Adoption Deadlines and Certification Types for Watershed Districts	Does not recommend adoption; recommends working with boards, staff, and legal counsel to understand and confirm best practices
3	Support New Legislation Modeled after HF2687 and SF2419 (2018) Regarding DNR Regulatory Authority over Public Drainage Maintenance and Repairs	Recommends adoption as amended
4	Support Streamlining the DNR Flood Hazard Mitigation Grant Program	Recommends adoption
5	Support Increased Flexibility in Open Meeting Law to Utilize Interactive Technology	Recommends adoption
6	Support Minnesota Watersheds Education and Outreach to Encourage Formation of Watershed Districts in Unserved Areas	Recommends adoption

# BACKGROUND INFORMATION ON MINNESOTA WATERSHEDS

## RESOLUTION 2023-01

### Resolution to Request Minnesota Watersheds Support to Require Watershed District Permits for the Department of Natural Resources

**Proposing District:** Wild Rice Watershed District  
**Contact Name:** Tara Jensen  
**Phone Number:** 218-784-5501  
**Email Address:** [tara@wildricewatershed.org](mailto:tara@wildricewatershed.org)

**Background that led to submission of this resolution:**

Watershed districts are local, special-purpose units of government that work to solve and prevent water-related problems (Minnesota Watersheds website).

While all other government units, such as states, counties, and cities have political boundaries, because water knows no boundaries and goes where it wants to, it makes sense to manage natural resources on a watershed basis. This type of management allows for an overall, holistic approach to resource conservation (Minnesota Watersheds website).

Watershed district have overall plans that are intended to protect, enhance, manage, and maintain the natural resources of the district in the best interest of the citizens and other stakeholders.

Watershed districts currently have rules and permit requirements that are not intended to delay or inhibit development. Rather permits are needed so that the managers are kept informed of planned projects, can advise and in some cases, provide assistance, and can ensure that land disturbing activity and development occurs in an orderly manner and in accordance with the overall plan for the district.

The Minnesota Department of Natural Resources (MNDNR) owns, operations, and maintains wildlife management areas and other conservation-oriented property within the Wild Rice Watershed District (WRWD).

As part of the operation of this property, the MNDNR periodically does improvements (i.e. wetland restorations, channel modifications, etc.) on their land without going through the process of obtaining a permit from watershed districts, because they are currently not subject to 103D.345. Without requiring a permit, the watershed managers are not assured of being adequately kept informed of planned projects to ensure that land disturbing activity and development occurs in an orderly manner and in accordance with the overall plan for the district.

**Ideas for how this issue could be solved:**

Minnesota Watersheds could seek legislative authority to amend M.S. Chapter 103D.345, Subd. 5 as follows: Subd. 5. Applicability of permit requirements to state. A rule adopted by the managers that requires a permit for an activity applies to the Departments of Transportation and Natural Resources.

**Efforts to solve the problem:**

We have spoken with state agency staff. They currently submit permit applications as a courtesy to let us know what works are being completed. Without it being required, we worry that this will not continue forever.

**Anticipated support or opposition:**

We would anticipate support from watersheds and opposition from the MNDNR.

**This issue (check all that apply):**

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

# MINNESOTA WATERSHEDS RESOLUTION 2023-01

## Resolution to Request Minnesota Watersheds Support to Require Watershed District Permits for the Department of Natural Resources

**WHEREAS**, discussion was had that the Minnesota Department of Natural Resources (MNDNR) has engaged in certain activity on property owned by the MNDNR which would require a permit for such activity as being within the scope of an existing rule of the Wild Rice Watershed District (WRWD), but the MNDNR asserts its position that it is exempt from obtaining any such permit; and

**WHEREAS**, the WRWD has concerns that the non-permitted work being done by the MNDNR on its property impacts other property owners/residents within the district resulting in such impacted property owners/residents having no recourse for water flowing, seeping, or otherwise being cast upon such other owners/residents; and

**WHEREAS**, the WRWD desires that Minnesota Statutes § 103D.345, Subd. 5 which pertains to the applicability of watershed permit requirements to the state and provides that a rule adopted by the managers that requires a permit for an activity applies to the Department of Transportation should be expanded to include the MNDNR.

**NOW, THEREFORE, BE IT RESOLVED** that Minnesota Watersheds supports amending Minnesota Statutes § 103D.345, Subd. 5 to read as follows: Subd. 5. Applicability of permit requirements to state. A rule adopted by the managers that requires a permit for an activity applies to the Departments of Transportation and Natural Resources.

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**Notes:** This resolution is a resubmission of Resolution 2018-04 which expires in December. The committee recommends adoption.

# BACKGROUND INFORMATION ON MINNESOTA WATERSHEDS RESOLUTION 2023-02

## Resolution Seeking Clarification of Levy and Budget Statutes (103D.911 vs 275.056)

**Proposing District:** Middle Fork Crow River Watershed District  
**Contact Name:** Dan Coughlin  
**Phone Number:** 320-796-0888  
**Email Address:** [dan@mfcrow.org](mailto:dan@mfcrow.org)

### Background that led to submission of this resolution:

Each year, managers of watershed districts are required to adopt a budget for the following year. The issue facing managers is what deadline for adopting a budget should be followed because the two statutes that apply to a watershed's budgetary process conflict with each other: Minn. Stat. § 275.065, subd. 1 and 103D.911, subd. 2. Minn. Stat. § 275.065, commonly referred to as the "Truth in Taxation" statute, requires special taxing districts to "certify to the county auditor the proposed property tax levy for taxes payable in the following year" by September 30. However, Minn. Stat. § 103D.911, subd. 2 states that "on or before September 15 of each year, the managers [of the watershed district] shall adopt a budget for the next year and decide on the total amount necessary to be raised from...tax levies..." These two statutes create a conflict for managers of watershed districts in Minnesota because it is unclear what deadline needs to be followed. However, historically, this was not the case. The Minnesota legislature amendment Minn. Stat. § 275.065, subd. 1 in 2014 changed the certification deadline from September 15th to September 30th. As written, the "Truth in Taxation" statutes of Minnesota Chapter 275 would apply to watershed districts. Minn. Stat. 275.066(1) states that the term "special taxing districts" includes "watershed districts under chapter 103D." Minn. Stat. 275.065, subd. 1(e) states that "special taxing district shall have the same meaning as stated in Minn. Stat. 275.066. Because watershed districts are included in the special taxing districts, the watershed districts "shall certify to the county auditor the proposed property tax levy for taxes payable the following year" on or before September 30. Minn. Stat 275.065, subd. 1(a). The "Truth in Taxation" statute of 275 conflicts with Minn. Stat. 103D.911, subd.2, which requires managers of a watershed district to adopt a budget for the next year *on or before* September 15. The reference to September 15th in Minn. Stat. 103D.911 conflicts with the Truth in Taxation statute because two different statutory deadlines are provided for. To remedy any conflict, it is proposed that Minn. Stat. § 103D.911, subd. 2 be amended to be in harmony with Minn. Stat. § 275.065, subd. 1, which allows for a proposed levy to be submitted to the county auditor by September 30th. To ensure consistency, it is suggested that the other provisions of Minnesota Statute Chapter 275 be followed in Minnesota Statute Chapter 103D that, allow for a further discussion on the budget between October and November, with the final approval occurring in December.

In addition to the deadline, there is ambiguity surrounding whether a final budget or preliminary budget needs to be certified to the county auditor by the statutory deadline. Currently, Minn. Stat. § 103D.911, subd. 2 simply states a budget shall be adopted. It does not indicate whether that budget is a final budget or a preliminary budget. By following Minnesota Chapter 275, clear statutory guidance will be given on when the proposed budget needs to be presented, and the final budget needs to be adopted.

### Ideas for how this issue could be solved:

It is proposed that Minn. Stat. § 103D.911, subd. 2 be amended to apply the statutory timelines of Minnesota Statutes Chapter 275 to watershed districts.

### Efforts to solve the problem:

This has been a question many watershed districts are facing. Many watershed districts have turned to their legal counsel for interpretation. However, it is important that all watershed districts follow a consistent budgetary process to avoid legal issues.

### Anticipated support or opposition:

Other watershed districts will likely want to partner with the Middle Fork Crow River Watershed District to receive clarification regarding this matter. Both political parties in the State of Minnesota should also want to clarify this ambiguity. Clarity will also benefit the landowners by allowing landowners to be more informed of the budgetary process

through the preliminary property tax levy statements they already are interacting with for township, city, school district and county levy impacts; and would provide another avenue for landowner participation.

**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 MW bylaws or MOPP:	_____

# MINNESOTA WATERSHEDS RESOLUTION 2023-02

## Resolution to Clarify Budget Adoption Deadlines and Certification Types for Watershed Districts

**WHEREAS**, managers of watershed districts in the state of Minnesota are required to annually adopt a budget for the following year; and

**WHEREAS**, a conflict has arisen due to the divergence between two relevant statutes, namely Minn. Stat. § 275.065, subd. 1 (referred to as the "Truth in Taxation" statute) and Minn. Stat. § 103D.911, subd. 2, concerning the deadlines for budget adoption; and

**WHEREAS**, the "Truth in Taxation" statute, Minn. Stat. § 275.065, subd. 1, stipulates that special taxing districts, including watershed districts under chapter 103D (as noted in Minn. Stat. § 275.065 subd. 1(e) and 275.066), must certify the proposed property tax levy for the following year by September 30; and

**WHEREAS**, Minn. Stat. § 103D.911, subd. 2, mandates that managers of watershed districts must adopt a budget for the next year and determine the total amount to be raised from tax levies on or before September 15, leading to a conflict in statutory deadlines; and

**WHEREAS**, the historical legislative amendment of Minn. Stat. § 275.065, subd. 1, in 2014 changed the certification deadline from September 15th to September 30th; and

**WHEREAS**, it is imperative to address this conflict to provide clarity and consistency in the budgetary processes of watershed districts in Minnesota and to offer statutory guidance regarding the type of budget to be certified to the county auditor by the statutory deadline; and

**WHEREAS**, providing a consistent and understandable property tax levy process for all local units of government with ad valorem taxing authority provides property owners with a greater opportunity to become informed of activities and plans of the governmental units that serve them; and

**WHEREAS**, bringing watershed district budget and levy processes in line with those of other local units of government provides the added benefit of allowing boards of managers and their support staff to establish and refine their annual budgets in a timeframe closer to the start of their next fiscal year; which should allow for more accurate and detailed information to be utilized as part of the processes used to establish final budgets and to set annual property tax levies;

**NOW, THEREFORE, BE IT RESOLVED** that Minnesota Watersheds supports the following:

1. The Minnesota Legislature shall amend Minn. Stat. § 103D.911, subd. 2, to align with Minn. Stat. § 275.065, subd. 1, by specifying that managers of watershed districts are required to submit the proposed preliminary property tax levy for the following year to the county auditor on or before September 30th.
2. To ensure uniformity and eliminate ambiguity, the budget adoption process in Minnesota Statute Chapter 103D shall adhere to the provisions outlined in Minnesota Statute Chapter 275, which include submitting the associated preliminary budget by September 30th. Furthermore, this alignment allows for further budget discussions between October and November, with approval of the final budget and associated property tax levy occurring in December, in accordance with the framework provided by Minnesota Statute Chapter 275.
3. The amendment to Minn. Stat. § 103D.911, subd. 2, shall explicitly indicate that the budget to be adopted is the preliminary budget and levy, and this levy shall be certified to the county auditor by September 30th, in line with Minn. Stat. § 275.065, subd. 1. Furthermore, the Board of Managers shall include with its preliminary levy certification materials to county auditors the date, time and location of its final budget and levy public hearing so it can be included as part of a county's proposed property tax notifications to property owners.

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**Notes: After reviewing the background information and discussing this resolution with MAWA at their meeting on September 27, the following information was submitted.** Here is the link to the statute: <https://www.revisor.mn.gov/statutes/cite/275.065>. The applicable section is included below.

**Subd. 6.** Adoption of budget and levy.

(a) The property tax levy certified under section [275.07](#) by a city of any population, county, metropolitan special taxing district, regional library district, or school district must not exceed the proposed levy determined under subdivision 1, except by an amount up to the sum of the following amounts:

(1) the amount of a school district levy whose voters approved a referendum to increase taxes under section [123B.63, subdivision 3](#), or [126C.17, subdivision 9](#), after the proposed levy was certified;

(2) the amount of a city or county levy approved by the voters after the proposed levy was certified;

(3) the amount of a levy to pay principal and interest on bonds approved by the voters under section [475.58](#) after the proposed levy was certified;

(4) the amount of a levy to pay costs due to a natural disaster occurring after the proposed levy was certified, if that amount is approved by the commissioner of revenue under subdivision 6a;

(5) the amount of a levy to pay tort judgments against a taxing authority that become final after the proposed levy was certified, if the amount is approved by the commissioner of revenue under subdivision 6a;

(6) the amount of an increase in levy limits certified to the taxing authority by the commissioner of education or the commissioner of revenue after the proposed levy was certified;

(7) the amount required under section [126C.55](#);

(8) the levy to pay emergency debt certificates under section [475.755](#) authorized and issued after the proposed levy was certified; and

(9) the amount of unallotment under section [16A.152](#) that was recertified under section [275.07, subdivision 6](#).

(b) This subdivision does not apply to towns and special taxing districts other than regional library districts and metropolitan special taxing districts.

