



## Bassett Creek Watershed Management Commission

### Minutes of Regular Meeting

Thursday, January 18, 2024

8:30 a.m.

Golden Valley City Hall, 7800 Golden Valley Road

#### 1. CALL TO ORDER and ROLL CALL

On Thursday January 18, 2024 at 8:32 a.m. Chair Cesnik called the Bassett Creek Watershed Management Commission (Commission) to order.

#### Commissioners, city staff, and others present

City	Commissioner	Alternate Commissioner	Technical Advisory Committee Members (City Staff)
Crystal	Dave Anderson	Joan Hauer	
Golden Valley	Paula Pentel	Roxanne Gould	Eric Eckman
Medicine Lake	Clint Carlson	<i>Absent</i>	<i>Absent</i>
Minneapolis	Michael Welch	<i>Absent</i>	Liz Stout, Felicia Merkson
Minnetonka	<i>Absent</i>	Stacy Harwell	Leslie Yetka
New Hope	Jere Gwin-Lenth	<i>Absent</i>	Nick Macklem