(c) Notwithstanding the requirements of this section, the employer is required to meet and negotiate over employee compensation as provided for in chapter 179A.

The Department of Revenue states that the special taxing districts that are subject to Truth in Taxation are limited to the metro.

Towns and special taxing districts (except for the three metropolitan special taxing districts and fire and emergency medical services districts) are not required to hold truth-in-taxation meetings. For towns, under "Meeting Information" it should read "Budget set at your annual town meeting in March 2023." Special taxing districts, other than the metropolitan special taxing districts (if applicable), are not listed under "Meeting Information."

Mark Doneux, Capitol Region WD, submitted the following Analysis and Comparison regarding this subject from his perspective and that of the Ramsey County property tax manager.

## 103D and 275 Analysis and Comparison

There has been some discussion and questions about 103D and 275 as it pertains to a watershed district levy certification process.

The current 103D.911 and 103D.915 statute is the most straightforward and simple approach for watershed districts to adopt and certify a budget and levy. It would be a disadvantage to be under 275 since watershed districts in multiple counties would then be required to attend multiple TNT hearings and at best add 15 days to the budget and levy process.

Here are the current 103 D statutes:

### **103D.911 BUDGET.**

#### *Subdivision 1. Hearing.*

*(a) Before adopting a budget, the managers shall hold a public hearing on the proposed budget.*

*(b) The managers shall publish a notice of the hearing with a summary of the proposed budget in one or more newspapers of general circulation in each county consisting of part of the watershed district. The notice and summary shall be published once each week for two successive weeks before the hearing. The last publication shall be at least two days before the hearing.*

#### *Subd. 2. Adoption.*

*On or before September 15 of each year, the managers shall adopt a budget for the next year and decide on the total amount necessary to be raised from ad valorem tax levies to meet the watershed district's budget.*

### **103D.915 TAX LEVY.**

#### *Subdivision 1. Certification to auditor.*

*After adoption of the budget and no later than September 15, the secretary of the watershed district shall certify to the auditor of each county within the watershed district the county's share of the tax, which shall be an amount bearing the same proportion to the total levy as the net tax capacity of the area of the county within the watershed bears to the net tax capacity of the entire watershed district. The maximum amount of a levy may not exceed the amount provided in section [103D.905](#).*

The question of whether watershed districts do fall under the 275 process is yes for September 30<sup>th</sup> filing deadline. 275.065 clearly state a preliminary levy must be certified by September 30<sup>th</sup>. See below.

#### *275.065 PROPOSED PROPERTY TAXES; NOTICE.*

*§Subdivision 1. Proposed levy. (a) Notwithstanding any law or charter to the contrary, on or before September 30, each county, home rule charter or statutory city, town, and special taxing district, excluding the Metropolitan Council and the Metropolitan Mosquito Control Commission, shall certify to the county auditor the proposed property tax levy for taxes payable in the following year.*

The debate comes in when considering if watershed districts are part of the Notice process known as Truth in Taxation (TNT) and the related hearings. Based on statute, 275.065, subd 3 watershed districts are NOT required to part of the Notice or TNT process, nor do we want to be. Subd 3 reads that METROPOLITAN taxing districts are subject to the notice/TNT process. When reviewing paragraph (i) that defined metropolitan taxing districts, it only includes the Metropolitan Council, Metropolitan Airports Commission and the Metropolitan Mosquito Control Commission.

See Subd 3 paragraph (c) and (i) below.

*Subd. 3. Notice of proposed property taxes. (c) a portion of c*

The notice must clearly state for each city that has a population over 500, county, school district, regional library authority established under section 134.201, **metropolitan** taxing districts **as defined in paragraph (i)**, and fire protection and emergency medical services special taxing districts established under section 144F.01, the time and place of a meeting for each taxing authority in which the budget and levy will be discussed and public input allowed, prior to the final budget and levy determination.

Here is paragraph (i)

(i) For purposes of this subdivision and subdivision 6, "**metropolitan** special taxing districts" means the following taxing districts in the seven-county metropolitan area that levy a property tax for any of the specified purposes listed below:

(1) Metropolitan Council under section 473.132, 473.167, 473.249, 473.325, 473.446, 473.521, 473.547, or 473.834;

(2) Metropolitan Airports Commission under section 473.667, 473.671, or 473.672; and

(3) Metropolitan Mosquito Control Commission under section 473.711.

In the end, the current 103D statutes provide clear and simple process for adopting a budget and certifying a levy. Whether it's the 15<sup>th</sup> or 30<sup>th</sup> of September really makes no difference in preparing the budget and levy for the following year so going to September 30<sup>th</sup> only adds 15 days. As far as notification of tax levies to tax payers, watershed district budgets are an extremely minor portion of the overall property tax levy. That is why the notification process only seeks cities over 500 population, counties, and school districts. The entities make up the overwhelming majority of the property taxes and their respective levies can only go down after the November hearings.

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**Notes:** The committee does not recommend adoption of this resolution. The committee recommends working with boards, staff, and legal counsel to understand and confirm best practices.

# BACKGROUND INFORMATION ON MINNESOTA WATERSHEDS RESOLUTION 2023-03

## Resolution Seeking Support of New Legislation Modeled after HF2687 and SF2419 (2018) Regarding DNR Regulatory Authority over Public Drainage Maintenance and Repairs

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

### Background that led to submission of this resolution:

The State enacted several laws related to water resources after the establishment of the public drainage systems. However, there was a commitment that these laws would not restrict existing rights including those related to the existence of, and obligation to maintain, public drainage systems.

The public waters inventory was never intended to restrict the right to maintain existing drainage systems. The legislature specifically exempted repairs from DNR permitting; gave the DNR a mechanism to ensure proposed work was repair; and directed the DNR to provide for the lawful function of public drainage systems that affected public waters. The DNR also adopted a rule exempting repairs from permitting and announced a policy in 1980 that stated repair of public drainage systems should be allowed without permits.

More recent DNR practices have departed from the 1980 policy and clear language in both statute and rule. The agency has increasingly required permits, approvals, and conditions contrary to current law and the 1980 policy. The DNR issued a new guidance document in February 2018 that was intended to provide clarity for both DNR staff and drainage authorities on the role of the DNR regarding public drainage activities (particularly repairs). This guidance has had the opposite effect, creating more uncertainty, expense, and delays in the public waters regulatory program and for drainage system repairs.

HF2687 and SF2419 were introduced during the 2018 legislative session to reinforce the protections given to drainage system repairs. These bills were placed on hold in committee when the DNR issued its new guidance that would address the concerns that drainage authorities had with its current practices (relating to permitting and permission requirements for work affecting public waters). Though these bills were never withdrawn by their authors, they require reintroduction for reconsideration.

The DNR policy and its implementation of that policy do not adequately address drainage authority concerns. Reintroduction and approval of new legislation modeled after HF2687 and SF2419 would reinforce in clear terms the DNR's role in drainage system repairs.

### Ideas for how this issue could be solved:

Current disagreements about the DNR's jurisdiction could be resolved through protracted litigation (the least desirable course of action) or by clear legislative directives. New legislation, modeled after HF2687 and SF2419, will provide this clear legislative directive. The legislation would reinforce existing law regarding the DNR and the drainage authorities' roles and responsibilities when maintaining the public drainage systems and reduce the unnecessary expenditure of dollars by the Drainage Authority (passed by statute to landowners) and DNR.

Use draft bill language modeled after HF2687 and SF2419 with suggested amendments to introduce new legislation. Documents are attached to this resolution.

### Attachments:

- 1- Proposed amendment to 103E.701
- 2- Proposed amendment to 103G.225
- 3- Proposed amendment to 103G.245

4- Revised SF 2419 bill language

To advance this legislation, we ~~recommend Minnesota Watersheds engage with the Drainage Work Group (DWG) to prioritize this topic for DWG deliberation in 2024. If consensus cannot be reached by the DWG in 2024,~~ we recommend Minnesota Watersheds, along with partner organizations such as the Association of Minnesota Counties (AMC), work with cooperating legislators to draft and introduce new bills in the 2025 legislative session.

**Efforts to solve the problem:**

RCWD representatives have met with DNR staff leadership multiple times since 2018 regarding the lack of clarity and consistency in DNR’s role on public drainage system repairs across the State. This engagement resulted in the DNR issuing Letters of Permission for two RCWD drainage repair projects, only to rescind the Letters of Permission months later noting that permission was unnecessary. PDA engaged with DNR, yet DNR continues inconsistent jurisdictional response.

A similar resolution was proposed and adopted by MAWD in 2018. This resolution is sunseting in 2023. We are unaware of any actions from MAWD / Minnesota Watersheds that resulted from that resolution.

**Anticipated support or opposition from other governmental units?**

Wild Rice Watershed District is supportive of this resolution. All public drainage authorities (counties, watershed districts) should support this legislation. Non-governmental environmental organizations in the state and the DNR may oppose this legislation.

**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 MW bylaws or MOPP:	_____

## 103E.701 REPAIRS.

### Subd. 2. Repairs affecting public waters.

A. Where as-built records, ~~reestablished~~reestablished records under section 103E.101, subd. 4a, or prior concurrence of the commissioner exist, the Drainage authority may proceed with a drainage system repair consistent with the definition above without further concurrence, review or permission of the commissioner under section 103E.011, subd. 3.

B. Where as-built records, ~~reestablished~~reestablished records under section 103E.101, subd. 4a, or prior concurrence of the commissioner do not exist, B~~efore~~ before a repair is ordered, the drainage authority must notify the commissioner if the repair ~~may affect~~will be conducted in, through or adjacent to public waters. Notice to the commissioner must include the proposed repair design and configuration. Within 60 days of notice, the commissioner must concur or non-concur that the proposed repair is, in fact, repair as defined in this section. Failure of the commissioner to concur or non-concur with the repair design and configuration within 60 days shall be deemed concurrence. If the commissioner ~~disagrees-non-concurs~~ with the repair design and configuration~~depth~~, the engineer, a representative appointed by the director, and a soil and water conservation district technician must jointly determine authorized repair as defined in this section~~the repair depth~~ using existing records and evidence, including, but not limited to, applicable aerial photographs, soil borings or test pits, culvert dimensions and invert elevations, and bridge design records.~~soil borings, field surveys, and other available data or appropriate methods.~~ Costs for determining the repair ~~depth~~ design and configuration beyond the initial meeting must be shared equally by the drainage system and the commissioner. The determined repair design and configuration~~depth~~ must be recommended to the drainage authority. The drainage authority may accept the joint recommendation and proceed with the repair.

C. Commissioner concurrence with repair design and configuration or drainage authority acceptance of a repair design and configuration recommendation shall constitute permission of the commissioner under section 103E.011, subd. 3.

### **103G.225 STATE WETLANDS AND PUBLIC DRAINAGE SYSTEMS.**

If the state has inventoried and designated public water courses, basins or wetlands on or adjacent to existing public drainage systems, the state shall consider the use of the public waters ~~wetlands~~ as part of the drainage system. If the commissioner's desired management or protection of public waters ~~wetlands~~ interfere with or prevent the authorized functioning of the public drainage system, the state shall provide for necessary work to allow proper use and maintenance of the drainage system while still preserving the public waters wetlands.

## **103G.245 WORK IN PUBLIC WATERS.**

### **Subd. 2.Exceptions.**

A public-waters-work permit is not required for:

(1) work in altered natural watercourses that are part of drainage systems established under chapter 103D or 103E if the work in the waters is undertaken according to chapter 103D or 103E;

(2) repair of a public drainage system lawfully established under Minnesota Statutes, chapters 103D and or 103E, and sponsored by the public drainage authority consistent with the definition of "repair" in Minnesota Statutes, section 103E.701, subdivision 1.

(3) a drainage project for a drainage system established under chapter 103E that does not substantially affect public waters; or

(34) culvert restoration or replacement of the same size and elevation, if the restoration or replacement does not impact a designated trout stream.

**SENATE**  
**STATE OF MINNESOTA**  
**NINETIETH SESSION**

**S.F. No. 2419**

(SENATE AUTHORS: WESTROM, Weber, Eken, Sparks and Ingebrigtsen)

DATE  
05/21/2017

D-PG  
5448

Introduction and first reading

OFFICIAL STATUS

Referred to Environment and Natural Resources Policy and Legacy Finance

1.1 A bill for an act  
 1.2 relating to natural resources; clarifying public waters and public drainage system  
 1.3 laws; amending Minnesota Statutes 2016, sections 103E.701, subdivision 2;  
 1.4 103G.225; 103G.245, subdivision 2.

1.5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.6 Section 1. Minnesota Statutes 2016, section 103E.701, subdivision 2, is amended to read:

1.7 Subd. 2. **Repairs affecting public waters.** (a) Where as-built records, reestablished  
 1.8 records under section 103E.101, subdivision 4a, or prior concurrence of the commissioner  
 1.9 exists, the drainage authority may proceed with a drainage system repair as provided in this  
 1.10 section without further concurrence, review, or permission of the commissioner under  
 1.11 section 103E.011, subdivision 3.

1.12 (b) Where as-built records, reestablished records under section 103E.101, subdivision  
 1.13 4a, or prior concurrence of the commissioner does not exist, before a repair is ordered, the  
 1.14 drainage authority must notify the commissioner if the repair ~~may affect~~ will be conducted  
 1.15 in, through, or adjacent to public waters. Notice to the commissioner must include the  
 1.16 proposed repair design and configuration. Within 60 days of notice, the commissioner must  
 1.17 concur or not concur that the proposed repair is, in fact, repair as provided in this section.  
 1.18 Failure of the commissioner to concur or not concur with the repair design and configuration  
 1.19 within 60 days is deemed concurrence. If the commissioner ~~disagrees~~ does not concur with  
 1.20 the repair ~~depth~~ design and configuration, the engineer, a representative appointed by the  
 1.21 director, and a soil and water conservation district technician must jointly determine the  
 1.22 repair ~~depth~~ allowed under this section using soil borings, field surveys, and other available  
 1.23 data or appropriate methods existing records and evidence, including but not limited to  
 1.24 applicable aerial photographs, soil borings, test pits, culvert dimensions, invert elevations,

2.1 and bridge design records. Costs for determining the repair ~~depth~~ design and configuration  
 2.2 beyond the initial meeting must be shared equally by the drainage system and the  
 2.3 commissioner. The determined repair ~~depth~~ design and configuration must be recommended  
 2.4 to the drainage authority. The drainage authority may accept the joint recommendation and  
 2.5 proceed with the repair.

2.6 (c) The commissioner's concurrence with repair design and configuration or the drainage  
 2.7 authority or an accepted joint recommendation acceptance of a repair design and configuration  
 2.8 recommendation under this  
 2.9 subdivision constitutes permission of the commissioner under section 103E.011, subdivision  
 2.9 3.

2.10 Sec. 2. Minnesota Statutes 2016, section 103G.225, is amended to read:

2.11 **103G.225 STATE WETLANDS PUBLIC WATERS AND PUBLIC DRAINAGE**  
 2.12 **SYSTEMS.**

2.13 If the state ~~owns~~ has inventoried and designated public water courses, basins, or public  
 2.14 waters wetlands on or adjacent to existing public drainage systems, the state shall consider  
 2.15 the use of the public waters wetlands as part of the drainage system. If the commissioner's  
 2.16 desired management or protection of public waters wetlands interfere with or prevent the  
 2.17 authorized functioning of the public drainage system, the state shall provide for necessary  
 2.18 work to allow proper use and maintenance of the drainage system while still preserving the  
 2.19 public waters wetlands.

2.20 Sec. 3. Minnesota Statutes 2016, section 103G.245, subdivision 2, is amended to read:

2.21 Subd. 2. **Exceptions.** A public-waters-work permit is not required for:

2.22 (1) work in altered natural watercourses that are part of drainage systems established  
 2.23 under chapter 103D or 103E if the work in the waters is undertaken according to chapter  
 2.24 103D or 103E;

2.25 (2) repair of a public drainage system lawfully established under chapters 103D or  
 2.26 103E and sponsored by the public drainage authority as provided in section 103E.701;

2.27 (3) a drainage project for a drainage system established under chapter 103E that does  
 2.28 not substantially affect public waters; or

2.29 ~~(3)~~ (4) culvert restoration or replacement of the same size and elevation, if the restoration  
 2.30 or replacement does not impact a designated trout stream.

September 13, 2023

Rice Creek Watershed District  
4325 Pheasant Ridge Drive NE, Suite 611  
Blaine, MN 55449

RE: WILD RICE WATERSHED DISTRICT SUPPORT OF MN WATERSHEDS 2023  
RESOLUTION

Dear Rice Creek Watershed District (RCWD):

The Wild Rice Watershed District (WRWD) Board of Managers had considered the MN Watersheds 2023 Resolution – *Support of New Legislation Modeled After HF2687 and SF2419 (2018) Regarding DNR Regulatory Authority over Public Drainage Maintenance and Repairs* (hereafter “MN Watersheds Resolution”) at Exhibit “A,” which has been adopted by the RCWD Board of Managers.

This letter, executed by the undersigned Chairman of the WRWD Board of Managers, on behalf of the WRWD Board of Managers, is being sent in support and agreement with the terms of the MN Watersheds Resolution regarding the commitment of lobbying efforts toward the passage of legislation modeled after HF2687 and SF2419 in subsequent legislative sessions.

Sincerely,



GREG HOLMVIK

Chairman – Wild Rice Watershed District Board of Managers

# MINNESOTA WATERSHEDS RESOLUTION 2023-03

## Resolution Seeking Support of New Legislation Modeled After HF2687 and SF2419 (2018) Regarding DNR Regulatory Authority over Public Drainage Maintenance and Repairs

**WHEREAS**, many watershed districts are drainage authorities 103E for all public drainage systems within their jurisdictional boundaries pursuant to the statute chapter; and

**WHEREAS**, statute chapter 103E places an obligation on drainage authorities to maintain public drainage systems on behalf of benefitted landowners; and

**WHEREAS**, courts have identified the rights of benefitted landowners to have public drainage systems maintained as a property right; and

**WHEREAS**, the State enacted laws related to water resources after the establishment of the public drainage systems with the commitment that these laws would not restrict existing rights to maintain public drainage systems; and

**WHEREAS**, DNR practices have departed from past policy and extended beyond the limits of its authority by regulating, permitting, and restricting drainage system repairs; and

**WHEREAS**, HF2687 and SF2419 were introduced during the 2018 legislative session to restate the protections given to drainage system repairs and were placed on hold in committee to await new DNR guidance that would address the concerns of the drainage authorities; and

**WHEREAS**, the DNR issued guidance in February 2018 that did not address the public drainage authority concerns and has created more uncertainty, expense, and delays in the public waters regulatory program and for drainage system repairs; and

**WHEREAS**, Though HF2687 and SF2419 were never withdrawn by their authors, the biennial legislative process requires that they be reintroduced for consideration.

**WHEREAS**, legislation modeled after HF2687 and SF2419 does not eliminate DNR or public input on repair depths; rather it clarifies how and when this is to occur in the process.

**NOW, THEREFORE, BE IT RESOLVED** that Minnesota Watersheds supports the introduction of new legislation, modeled after HF2687 and SF2419, ~~commits its staff to vetting this topic through the Drainage Work Group in 2024, and commits its lobbying efforts toward promoting the passage of the bills in subsequent sessions.~~

-----  
**Notes:** The committee recommends adoption of this resolution.

# BACKGROUND INFORMATION ON MINNESOTA WATERSHEDS

## RESOLUTION 2023-04

### Resolution Seeking Action for Streamlining the DNR Flood Hazard Mitigation Grant Program

**Proposing District:** Two Rivers Watershed District  
**Contact Name:** Dan Money, Administrator  
**Phone Number:** 218-843-3333  
**Email Address:** [dan.money@tworiverswd.com](mailto:dan.money@tworiverswd.com)

#### Background that led to the submission of this resolution:

DNR's Flood Hazard Mitigation Grant program is authorized under MN Statute 103F. There is currently a lack of openness and transparency on the part of DNR in managing this program. There is lack of communication to grant applicants regarding how their project is scored, ranked, and prioritized for funding. Some of the projects have been waiting more than five years for funding, with little to no communication from DNR as to their status.

There is also a lack of information regarding DNR's and the Legislature's intent to fund applications to this program. Funding for the program relies on the legislative bonding cycle (See attached Analysis of Funds Allocated and Concerns about FHMP process). For example, in 2022-2023 there were requests for over \$150 million from this program. However, the DNR's request to the legislature to fund the program is typically in the range of only \$20 million. At that pace, it would take over eight years to fund the projects currently on the list, and longer considering future new applications. Some projects have already been on the list for seven or more years and have not been funded. DNR does not communicate with applicants as to project status, and they do not seem to have a plan to fund projects and move them to construction.

#### Ideas for how this issue could be solved:

- Work with DNR to rectify the communication problem. Scoring, ranking, and funding priority should be more transparent so applicants know where they stand from year to year.
- Work with the legislature to promote the program and point out its social, economic, and scientific impacts. Most of the projects, and especially those in the Red River Basin, contain not only flood control elements, but also natural resources enhancement components. Minnesota Watersheds should promote the concept of fully funding the program with the intent to complete projects that qualify and are on the DNR list within two to four years of eligibility.
- Work with partners like cities, counties, and watershed management organizations to seek changes to program management.

#### Efforts to solve the problem:

- The Red River Watershed Management Board has met with partner organizations to identify the problem and help gain support. General support for streamlining and funding the program has been communicated.
- The RRWMB has been meeting with DNR representatives from northwest Minnesota to discuss the program and potential solutions. They have indicated a willingness to address some of the issues raised and have developed a workplan to help improve the program delivery (see attached FHM Work Plan). However, more work needs to be done to further address the issues.

#### Anticipated support or opposition:

Partners could be counties, cities, WMOs, and the RRWMB. Not sure about opposition.

#### 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 MW bylaws or MOPP:	_____

# Concerns About the FHMP Process

- ▶ Lack of openness/transparency - and little coordination and communication with local government.
  - ▶ DNR coordination with other agencies - how does this work.
  - ▶ Only 1 full-time staff designated by DNR for FHMP administration - some administrative assistance is available.
  - ▶ Limited or no information about:
    - Scoring and ranking process by DNR.
    - Internal DNR processes and procedures.
    - Who final decision-makers are at DNR.
    - How DNR develops its preliminary and final recommendations to fund the FHMP for Governor's budget.
  - ▶ Limited communication and promotion of the FHMP by DNR at legislature.
- ▶ FHMP gets lost in the shuffle during the state budget process.
  - ▶ Inadequate and inconsistent funding by the legislature:
    - Affects timing and coordination of other local, state, and federal funds to construct water storage/flood mitigation projects.
    - Places increased pressure on local government to fund FHM - WSPs through local taxes.
    - Inflation!
  - ▶ Continued deferred FHMP funding reduces local government's ability to meet climate resiliency goals/reduce downstream impacts.
  - ▶ Everyone wants water storage - but no one wants to fund it consistently and adequately.

# FHM Program Improvement Work Plan - MN DNR

Updated 06-16-2023

**Project Name:** Flood Hazard Mitigation (FHM) Grant Assistance Program Communication and Delivery Improvement Project

**Project Goal:** A transparent funding award process, where DNR and stakeholders have ready access to and better understanding of program history, funding eligibility, application and prioritization process, and allocation of appropriations in each funding cycle.

**Planned Activities:**

Task	Notes	Status
Post relevant existing FHM program information on DNR's website, FHM program page	<ul style="list-style-type: none"> <li>• Program history</li> <li>• List of current unmet needs</li> <li>• Allocation of past appropriations</li> <li>• Map of Projects</li> <li>• FAQ</li> <li>• Explanation of funding process and prioritization</li> </ul>	<ul style="list-style-type: none"> <li>• DONE</li> <li>• DONE</li> <li>• DONE</li> <li>• Updated (not on web yet)</li> <li>• TBD</li> <li>• In progress</li> </ul>
Obtain input on FHM program from interested stakeholders and post on web.	<ul style="list-style-type: none"> <li>• Conduct LGU survey. See survey questions and responses.</li> <li>• Conduct LGU listening sessions. See listening session questions and notes.</li> <li>• Complete FHM Grant Assistance Program 2021 Survey and Listening Sessions Results Summary and post on web.</li> </ul>	<ul style="list-style-type: none"> <li>• DONE</li> <li>• DONE</li> <li>• DONE</li> </ul>
Internal As-Is Process Description and Review - SOPs	<ul style="list-style-type: none"> <li>• Develop Standard Operating Procedures and supporting documents for DNR's internal, Land Use Programs (LUP) OneNote Manual.</li> </ul>	<ul style="list-style-type: none"> <li>• Nearing completion</li> </ul>
Update current FHM application.	<ul style="list-style-type: none"> <li>• Update application to include narrative of program history, goals, eligibility, expansion of project prioritization based upon criteria established in law.</li> <li>• Draft application to be shared with internal and external stakeholders for review and comment prior to finalization.</li> </ul>	<ul style="list-style-type: none"> <li>• Internal draft under review</li> </ul>
Develop internal prioritization form based on prioritization criteria in statute and aligned with updated application form.	<ul style="list-style-type: none"> <li>• Collect and review two to three scoring systems used by other grant programs in MN and/or other states.</li> <li>• Develop internal prioritization process. Recognize need for flexibility in working with funding directives from Legislature, statutory requirements, applicant needs, timing and practical implementation considerations.</li> </ul>	<ul style="list-style-type: none"> <li>• DONE collecting other scoring systems. Need to finish review.</li> <li>• TBD</li> </ul>
Continue to get input and identify areas for improvement.	<ul style="list-style-type: none"> <li>• Determine timeline and process for periodic review of the FHM program and necessary updates to FHM materials. Once established, this will be an ongoing program maintenance task.</li> </ul>	<ul style="list-style-type: none"> <li>• Initiate once elements above are completed.</li> </ul>



## ANALYSIS OF FUNDS ALLOCATED TO THE FLOOD HAZARD MITIGATION PROGRAM IN MINNESOTA – 1988 TO 2020

The Red River Watershed Management Board (RRWMB) analyzed statewide allocations to the Flood Hazard Mitigation Program (FHMP) using data available from the Minnesota Department of Natural Resources (DNR). The data used for this analysis is titled “History of Flood Hazard Mitigation Funding Allocations” is available on the DNRs website at this location:  
[https://www.dnr.state.mn.us/waters/watermgmt\\_section/flood\\_damage/index.html](https://www.dnr.state.mn.us/waters/watermgmt_section/flood_damage/index.html)

Data is available from 1988 to 2020 and below are facts about the FHMP:

- The FHMP started in 1988, has been in existence for over 34 years, with \$2 million being allocated the first year.
- FHMP funds are administered by the DNR and are pass through to Local Governmental Units (LGU) statewide including watershed districts, counties, cities, and townships.
- Since 1988, the FHMP has allocated \$516,819,885 to LGUs.
- No funds were allocated to the FHMP in 1989, 1992, 1996, 2004, 2016, 2019, 2021, and 2022.
- Of the 26 years that funds have been allocated to the FHMP, the average allocation is \$19,877,688 for statewide flood mitigation projects and efforts.
- The table below illustrates how funds have been allocated to LGUs statewide from 1988 to 2020 for the FHMP. A pie chart is also included on the next page depicting this information.

Entity Receiving FHMP Funds Statewide: 1988 to 2020	Amount of Total FHMP Allocations Received Statewide: 1988 to 2020	Percent of Total FHMP Allocations Statewide: 1988 to 2020
Watershed Districts	\$ 73,555,299.00	14.23%
Counties	\$ 34,155,509.00	6.61%
Cities	\$ 377,638,611.00	73.07%
Townships	\$ 30,734,747.00	5.95%
Other*	\$ 735,719.00	0.14%
<b>TOTALS</b>	<b>\$ 516,819,885.00</b>	<b>100%</b>

\*Includes FHMP administration funds for the DNR to manage the program.

**Contact:** For more information, contact RRWMB Executive Director Robert L. Sip via email at [rob.sip@rrwmb.us](mailto:rob.sip@rrwmb.us) or by cell at 218-474-1084.

**February 3, 2023**



## INFLATION IMPACTS ON CONSTRUCTION OF WATER STORAGE PROJECTS IN THE RED RIVER BASIN

The Red River Watershed Management Board (RRWMB) uses the United States Army Corps of Engineers (USACE) Civil Works Construction Cost Index (CWCCI) to adjust for inflation. The CWCCI is used by the RRWMB to set cost-share rates for member watershed districts when constructing Water Storage Projects (WSP) in the Red River Basin of Minnesota. USACE updates the CWCCI at the end of each federal fiscal year, which is September 30. Below is information from 2000 to 2022 illustrating how the CWCCI has changed annually (\*The 2021 index listed is the value published in fall of 2021 – USACE later revised the 2021 value to 984.80). Specific RRWMB information related to inflationary impacts is included on the [next page](#).

At end of Federal Fiscal Year	Index (CWCCI)	Change From Prior Year
<b>2000</b>	<b>497.07</b>	
2001	503.52	1.3%
2002	517.46	2.8%
2003	529.95	2.4%
2004	571.29	7.8%
2005	608.36	6.5%
2006	641.91	5.5%
2007	673.52	4.9%
2008	716.54	6.4%
2009	703.00	-1.9%
2010	724.17	3.0%
2011	756.48	4.5%
2012	773.75	2.3%
2013	787.64	1.8%
2014	804.05	2.1%
2015	804.97	0.1%
2016	810.92	0.7%
2017	835.57	3.0%
2018	862.56	3.2%
2019	888.57	3.0%
2020	897.19	1.0%
2021	971.10	*
<b>2022</b>	<b>1120.25</b>	<b>15.4%</b>

### Key Facts Related to Construction of Water Storage in Minnesota:

- The Flood Hazard Mitigation Program (FHMP) is a primary funding source for WSPs and flood mitigation statewide.
- The FHMP is managed by the MN DNR and funds are pass-through to local government across the state of Minnesota.
- One bonding bill of \$17.6 million has been approved in the last 4 years to fund WSPs and flood mitigation efforts statewide.
- The current known need for FHMP funding is approximately \$150 million according to MN DNR data and information as of May 2022.
- Bills of more than \$156 million have been introduced for flood mitigation and WSPs as of February 1, 2023.
- Inconsistent FHMP funding affects timing and coordination of other local, state, and federal funds to construct WSPs/flood mitigation projects.
- Inadequate funds allocated to the FHMP place increased pressure on local government to fund WSPs through local taxes.
- Continued deferred FHMP funding reduces local government's ability to meet climate resiliency goals/reduce downstream impacts.

The table below illustrates cost increases using the USACE CWCCI from 2022 to 2023 for the RRWMB's member watershed districts to construct WSPs/flood mitigation projects. The cost estimate for the WSPs was approximately \$49 million in 2022 and when applying the CWCCI, costs have risen significantly. For 2023, the bonding request is \$73 million for the RRWMB's membership.

Project	2022 RRWMB Cost Estimates	2021 CWCCI 8.20%	2022 CWCCI 15.40%	2023 RRWMB Bonding Request
Redpath Impoundment	\$ 15.4000	\$ 16.9400	\$ 19.3116	\$ 19.2289
City of Perley	\$ 0.6250	\$ 0.6875	\$ 0.7837	\$ 0.6250
Nelson Slough	\$ 4.1500	\$ 4.5650	\$ 5.2041	\$ 11.2580
Lilac Ridge	\$ 3.0000	\$ 3.3000	\$ 3.7620	\$ 8.2500
City of Newfolden	\$ 4.6680	\$ 5.1348	\$ 5.8536	\$ 6.5000
Roseau Lake Bottom	\$ 7.0000	\$ 7.7000	\$ 8.7780	\$ 8.7404
Whitney Lake	\$ 1.0000	\$ 1.1000	\$ 1.2540	\$ 1.2486
Klondike Clean Water Retention	\$ 13.5000	\$ 14.8500	\$ 16.9290	\$ 16.8565
<b>TOTAL</b>	<b>\$ 49.3430</b>	<b>\$ 54.2773</b>	<b>\$ 61.8761</b>	<b>\$ 72.7074</b>

**Readiness:** All these WSPs are ready to receive funding through the FHMP to get to the finish line. Construction will allow projects to come "on-line" to meet local, regional, and international goals for climate resiliency, water storage, and natural resources goals in the Red River Basin.

**New Water Storage:** Approximately 100,000 acre-feet of new water storage will be created when the projects below are constructed by RRWMB membership.

**Flow Reduction Strategy:** The Red River Basin has adopted a 20% flow reduction strategy to reduce flood flows in the Red River. The RRWMB has adopted this strategy.

**Farmland Flood Damage Reduction Goal:** The Red River Basin also has the goal of providing protection against 10-year summer storm events for intensively farmed agricultural land and 25-year events when feasible.

**Current Financial Investments:** The RRWMB calculates that \$50 million has been invested in these projects. More detailed information about the projects below can be provided upon request and cost information is in millions of dollars.

**Contact:** For more information, contact RRWMB Executive Director Robert L. Sip via email at [rob.sip@rrwmb.us](mailto:rob.sip@rrwmb.us) or via cell at 218-474-1084.

**February 6, 2023**

# MINNESOTA WATERSHEDS RESOLUTION 2023-04

## Resolution Seeking Action for Streamlining the DNR Flood Hazard Mitigation Grant Program

**WHEREAS**, severe flooding is known to occur repeatedly within the State of Minnesota, costing both public and private entities millions of dollars for repair and replacement of infrastructure, damage to homes, erosion and sediment control, and damage to cropland; and

**WHEREAS**, flooding also has severe and repeated impacts to water quality from erosion, sedimentation, nutrient loading, raw sewage discharges, and chemical spillage; and

**WHEREAS**, the DNR's Flood Damage Reduction Grant program (FHMG) under Minnesota Statutes 103F has been a successful tool for local governments to utilize to design and build projects to reduce and prevent flooding, protect the environment, and prevent social and economic losses; and

**WHEREAS**, the DNR's FHMG has historically not been funded adequately by the Legislature, nor have projects been scored, ranked, and prioritized adequately by the DNR; and

**WHEREAS**, the cost of construction has increased by nearly 28% over the past for years, however in the same time period the legislature has only provided funding (totaling \$17.6 million) in one of those years; and

**WHEREAS**, proposed flood damage reduction projects that are endorsed by the Red River Flood Damage Reduction Work Group are multi-purpose projects that provide climate resiliency, protection and enhancement of natural resources, habitat for fish and macroinvertebrates, and address water quality impairments.

**NOW, THEREFORE, BE IT RESOLVED** that Minnesota Watersheds adopt a resolution seeking action requiring the DNR to establish transparent scoring, ranking, and funding criteria for the Flood Hazard Mitigation Program (M.S. Chapter 103F) and asking the Minnesota Legislature to fully fund the state's share of eligible projects that are on the DNR's list within each two-year bonding cycle. Information regarding scoring, ranking, and funding should be provided annually to project applicants.

---

**Notes:** Funding for flood damage reduction and flood hazard mitigation is important to our members. I believe this resolution will be supported by our members.

# BACKGROUND INFORMATION ON MINNESOTA WATERSHEDS RESOLUTION 2023-05

## Resolution Seeking 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](mailto: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 the 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 Minnesota Watersheds 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:	_____ X _____
Applies only to 1 or 2 regions:	_____	Requires state agency advocacy:	_____ maybe _____
Applies to the entire state:	_____ X _____	Impacts MW bylaws or MOPP:	_____ _____

**RILEY PURGATORY BLUFF CREEK WATERSHED DISTRICT  
PROPOSAL TO AMEND Minnesota States 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 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, 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.

# MINNESOTA WATERSHEDS RESOLUTION 2023-05

## Resolution Seeking 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 to conduct public meetings; there were many benefits to using 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 the Minnesota Watersheds hereby 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 the Minnesota Watersheds supports changes to the Open Meeting Law requiring watershed districts to prepare and publish procedures for conducting public meetings using interactive technology.

---

**Notes:** The RPBCWD managers would like to have the membership reconsider the three times in a calendar year which is in the Minnesota Watersheds adopted resolution on this subject. They are uncertain as to why the three-day limit as that seems rather arbitrary. This language is exactly the same as was submitted in 2022. The resolution failed in 2022.

# BACKGROUND INFORMATION ON MINNESOTA WATERSHEDS

## RESOLUTION 2023-06

### Resolution Seeking Minnesota Watersheds Education and Outreach to Encourage Formation of Watershed Districts in Unserved Areas

**Proposing District:** Comfort Lake-Forest Lake Watershed District  
**Contact Name:** Dave Bakke, Manager; Jackie Anderson Manager  
**Phone Number:** 612-308-7865 (Dave); 612-819-6906 (Jackie)  
**Email Address:** [dave.bakke@clflwd.org](mailto:dave.bakke@clflwd.org); [jackie.anderson@clflwd.org](mailto:jackie.anderson@clflwd.org)

**Background that led to the submission of this resolution:**

Not all areas of Minnesota have a watershed district to support protection and improvement of lakes, rivers and wetlands and other water issues unique to those areas. “The watershed approach is now the national model and new hope for effective management of water resources” (Minnesota Watersheds website). Therefore, this resolution is to increase the number of local watershed districts to serve those areas of the state that lack support. In addition, with the increasing role being played by One Watershed-One Plan organizations throughout the State, it is important that each such entity include one or more watershed districts to advocate for and guide toward a watershed approach. The goal is to have all areas of Minnesota served by a local watershed district to advance responsible watershed-based management both locally and within One Watershed-One Plan organizations regionally.

**Ideas for how this issue could be solved:**

Minnesota Statutes 103D provides for the establishment of local watershed districts through petitioning by counties, municipalities, or citizens. Through various channels, (state government, counties, cities, lake associations, etc.) Minnesota Watersheds could provide outreach and education to promote and establish new watershed districts across Minnesota where they currently do not exist.

**Efforts to solve the problem:**

Members of our board of managers, past and present, have served as officers of lake associations and other local water management organizations. In that capacity, we have experienced the tremendous support of the Comfort Lake Forest Lake Watershed District in leading efforts to improve and protect our lakes, rivers and wetlands. Recently, one of our managers joined the Elbow Lake Association, near Lake Vermillion, and found that no watershed district exists to provide the same support needed to protect and improve lakes, rivers and wetlands in NE Minnesota. At a recent Elbow Lake Association meeting, the manager was charged with finding avenues of support for protecting and improving area water and reached out to the CLFLWD board to gather support for this effort to increase the number of watershed districts in Minnesota. This resolution is offered to broaden support for this effort.

**Anticipated support or opposition:**

The legislature has endorsed watershed-based water resource management as state policy (103A.212). Minnesota Watersheds should expect support from the Minnesota Board of Water and Soil Resources and other state agencies concerned with sound water resource management. It would be hoped that counties and conservation districts would welcome One Watershed One Plan organization members that would bring a specific watershed focus to bear. Some counties or others may not favor the formation of additional watershed districts on the grounds that they would dilute county authority within One Watershed One Plan organizations, or on grounds of general opposition to the creation of additional taxing authorities.

**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:	_____

# MINNESOTA WATERSHEDS RESOLUTION 2023-06

## Resolution Seeking Minnesota Watersheds Education and Outreach to Encourage Formation of Watershed Districts in Unserved Areas

**WHEREAS**, as set forth at Minnesota Statutes §103A.212, the Minnesota legislature has enunciated watershed-based water resource management to be state policy;

**WHEREAS**, many areas of the State of Minnesota do not lie within the boundaries of a watershed district or other watershed-based water management agency;

**WHEREAS**, Minnesota Statutes §103D.205 provides for watershed districts to be established by petition of counties, municipalities or residents;

**WHEREAS**, watershed districts operate on sound watershed-based science to set goals, priorities and implementation plans, and have proven to be responsive to local water resource priorities and needs; and

**WHEREAS**, as One Watershed – One Plan organizations proliferate at a larger watershed scale, it is essential for such organizations to have as members watershed districts that can advocate for and guide toward a watershed approach;

**NOW, THEREFORE, BE IT RESOLVED** that Minnesota Watersheds, in consultation with its membership, develop a framework for education and outreach intended to encourage petition and advocacy for the formation of watershed districts in areas of the state not presently served by watershed-based public agencies.

---

**Notes:** We have difficulty getting established WDs and WMOs as members. It would be interesting to know what type of education and outreach this WD recommends, as well as what entities.



## Memorandum

DATE: October 27, 2023  
TO: Minnesota Watersheds Members  
FROM: Linda Vavra, Minnesota Watersheds President  
RE: **Proposed Legislative Platform**

In accordance with our Strategic Plan, the Minnesota Association of Watershed Administrators (MAWA) Legislative Platform Committee developed a draft Legislative Platform. The Strategic Plan also states that this work should be done in conjunction with the Resolutions Committee. The purpose of the Legislative Platform is to provide a document that clearly articulates legislative policies so our members and our representatives on the Board of Water and Soil Resources board, Clean Water Council, and the Local Government Water Roundtable can accurately state our positions.

The draft document was presented to the Resolutions Committee on October 10 and the Minnesota Watersheds Board of Directors (Board) on October 23. The committee and the Board recommend adoption of the Legislative Platform with the understanding that this is a living document. Each year, the sunseting resolutions will be removed and newly adopted resolutions will be added. The document will be reviewed annually by the MAWA Legislative Platform Committee and the Resolutions Committee. Any recommended additions or corrections will be brought to the membership for consideration. The Legislative Platform will be updated and voted on by the membership each year at the annual business meeting.

Questions regarding these proposed changes should be directed to Linda Vavra at 320-760-1774 or [lvavra@fedtel.net](mailto:lvavra@fedtel.net) or Jan Voit [jvoit@mnwatersheds.com](mailto:jvoit@mnwatersheds.com) or 507-822-0921.

PRESIDENT  
Linda Vavra (Region 1)  
Bois de Sioux WD  
[lvavra@fedtel.net](mailto:lvavra@fedtel.net)  
320-760-1774 | Term 2023

VICE PRESIDENT  
Peter Fjestad (Region 1)  
Buffalo Red River WD  
[pfjestad@prtel.com](mailto:pfjestad@prtel.com)  
218-731-4630 | Term 2025

SECRETARY  
Wanda Holker (Region 2)  
Upper Minnesota WD  
[ewholker@fedtel.net](mailto:ewholker@fedtel.net)  
320-760-6093 | Term 2024

TREASURER  
David Ziegler (Region 3)  
Riley-Purgatory-Bluff Creek WD  
[david\\_ziegler@outlook.com](mailto:david_ziegler@outlook.com)  
952-905-1889 | Term 2025

DIRECTORS  
Gene Tiedemann (Region 1)  
Red Lake WD  
[gtiedemann@rrv.net](mailto:gtiedemann@rrv.net)  
218-289-3511 | Term 2024

Jeff Gertgen (Region 2)  
Middle Fork Crow River WD  
[jg liaison@gmail.com](mailto:jg liaison@gmail.com)  
608-370-3934 | Term 2023

Brad Kramer (Region 2)  
Shell Rock River WD  
[brad@provenioconsulting.com](mailto:brad@provenioconsulting.com)  
507-369-6050 | Term 2025

Mary Texer (Region 3)  
Capitol Region WD  
[metexer@gmail.com](mailto:metexer@gmail.com)  
651-224-2919 | Term 2023

Don Pereira (Region 3)  
Valley Branch WD  
[dpereira@vbwd.org](mailto:dpereira@vbwd.org)  
651-968-9788 | Term 2023

Jan Voit  
Executive Director  
[jvoit@mnwatersheds.com](mailto:jvoit@mnwatersheds.com)  
507-822-0921





# MINNESOTA WATERSHEDS

*Connecting People. Protecting Water.*

## DRAFT LEGISLATIVE PLATFORM

### Abstract

This document articulates clearly defined legislative policies so members and Minnesota Watersheds representatives on the Board of Water and Soil Resources Board, Clean Water Council, and Local Government Water Roundtable can accurately state our positions.

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## Purpose

Minnesota Watersheds represents both watershed districts and watershed management organizations (collectively referred to as Watersheds). That representation underscores the necessity of protecting Watershed powers, duties, and planning responsibilities on a watershed basis.

This legislative platform outlines Minnesota Watersheds positions on legislative matters and serves as the foundation for our organization to support or oppose various local, state, and federal legislation. It also articulates clearly defined legislative policies so members and Minnesota Watersheds representatives on the Board of Water and Soil Resources Board, Clean Water Council, and Local Government Water Roundtable can accurately state our positions.

## Finance

Watershed organizations are tasked with many responsibilities by Minnesota statute and the local priorities set by their boards. To effectively perform those duties, adequate funding is necessary. Although some Watersheds have levy authority, there are many other avenues of funding that are important for achieving local water management, as well as water quality and quantity goals.

1. Capacity
  - a. Support Clean Water Funds for implementation, not capacity (Resolution 2021-01B)
  - b. Support capacity funding for watershed districts (Resolution 2021-02)
  - c. Support General Fund repayment of Soil and Water Conservation District capacity funds to the Clean Water Fund (Legislative Platform Committee recommendation)
2. Grant Funding
  - a. Support metro watershed-based implementation funding for approved 103B plans only (Resolution 2021-07)
  - b. Support a more equitable formula for watershed-based implementation funding in the metro (Legislative Platform Committee recommendation)
  - c. Lobby for watershed-specific grant funding (Legislative Platform Committee recommendation)

## Urban Stormwater

Watersheds and land use management partners work to reduce polluted stormwater runoff and/or increase infiltration from urbanization and hard surfaces. Many Watersheds in the state have adopted regulatory standards and/or official controls to successfully manage urban stormwater when land alterations occur. Watersheds also implement a variety of urban stormwater management practices to treat runoff before it enters our lakes, streams, and wetlands.

1. Stormwater Quality Treatment
  - a. Support limited liability for certified commercial salt applicators (Resolution 2022-02)
  - b. Support, partner/collaborate with MS4s (if/where appropriate) in permit compliance activities (Legislative Platform Committee recommendation)
  - c. Support the use of green infrastructure and minimizing impervious surfaces, where practical, in urban development and planning (Legislative Platform Committee recommendation)

- d. Where it may exist, support removing duplication of urban stormwater regulatory standards and controls (Legislative Platform Committee recommendation)
- e. Support the rescission of the Department of Labor and Industry/Plumbing Board Final Interpretation of Inquiry PB0159, storm drainage surcharge to return to common engineering practice for stormwater pond design (Legislative Platform Committee recommendation)

## 2. Water Reuse

- a. Support creation of a Stormwater Reuse Task Force and for the Minnesota Department of Health to complete a review process (Resolution 2022-01)
- b. Support efforts to clarify and simplify State Plumbing Board rulings and requirements to facilitate more reuse of rainwater/stormwater (Legislative Platform Committee recommendation)

## Water Quantity

Watersheds are directed by statute to conserve the natural resources of the state by land use planning, flood control, and other conservation projects. Specific purposes refer to flood damage reduction, stream flows, water supply, drainage ditches, to identify and plan for effective protection and improvement of surface water and groundwater, and to protect and enhance fish and wildlife habitat and water recreational facilities. Numerous past, present, and future legislative initiatives have affected how water quantity issues are managed at the local level. This very broad-based topic includes management of the volume of water (drought, flooding, water supply), the flow of water (drainage, channel restoration, habitat), and recreation (lakes, rivers, wetlands) activities like fishing, boating, and hunting.

### 1. Drainage

- a. Support the current statutory requirements for notification and coordination in the development of petitioned repairs, drainage improvement projects, and new drainage systems (Legislative Platform Committee recommendation)
- b. Support the addition of a classification for public drainage systems that are artificial watercourses (Resolution 2019-02)
- c. Reinforce existing rights to maintain/repair 103E drainage systems (Resolution 2018-08)
- d. Seek increased support for and participation in the Drainage Work Group (Resolution 2022-03)
- e. Oppose the drainage registry information portal (Legislation to defeat)
- f. Oppose incorporating increased environmental, land use, and multipurpose water management criteria (M.S. 103E.015 requirements (Legislation to defeat)
- g. Comply with the legislative mandate to review outlet adequacy and notification requirements in the Drainage Work Group

### 2. Funding

- a. Obtain stable funding for flood damage reduction and natural resources enhancement projects (Resolution 2022-05)
- b. Clarify county financing obligations and/or authorize watershed district general obligation bonding for public drainage projects (Resolution 2019-04)

### 3. Flood Control

- a. Support crop insurance to include crop losses within impoundment areas (Resolution 2021-05)

### 4. Regulation

- a. Support temporary water storage on Department of Natural Resources wetlands during major flood events (Resolution 2020-04)
- b. Support managing water flows in Minnesota River Basin (statewide) through increased water storage and other strategies and practices (Resolution 2019-03)
- c. Work with Minnesota Department of Transportation to support flood control and how to handle increased water volume issues along state and federal highway systems (example from Bemidji district of MnDOT) (Legislative Platform Committee recommendation)

### 5. Policy

- a. Support funding for watershed-based climate resiliency projects and studies (Legislative Platform Committee recommendation)
- b. Support funding for best management practices that protect and enhance groundwater supply (Legislative Platform Committee recommendation)

## Water Quality

Protecting and improving the quality of surface and ground water in our Watersheds is an essential component of managing water resources on a watershed basis

### 1. Lakes

- a. Support limiting wake boat activities (Resolution 2022-06)
- b. Support designation change and research needs for the Chinese Mystery Snail (Resolution 2019-07)
- c. Support temporary lake quarantine authorization to control the spread of aquatic invasive species (Resolution 2017-02)
- d. Support streamlining permit applications for rough fish management (Legislative Platform Committee recommendation)
- e. Support dredging as a best management practice to manage internal phosphorus loads in lakes (Legislative Platform Committee recommendation)

### 2. Wetlands

- a. Support a statutory requirement for water level control structures in wetland restorations and wetland banks (Legislative Platform Committee recommendation)
- b. Support federal, state, and local funding for wetland restoration and protection activities (Legislative Platform Committee recommendation)

### 3. Rivers and Streams

- a. Support a statutory deadline for Department of Natural Resources Public Waters Work Permit (45-60 days) (Legislative Platform Committee recommendation)
- b. Support automatic transfer of public waters work permits to Watersheds (M.S. Chapter 103G.245 Subd.5 (Legislative Platform Committee recommendation)

#### 4. Policy

- a. Support funding for watershed-based climate resiliency projects and studies (Legislative Platform Committee recommendation)
- b. Support funding for best management practices that protect groundwater quality (Legislative Platform Committee recommendation)

## Watershed Management and Operations

Protecting, enhancing, defending, and supporting existing Watershed statutory powers, duties, and planning responsibilities is necessary for effective and efficient watershed management and operations. Specific Watershed powers, duties, and planning responsibilities are contained in Minnesota Statutes [Chapter 103B](#) and [Chapter 103D](#).

### 1. Watershed Powers

- a. Support and defend eminent domain powers for watershed districts (Legislation to defeat)
- b. Support Watershed powers to levy property taxes and collect special assessments (Legislative Platform Committee recommendation)
- c. Support a watershed district's power to accept the transfer of drainage systems in the watershed; to repair improve, and maintain the transferred drainage systems; and to construct all new drainage systems and improvements of existing drainage systems in the watershed (Legislative Platform Committee recommendation)
- d. Support a Watershed's power to regulate the use and development of land within its boundaries (Legislative Platform Committee recommendation)

### 2. Watershed Duties

- a. Support a Watershed's duty to initiate projects (Legislative Platform Committee recommendation)
- b. Support a Watershed's duty to maintain and operate existing projects (Legislative Platform Committee recommendation)
- c. Support increased flexibility in the open meeting law (Resolution 2021-03)

### 3. Watershed Planning

- a. Support a Watershed's ability to jointly or cooperatively manage and/or plan for the management of surface and ground water (Legislative Platform Committee recommendation)
- b. Support watershed autonomy during and following a One Watershed, One Plan development process (Legislative Platform Committee recommendation)
- c. Support the connection between watershed-based implementation and funding (Legislative Platform Committee recommendation)
- d. Support development of a soil health goal for metropolitan watershed management plans (Resolution 2020-03)

## Agency Relations

Watershed organizations work with many federal and state agencies to accomplish their mission. While relationships vary from administrative to funding and regulatory, agency policies and procedures can have a major impact on Watershed operations and projects. Maintaining strong, positive relations and

ensuring Watersheds have a role in policy making is key to successful watershed management and operations.

### 1. Advocacy

- a. Require a 60-day review periods when state agencies adopt new policies related to water and watershed management (Resolution 2021-06)
- b. Increase collaborative efforts between Minnesota Watersheds and all state agencies involved in water management (Legislative Platform Committee recommendation)

### 2. Representation

- a. Support timely appointments of qualified individuals to represent Watersheds on the Board of Water and Soil Resources Board (Resolution 2018-03)
- b. Support representatives of Watersheds on the Clean Water Council being an administrator, manager, or commissioner of an active Minnesota Watersheds member (Resolution 2018-09)
- c. Support watershed district managers being appointed, not allowing county commissioners to serve as managers (Legislative Platform Committee recommendation)

### 3. Regulation

- a. Streamline the Department of Natural Resources permitting process (Resolution 2019-01)
- b. Require watershed district permits for the Department of Natural Resources (Resolution 2018-04)

## Regulations

Watershed representation on state and local panels and committees and the ability for Watersheds to regulate development and use of land within the organization's boundaries without prohibitive regulatory restrictions is necessary.

- a. Oppose legislation that forces spending on political boundaries (Legislation to defeat)
- b. Support the ability to appeal public water designations (Resolution 2020-01)
- c. Seek Watershed membership on Wetland Technical Evaluation Panels (Resolution 2019-05)

## Natural Resources

Minnesota Statutes direct Watersheds to conserve the natural resources of the state. Some of the purposes listed in statute are to conserve water in streams and water supply, alleviate soil erosion and siltation of water courses or water basins, regulate improvements by riparian property owners of the beds, banks, and shores of lakes, streams, and wetlands for preservation and beneficial public use; protect or enhance the water quality in water courses or water basins; and protect and preserve groundwater resources.

### 1. Planning

- a. Ensure timely updates to Wildlife Management Area plans (Resolution 2018-06)
- b. Support Watershed inclusion in development of state plans (i.e., Prairie Plan, State Water Plan, etc.) related to water and watershed management (Legislative Platform Committee recommendation)

## 2. Policy

- a. Support funding for climate resiliency (Legislative Platform Committee recommendation)

## 3. Habitat

- a. Clarify buffer rule issues (Legislative Platform Committee recommendation)
- b. Support funding to reduce erosion and sedimentation (Legislative Platform Committee recommendation)
- c. Support funding for the enhancement, establishment, and protection of stream corridors and riparian areas (Legislative Platform Committee recommendation)
- d. Support funding for the enhancement and protection of habitats (Legislative Platform Committee recommendation)

DRAFT

## 2022-2023 Regenerative Air Street Sweeper Report City of Plymouth – November 2023

### Background

City of Plymouth purchased a Tymco 500X Regenerative Air Street (RAS) sweeper to collect fine sediment and debris more effectively than mechanical sweeper. Financial assistance for purchase of the sweeper came from the Bassett Creek Watershed Management Commission, Elm Creek Watershed Management Commission, and Shingle Creek Watershed Management Commission. A requirement of the financial assistance includes annual reporting of use and effectiveness of the RAS sweeper.



*RAS Sweeper near Medicine Lake*



*Example sweepings pile*

The City's 2018 street sweeping policy assists in meeting the requirements of Municipal Separate Storm Sewer System (MS4) permit as a best management practice to reducing the amount of solids, nutrients, and chlorides entering water bodies throughout the City across all four watersheds.

### Total Swept Length

Table 1 below outlines the total number of curb miles swept within the City, separated by cost participating watershed. Curb miles includes lane miles of local roadway (curb or no curb) and lane miles of concrete median swept. The milage within the Bassett Creek Watershed includes contracted sweeping miles the City completes for the City of Medicine Lake. In total the City has operated the sweeper for 2,225 hours since purchased in spring 2020.

*Table 1: Summary of Curb Miles Swept by Watershed Annually*

Watershed	Total Curb Miles Swept
Bassett Creek Watershed	1,111
Elm Creek Watershed	282
Shingle Creek Watershed	367
<b>Total</b>	<b>1,760</b>

*Note: Minnehaha Creek Watershed District is not a funding partner of the sweeper.*



# 2022-2023 Regenerative Air Street Sweeper Report

City of Plymouth

November 2023

## Estimated Pollutant Removals

Table 2 below shows the summary of total pounds of Total Phosphorus (TP) and Chloride (Cl<sup>-</sup>) collected within the Bassett Creek Watershed from 2020 through Sweep #2 in 2023. Table 3 shows the use and reporting requirements by zone number including associated downstream waterbodies, sweeping start date, curb miles swept, and estimated pollutant load reduction per curb mile of TP and Cl<sup>-</sup> as estimated from random sampling done with spring and fall sweeps. See the appendix of this report for a map of sweeping zones in the City.

*Table 2: Removal Summary for Bassett Creek Watershed*

	Bassett Creek Watershed Estimated Pollutant Removals							
	2020 TP	2020 Cl <sup>-</sup>	2021 TP	2021 Cl <sup>-</sup>	2022 TP	2022 Cl <sup>-</sup>	2023 TP	2023 Cl <sup>-</sup>
Average Per Zone (lbs)	13.68	5.14	10.04	9.66	18.91	7.52	13.11	1.47
Total Annual Removal (lbs)	232.48	87.37	169.45	163.09	321.47	127.76	222.95	25.08

*Note: Values calculated based on random sampling of street sweeping material at the University of Minnesota Soil Testing Laboratory and Three Rivers Park District Water Resources Laboratory*

*Table 3: Annual Sweeping Reporting by Zone*

Zone	Curb Miles	Downstream Waterbody	2022 Spring Sweep Date	2022 Fall Sweep Date	2023 Spring Sweep Date	2023 Fall Sweep Date	Estimated Annual Pollutant Removals (Pounds)			
							2022 TP	2022 Cl <sup>-</sup>	2023 TP	2023 Cl <sup>-</sup>
1B	11.9	Medicine Lake	4/14	9/21	4/10	9/18	10.40	4.13	7.22	0.81
1C	4.6	Northwood Lake	4/13	9/22	4/12	9/19	4.02	1.60	2.79	0.31
2A	22.8	Parkers Lake	4/15	9/26	4/14	9/22	19.93	7.92	13.82	1.55
3A	26.8	Medicine Lake & Bassett Creek	4/29	10/6	4/21	9/26	23.43	9.31	16.25	1.83
3B	27.3	Plymouth Creek & Medicine Lake	5/2	10/8	4/24	9/29	23.87	9.49	16.55	1.86
3C	24.7	Medicine Lake	5/3	10/10	4/26	10/2	21.59	8.58	14.98	1.68
3D	22.2	Lost Lake & Northwood Lake	5/5	10/12	4/29	10/5	19.41	7.71	13.46	1.51
4A	30.1	Turtle Lake & Plymouth Creek	5/7	10/13	5/3	10/6	26.32	10.46	18.25	2.05
4B	27.1	Plymouth Creek	5/9	10/15	5/6	10/10	23.69	9.42	16.43	1.85
4C	10.6	Plymouth Creek	5/11	10/18	5/9	10/12	9.27	3.68	6.43	0.72
4D	12.2	Medicine Lake	5/13	10/19	5/10	10/13	10.67	4.24	7.40	0.83
5A	37.9	Cavanaugh Lake & Medicine Lake	5/16	10/21	5/13	10/17	33.13	13.17	22.98	2.58
5C	36.1	Plymouth Creek & Parkers Lake	5/17	10/24	5/16	10/18	31.56	12.54	21.89	2.46
5D	16.6	Northwood Lake	5/19	10/26	5/17	10/23	14.51	5.77	10.07	1.13
6B	31	Plymouth Creek	5/20	10/28	5/19	10/25	27.10	10.77	18.80	2.11
6C	23.4	Plymouth Creek	5/23	10/31	5/23	10/27	20.46	8.13	14.19	1.60
6D	2.4	Plymouth Creek	5/25	11/2	5/26	10/31	2.10	0.83	1.46	0.16

*Notes: - Sweep date refers to start date or the primary date zone was swept.*

*- Samples were analyzed by University of Minnesota Soil Testing Laboratory and Three Rivers Park District Water Resources Lab*



## 2022-2023 Regenerative Air Street Sweeper Report

City of Plymouth

November 2023

### RAS Sweeper Funding

Breakdown of funding for the purchase of the RAS sweeper is found in Table 4. Ongoing operations and maintenance costs are paid by the City.

*Table 4: RAS Funding Summary*

Funding Agency	Funding Amount
Bassett Creek Watershed Management Commission:	\$75,000
Elm Creek Watershed Management Commission:	\$29,715
Shingle Creek Watershed Management Commission:	\$75,000
City of Plymouth:	\$136,328.23
<b>Total Purchase Price (State Contract Pricing)</b>	<b>\$316,043.23</b>

The City is grateful for the partnership with the Watershed and look forward to continued projects that assist with improving water quality and protections.

Sincerely,

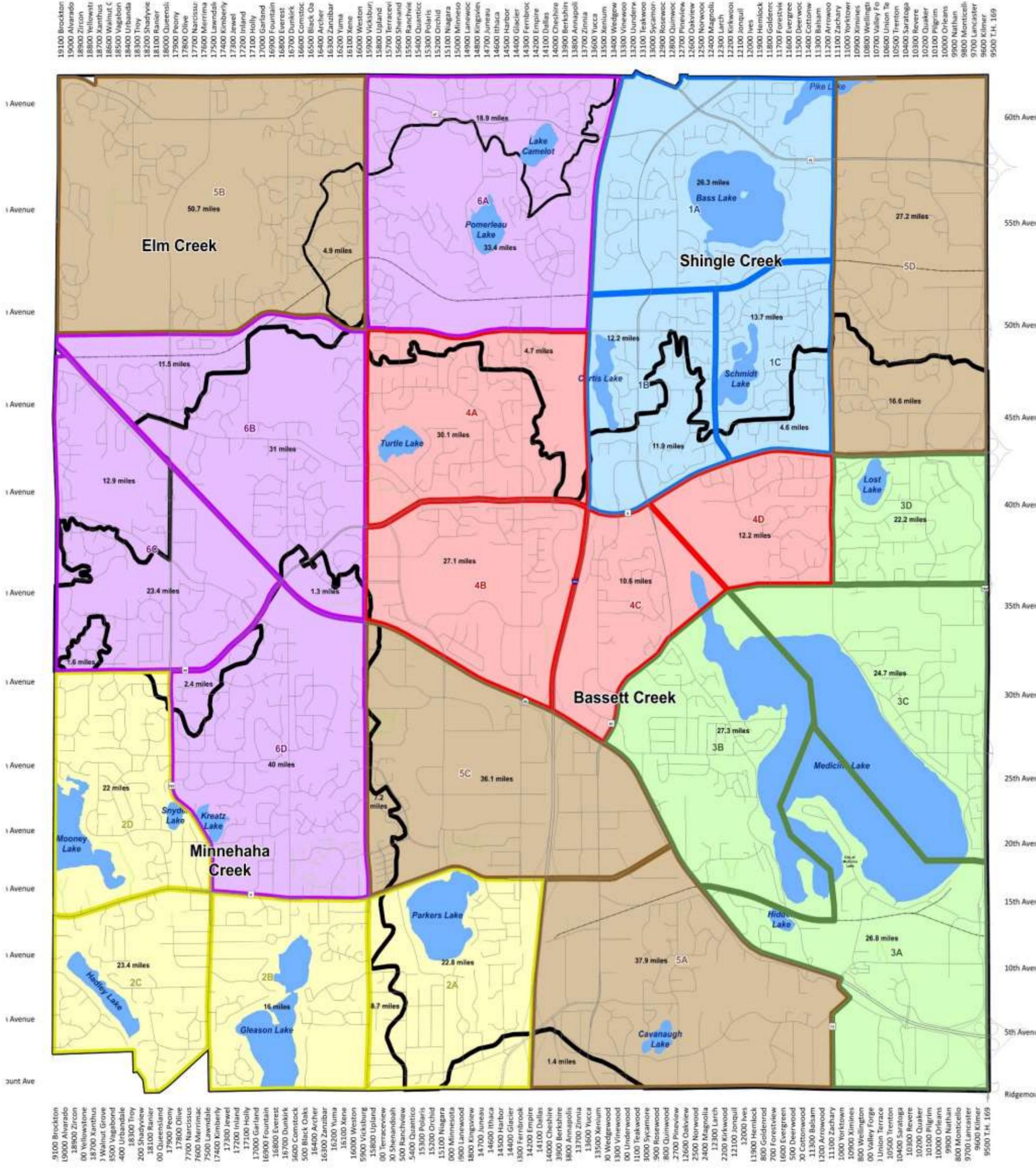


Ben Scharenbroich  
Water Resources Supervisor



**Street Sweeping Zones**

Below is a map defining the current City's street sweeping zones, including broken down by watershed organization/district.



**Street Sweeping Zones  
Total Lane Miles - 708.8**



THE PRESENCE OR ABSENCE OF INFORMATION DOES NOT CONSTITUTE AN OPINION OR A GUARANTEE OF ACCURACY. INFORMATION SHOULD BE FIELD VERIFIED AND COMPARED WITH ORIGINAL SOURCE COORDINATES.





## Bassett Creek Watershed Management Commission MEMO

Date: November 8, 2023  
From: Laura Jester, Administrator  
To: BCWMC Commissioners  
RE: **Administrator's Report**

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

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

**2019 Medicine Lake Road and Winnetka Avenue Area Long Term Flood Mitigation Plan Implementation Phase I: DeCola Ponds B & C Improvement Project (BC-2, BC-3 & BC-8) Golden Valley (No change since Nov 2021):** A feasibility study for this project was completed in May 2018 after months of study, development of concepts and input from residents at two public open houses. At the May 2018 meeting, the Commission approved Concept 3 and set a maximum 2019 levy. Also in May 2018, the Minnesota Legislature passed the bonding bill and the MDNR has since committed \$2.3M for the project. The Hennepin County Board approved a maximum 2019 levy request at their meeting in July 2018. A BCWMC public hearing on this project was held on August 16, 2018 with no comments being received. Also at that meeting the Commission officially ordered the project and entered an agreement with the City of Golden Valley to design and construct the project. In September 2018, the City of Golden Valley approved the agreement with the BCWMC. The [Sun Post](#) ran an article on this project October 2018. Another public open house and presentation of 50% designs was held February 6, 2019. An EAW report was completed and available for public review and comment December 17 – January 16, 2019. At their meeting in February 2019, the Commission approved the 50% design plans. Another public open house was held April 10<sup>th</sup> and a public hearing on the water level drawdown was held April 16<sup>th</sup>. 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 was developed in 2018 and approved in January 2019. The study included wetland delineations, soil borings, public open houses held in conjunction with MPRB's Bryn Mawr Meadows Park improvement project, and input from MPRB's staff and design consultants. Project construction year was revised from 2020 and 2022 to better coincide with the MPRB's planning and implementation of significant improvements and redevelopment Bryn Mawr Meadows Park where the project will be located. A public hearing for this project was held September 19, 2019. The project was officially ordered at that meeting. In January 2020 this project was awarded a \$400,000 Clean Water Fund grant from BWSR; a grant work plan was completed and the grant with BWSR was fully executed in early May 2020. The project and the grant award was the subject of an article in the Southwest Journal in February: <https://www.southwestjournal.com/voices/green-digest/2020/02/state-awards-grant-to-bryn-mawr-runoff-project/>. In September 2020, Minneapolis and MPRB staff met to review the implementation agreement and maintenance roles.

BCWMC developed options for contracting and implementation which were presented at the November meeting. At that meeting staff was directed to develop a memorandum of understanding or agreement among BCWMC, MPRB, and city of Minneapolis to recognize and assign roles and responsibilities for implementation more formally. The draft agreement was developed over several months and multiple conversations among the parties. At the May 2021 meeting the Commission approved to waive potential conflict of the Commission legal counsel and reviewed a proposal for project design by the Commission Engineer. The updated design proposal and the design agreement among all three parties were approved at the June 2021 meeting. Four public open houses were held in the park in 2021 to gather input on park concepts. Project partners met regularly throughout design to discuss schedules, planning and design components, and next steps. Concept designs were approved by the MRPB Board in late 2021. Staff met with MnDOT regarding clean out of Penn Pond and continue discussions. 50% design plans were approved by the Commission at the January 2022 meeting; 90% design plans were approved at the March 2022 meeting along with an agreement with MPRB and Minneapolis for construction. The agreement was approved by all three bodies. Commission Engineers finalized designs and assisted with bidding documents. Bids were returned in early August. At the meeting in August, the Commission approved moving forward with project construction (through MPRB), and approved a construction budget (higher than previously budgeted) and an amended engineering services budget. MPRB awarded the construction contract. In late November the contractor began the initial earthwork and started on portions of the stormwater pond excavations. By late December the 1<sup>st</sup> phase of construction was complete with the ponds formed and constructed. The contractor began driving piles in late January and began installing underground piping in early February. At the March meeting, the Commission approved an increase to the engineering services budget and learned the construction budget is currently tracking well under budget. The change order resulting from the City of Minneapolis' request to replace a city sewer pipe resulted in extra design/engineering costs that were approved by the Administrator so work could continue without delays. The MPRB will reimburse the Commission for those extra costs and will, in-turn, be paid by the city. In early May construction was focused in the Morgan / Laurel intersection. The right-of-way storm sewer work is now complete; this includes the rerouting of some of the existing storm infrastructure and installation of the stormwater diversion structures. Construction of the ponds is complete and stormwater from the neighborhood to the west is not being routed through new storm sewers to the ponds. Vegetation is currently being established around the ponds. At the October meeting the Commission approved an amendment to the agreement with MPRB and Minneapolis in order to facilitate grant closeout. Project website: <http://www.bassettcreekwmo.org/projects/all-projects/bryn-mawr-meadows-water-quality-improvement-project>

**2020 Jevne Park Stormwater Improvement Project (ML-21) Medicine Lake (No change since July):** 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 28<sup>th</sup>. 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 5<sup>th</sup>, the Medicine Lake City Council voted to continue moving forward with the project and negotiating the terms of the agreement with BCWMC. Staff was directed to continue negotiations on the agreement and plan to order the project pending a public hearing at this meeting. Staff continues to correspond with the city's project team and city consultants regarding language in the agreement. The BCWMC held a public hearing on this project on September 19, 2019 and received comments from residents both in favor and opposed to the project. The project was officially ordered on September 19, 2019. On October 4, 2019, the Medicine Lake City Council took action not to move forward with the project. At their meeting in October 2019, the Commission moved to table discussion on the project. The project remains on the 2020 CIP list. In a letter dated January 3, 2022, the city of Medicine Lake requested that the Commission direct its engineer to analyze alternatives to the Jevne Park Project that could result in the same or similar pollutant removals and/or stormwater storage capacity. At the March meeting, the Commission directed the Commission Engineer to prepare a scope and budget for the alternatives analysis which were presented and discussed at the April 2022 meeting. No action was taken at that meeting to move forward with alternatives analysis. In May and June 2023, Commission staff discussed the possibility of incorporating stormwater management features into a redevelopment of Jevne Park currently being considered by the City of Medicine Lake. After review of the preliminary park design plans, the Commission Engineer and I recommended implementation of the original CIP Project to the City. Project webpage: <http://www.bassettcreekwmo.org/index.php?cid=467>.

**2014 Schaper Pond Diversion Project and Carp Management, Golden Valley (SL-3) (No change since July):** Repairs to the baffle structure were made in 2017 after anchor weights pulled away from the bottom of the pond and some vandalism occurred in 2016. The city continues to monitor the baffle and check the anchors, as needed. Vegetation around the pond was planted in 2016 and a final inspection of the vegetation was completed last fall. Once final vegetation has been completed, erosion control will be pulled and the contract will be closed. The Commission Engineer began the Schaper Pond Effectiveness Monitoring Project last summer and presented results and recommendations at the May 2018 meeting. Additional effectiveness monitoring is being performed this summer. At the July meeting the Commission Engineer reported that over 200 carp were discovered in the pond during a recent carp survey. At the September meeting the Commission approved the Engineer's recommendation to perform a more in-depth survey of carp including transmitters to learn where and when carp are moving through the system. At the October 2020 meeting, the Commission received a report on the carp surveys and recommendations for carp removal and management. Carp removals were performed through the Sweeney Lake Water Quality Improvement Project. Results were presented at the February 2021 meeting along with a list of options for long term carp control. Commission took action approving evaluation of the long-term options to be paid from this Schaper Pond Project. Commission and Golden Valley staff met in March 2021 to further discuss pros and cons of various options. At the September 2021 meeting, the Commission approved utilizing an adaptive management approach to carp management in the pond (\$8,000) and directed staff to discuss use of stocking panfish to predate carp eggs. Commission Engineers will survey the carp in 2022. At the April meeting, the Commission approved panfish stocking in Schaper Pond along with a scope and budget for carp removals to be implemented later in 2022 if needed. Commission staff informed lake association and city about summer activities and plans for a fall alum treatment. Approximately 1,000 bluegills were released into Schaper Pond in late May. Carp population assessments by electroshocking in Sweeney Lake and Schaper Pond were completed last summer. A report on the carp assessment was presented in January. Monitoring in Schaper Pond in 2023 and a reassessment of carp populations in 2024 were approved in early 2023. Carp box netting in 2024 is also approved, as needed. Water monitoring in the pond is underway summer 2023, although the lack of precipitation is making for a challenging year to gather data! Project webpage: <http://www.bassettcreekwmo.org/index.php?cID=277>.

**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 2<sup>nd</sup> treatment may be needed in the future. Project webpage: <http://www.bassettcreekwmo.org/index.php?cID=278>.

**2013 Four Seasons Area Water Quality Project (NL-2):** At their meeting in December 2016, the Commission took action to contribute up to \$830,000 of Four Seasons CIP funds for stormwater management at the Agora development on the old Four Seasons Mall location. At their February 2017 meeting the Commission approved an agreement with Rock Hill Management (RHM) and an agreement with the City of Plymouth allowing the developer access to a city-owned parcel to construct a wetland restoration project and to ensure ongoing maintenance of the CIP project components. At the August 2017 meeting, the Commission approved the 90% design plans for the CIP portion of the project. At the April 2018 meeting, Commissioner Prom notified the Commission that RHM recently disbanded its efforts to purchase the property for redevelopment. In 2019, a new potential buyer/developer (Dominium) began preparing plans for redevelopment at the site. City staff, the Commission Engineer and I have met on numerous occasions with the developer and their consulting engineers to discuss stormwater management and opportunities with "above and beyond" pollutant reductions. Concurrently, the Commission attorney has been working to draft an agreement to transfer BCWMC CIP funds for the above and beyond treatment. At their meeting in December, Dominium shared preliminary project plans and the Commission discussed the redevelopment and potential "above and beyond" stormwater management techniques. At the April 2020 meeting, the Commission conditionally approved the 90% project plans. The agreements with Dominium and the city of Plymouth to construct the project were approved May 2020 and project designers coordinated with Commission Engineers to finalize plans per conditions. In June 2021, the City of Plymouth purchased

the property from Walmart. The TAC discussed a potential plan for timing of construction of the stormwater management BMPs by the city in advance of full redevelopment. At the August 2021 meeting, the Commission approved development of an agreement per TAC recommendations. The city recently demolished the mall building and removed much of the parking lot. At the December meeting the Commission approved the 90% design plans and a concept for the city to build the CIP project ahead of development and allow the future developer to take credit for the total phosphorus removal over and above 100 pounds. At the July meeting, the Commission approved an agreement with the city to design, construct, and maintain the CIP project components and allow a future developer to use pollutant removal capacity above 100 pounds of total phosphorus. A fully executed agreement is now filed. The updated 90% project plans were approved at the September meeting. Unfortunately, city staff recently indicated that due to permitting inconsistencies with the U.S. Army Corps of Engineers, the project will not be built this winter as planned. The city is now planning to construct the project in the fall and winter of 2024. Project webpage: <http://www.bassettcreekwmo.org/index.php?cID=282>.

**2021 Parkers Lake Drainage Improvement Project (PL-7) (No change since July 2022):** 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. Construction is complete and vegetation is currently being established. A final report and reimbursement request is expected at the December meeting. [www.bassettcreekwmo.org/projects/all-projects/parkers-lake-drainage-improvement-project](http://www.bassettcreekwmo.org/projects/all-projects/parkers-lake-drainage-improvement-project)

**2021 Parkers Lake Chloride Reduction Project (PL-7) (See Item 5A):** The feasibility study for this project was approved in May 2020 with Alternative 3 being approved for the drainage improvement work. After a public hearing was held with no public in attendance, the Commission ordered the project on September 17, 2020 and entered an agreement with the city of Plymouth to implement the project in coordination with commission staff. City staff and I have had an initial conversation about this project. The city plans to collect additional chloride data this winter in order to better pinpoint the source of high chlorides loads within the subwatershed. Partners involved in the Hennepin County Chloride Initiative (HCCI) are interested in collaborating on this project. A proposal from Plymouth and BCWMC for the "Parkers Lake Chloride Project Facilitation Plan" was approved for \$20,750 in funding by the HCCI at their meeting in March. The project will 1) Compile available land use data and chloride concentrations, 2) Develop consensus on the chloride sources to Parkers Lake and potential projects to address these sources, and 3) Develop a recommendation for a future pilot project to reduce chloride concentrations in Parkers Lake, which may be able to be replicated in other areas of Hennepin County, and 4) help target education and training needs by landuse. A series of technical stakeholder meetings were held last fall and winter to develop recommendations on BMPs. A technical findings report was presented at the July 2022 meeting. At the September 2022 meeting, the Commission approved a scope and budget for a study of the feasibility of in-lake chloride reduction activities. That study is now underway by the Commission Engineer. Additionally, the city is sampling the stormwater pond at their maintenance facility. The project report is being presented at this meeting. Project website: [www.bassettcreekwmo.org/projects/all-projects/parkers-lake-drainage-improvement-project](http://www.bassettcreekwmo.org/projects/all-projects/parkers-lake-drainage-improvement-project)

**2021 Mt. Olivet Stream Restoration Project (ML-20) (No change since July 2022):** 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. Construction is complete. A final report and reimbursement request is expected at the December meeting. [www.bassettcreekwmo.org/projects/all-projects/mt-olivet-stream-restoration-project](http://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 got 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 2021 meeting. The project work plan was approved by BWSR. In the spring 2021 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 submitted for a 30-day comment period by the City of Golden Valley as the RGU. A meeting of project stakeholders was held December 7<sup>th</sup> and 50% designs were approved at the December 2021 meeting. Comments were received on the EAW from multiple review agencies and one private citizen. Agency comments were relatively minor and expected. Comments from the citizen were more complex and detailed. Responses to comments were developed the RGU (city of Golden Valley) made an official declaration that no Environmental Impact Statement is needed. Staff reviewed a request from a resident to add "safety" benches to the ponds, reviewed reference materials and discussed in detail with MPRB. Determined safety benches aren't appropriate or needed for this project and responded to the resident. 90% plans were approved at the June meeting. A project flyer and FAQs page were developed in conjunction with MPRB staff. They are posted on the webpage and were distributed to MPRB and Loppet staff at the Chalet and Trailhead. At the October meeting the Commission awarded the construction contract to the lowest responsive, responsible bidder: Fitzgerald Excavating and Trucking and contract documentation was completed thereafter. A pre-construction meeting was held November 28<sup>th</sup>. Dredging began in January and was completed in March 2023. Two pay requests from the contractor have been approved although dredged quantities reported do not match post-construction surveys performed by the Commission. At the May meeting, the Commission approved submittal of a notice of claim to the contractor. Since then, the contractor completed site restoration and the Commission Engineer submitted an official opinion on the claim, and the contractor submitted a response to the claim. Discussion on claim dispute will take place during a closed session at the August meeting with further discussion during a closed session at the September meeting. A settlement agreement was fully executed by both parties in October. Payment from the contractor has not yet been received. Project website: [www.bassettcreekwmo.org/projects/all-projects/bassett-creek-main-stem-lagoon-dredging-project](http://www.bassettcreekwmo.org/projects/all-projects/bassett-creek-main-stem-lagoon-dredging-project)

**2022 Medley Park Stormwater Treatment Facility (ML-12) (No change since July):** The feasibility study for this project is complete after the Commission Engineer's scope of work was approved last August. City staff, Commission Engineers and I collaborated on developing materials for public engagement over the fall/early winter. A project kick-off meeting was held in September, an internal public engagement planning meeting was held in October, and a Technical Stakeholder meeting with state agencies was held in November. A [story map of the project](#) was created and a survey to gather input from residents closed in December. Commission Engineers reviewed concepts and cost estimates have been reviewed by city staff and me. Another public engagement session was held in April to showcase and receive feedback on concept designs. The feasibility report was approved at the June meeting with a decision to implement Concept #3. At the July meeting the Commission directed staff to submit a Clean Water Fund grant application, if warranted. A grant application was developed and submitted. Funding decisions are expected in early December. A public hearing on this project was held in September with no members of the public attending. In September, a resolution was approved to officially order the project, submit levy amounts to the county, and enter an agreement with the city to design and construct the project. The city hired Barr Engineering to develop the project designs which are now underway. The BCWMC received a \$300,000 Clean Water Fund grant from BWSR in December 2021 and the grant agreement approved in March 2022. 50% design plans were approved in February 2022 and 90% plans were approved at the May 2022 meeting. Final plans and bid documents were developed by the city's consultation (Barr Engineering). Construction began in November and winter construction was finished in late January 2023. Activities this spring included completing grading (topsoil adjustments); paving (concrete, bituminous); light pole and fixture install; benches install; site clean up and prep for restoration contractor. In late May, Peterson Companies completed their construction tasks and the project transitioned to Traverse de Sioux for site restoration and planting. A small area of unexpected disturbance from construction was added to the overall area to be restored with native plants through a minor change order. Site restoration, planting, and seeding was completed in late June. [www.bassettcreekwmo.org/projects/all-projects/medley-park-stormwater-treatment-facility](http://www.bassettcreekwmo.org/projects/all-projects/medley-park-stormwater-treatment-facility)

**2022 SEA School-Wildwood Park Flood Reduction Project (BC-2, 3, 8, 10):** 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 8<sup>th</sup>. The feasibility study report was approved in

June with a decision to implement Concept #3. A public hearing on this project was held in September with no members of the public attending. In September, a resolution was approved to officially order the project, submit levy amounts to the county, and enter an agreement with the city to design and construct the project. The city hired Barr Engineering to develop the project designs which are now underway. A virtual public open house was held February 3<sup>rd</sup>. 50% Design Plans were approved at the January meeting. A public open house was held September 29<sup>th</sup>. 90% were approved at the October Commission meeting. Six construction bids were received in late February with several of them under engineer's estimates. The city contracted with Rachel Contracting and construction got underway earlier this spring. By late June excavation was completed and the playground area was prepped and ready for concrete work to begin on July 5. Bids were open for the SEA School/Wildwood Park restoration project on June 20. Three bids were received and two came in right around our estimate. The city is recommending the low bidder (Landbridge Ecological). At the end of July utility crews lowered the watermain and installed the storm sewer diversions into the park from along Duluth Street. The hydrodynamic separator was also set (with a crane). Crews also worked on the iron-enhanced sand filter and the outlet installation, stone work on the steepened slopes, trail prep, bituminous paving, and concrete work (curb and gutter, pads, and ADA ramps). The preconstruction meeting for the restoration work was held with work to begin late August or early September. The city awarded the contract for the DeCola Pond D outlet work to Bituminous Roadways Inc. in August. The SEA School site construction is complete and restoration work is wrapping up for the season. For the DeCola Pond D outlet replacement, pipe installation began in late October and should be completed now or very soon with site restoration to follow.

Project webpage: [www.bassettcreekwmo.org/projects/all-projects/sea-school-wildwood-park-flood-reduction-project](http://www.bassettcreekwmo.org/projects/all-projects/sea-school-wildwood-park-flood-reduction-project).

#### **Bassett Creek Restoration Project: Regent Ave. to Golden Valley Rd. (2024 CR-M), Golden Valley**

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

**Ponderosa Woods Stream Restoration Project, Plymouth (ML-22)** A feasibility study for this project got underway in fall 2022. A public open house was held February 13<sup>th</sup> with 3 residents attending. The draft feasibility report was presented at the May meeting and additional information was presented at the June meeting where the Commission approved implementing Alternative 1.5. The Commission held a public hearing on this project at its September meeting and officially ordered the project, set the final levy, and approved an agreement with the City of Plymouth for project implementation. Plymouth staff have drafted a Request for Proposals for engineering firms that will go out soon. Design and construction are planned for 2024. Project website: <https://www.bassettcreekwmo.org/projects/all-projects/ponderosa-woods-stream-restoration-project>.

**Sochacki Park Water Quality Improvement Project (BC-14)** This project is proposed to be added to the CIP through a minor plan amendment as approved at the March Commission meeting with CIP funding set at \$600,000. The project involves a suite of projects totaling an estimated \$2.3M aimed improving the water quality in three ponds and Bassett Creek based on a subwatershed analysis by Three Rivers Park District (TRPD). A memorandum of understanding about the implementation process, schedules, and procedural requirements for the project was executed in April among BCWMC, TRPD, and the cities of Golden Valley and Robbinsdale. A feasibility study is underway for the project and is being funded by TRPD. The feasibility study kick off meeting was held June 5<sup>th</sup>. Information on the project and an update on the feasibility study was presented at the June meeting. A technical stakeholder meeting was held July 10<sup>th</sup>. A public open house was held July 26<sup>th</sup> and a Phase I Environmental Site Assessment was recently completed. The draft feasibility study was presented at the August meeting and the final feasibility study was approved at the September meeting. The Commission held a public hearing on this project at its September meeting and officially ordered the project and set the final levy. The Sochacki Park Joint Powers Organization is meeting in the coming weeks and will get an update on the project. Project partners plan to meet after that to further discuss design and construction sequencing, funding availability, and cooperative agreement options. Project webpage: <https://www.bassettcreekwmo.org/projects/all-projects/sochacki-park-water-quality-improvement-project>.

**Plymouth Creek Restoration Project Dunkirk Lane to 38<sup>th</sup> Ave. North (2026 CR-P):** A scope and budget for a feasibility study was approved at the October meeting. A project kick off meeting was held November 3<sup>rd</sup> and a technical stakeholder meeting is planned for December 5<sup>th</sup>. Field investigations will happen soon and desktop analyses have begun. Signs will be installed along the creek trail to inform residents and trail users about the study and potential project. A project webpage was created: <https://www.bassettcreekwmo.org/projects/all-projects/plymouth-creek-restoration-dunkirk-lane-38th-ave-n>.

**Administrator Activities October 11 – November 7, 2023**

Subject	Work Progress
<b>CIP</b>	<ul style="list-style-type: none"> <li>• <u>Main Stem Lagoon Dredging Project</u>: Arranged for chair signature on final settlement agreement and forwarded to Commission Attorney; alerted Redpath to watch for payment</li> <li>• <u>Plymouth Creek Restoration Project Dunkirk to 38<sup>th</sup> Ave. N</u>: Arranged and participated in project kick off meeting; reviewed/edited meeting notes; arranged technical stakeholder meeting; created project webpage</li> <li>• <u>Parkers Lake Chloride Reduction Project</u>: Reviewed and edited draft report; met with Plymouth staff and Commission Engineers to discuss report findings and recommendations</li> <li>• Corresponded with Plymouth staff re: final reports and budget status for Parkers Lake Drainage Restoration and Mt. Olivet Stream Restoration projects</li> <li>• Reviewed Plymouth street sweeper report, provided comments</li> <li>• Reviewed agreement and exhibit for Golden Valley street sweeper cost share project</li> </ul>
<b>Bassett Creek Tunnel and Bassett Creek Valley (BCV)</b>	<ul style="list-style-type: none"> <li>• Arranged for another meeting with MPLS staff and Commission Attorney and Engineer re: Bassett Creek tunnel agreement</li> <li>• Submitted BCWMC letter of support for BCV Community Works Program</li> <li>• Corresponded with BCV stakeholders (city of Minneapolis, MPRB, Metro Blooms, Harrison Neighborhood Association) via email and phone re: submitting letters of support to Chair Fernando</li> </ul>
<b>Education, Outreach &amp; West Metro Water Alliance (WMWA)</b>	<ul style="list-style-type: none"> <li>• Attended DEIA Workgroup meeting</li> <li>• Met with WMWA Education Coordinator and Plymouth staff re: using Low Salt No Salt MN campaign in Parkers Lake subwatershed</li> <li>• Prepared Education Committee agendas and materials and participated in meetings (10/16 and 11/6)</li> <li>• Drafted meeting notes for 10/16 Education Committee meeting</li> <li>• Developed potential edits for “back of the map” for committee consideration</li> <li>• Corresponded with map contractor after initial Education Committee meeting</li> <li>• Picked up CAMP samples and delivered to drop off point (Nine Mile Creek Watershed District office)</li> <li>• Reviewed and edited AIS signage by Hennepin County for fishing piers and carry in access sites</li> </ul>
<b>Administration</b>	<ul style="list-style-type: none"> <li>• Developed agenda; reviewed invoices and submitted expenses spreadsheet to Redpath; developed Administrator’s report; reviewed bank statements, investment statements and financial report; drafted October meeting minutes; reviewed memos, documents and presentations for Commission meeting; printed and disseminated meeting information to commissioners, staff, and TAC; updated online calendar; drafted meeting follow up email; ordered catering for November Commission meeting</li> <li>• Arranged Education Committee and Budget Committee meetings</li> <li>• Drafted and sent welcome email to new GV alternate commissioner</li> <li>• Drafted and sent email to commissioners with updates and MN Watershed Conference information</li> <li>• Registered and secured lodging for J Hauer for MN Watersheds Conference</li> <li>• Fixed P.O. Box issues at Golden Valley post office</li> <li>• Updated online calendar and official meeting notice for posting at GV city hall</li> <li>• Reviewed accounting agreement with Plymouth</li> <li>• Participated in “client care” meeting with Barr staff</li> <li>• Discussed future of BCWMC operations and commissioner engagement with Commissioner Welch</li> <li>• Participated in Met Council 2050 Water Policy Workgroup meeting</li> </ul>

	<ul style="list-style-type: none"> <li>• Attended informational meeting on Hennepin County’s conservation easement programs</li> <li>• Discussed WOMP tasks and budgets with Stantec staff and Commission Attorney</li> <li>• Gave interview to U of M students on watershed planning</li> <li>• Received training on using new equipment in GV meeting room</li> </ul>
<b>MAWD</b>	<ul style="list-style-type: none"> <li>• Developed minutes template for Metro Watersheds meetings</li> <li>• Attended Metro Watersheds meeting</li> <li>• Requested Metro Watersheds webpage updates</li> <li>• Participated in MN Assoc of Watershed Administrators Executive Committee meeting</li> </ul>
<b>Sweeney Lake Eurasian Watermilfoil</b>	<ul style="list-style-type: none"> <li>• Received results of post treatment survey</li> <li>• Corresponded with Commission Engineer and Sweeney Lake Association president re: next steps and planning for treatment next spring</li> </ul>
<b>2025 Watershed Management Plan</b>	<ul style="list-style-type: none"> <li>• Met with Commission Engineers for bi-weekly check in meetings</li> <li>• Drafted meeting minutes for October PSC meeting</li> <li>• Prepared agenda and assisted with preparing materials for November PSC meeting; attended meeting</li> <li>• Reorganized and edited draft issues statements, goals, and potential actions for remaining waterbody/watershed quality issues</li> <li>• Added estimated costs and “new activity” labels, where appropriate, to potential actions and strategies</li> <li>• Updated planning webpage</li> <li>• Began process to set Planning TAC meeting</li> </ul>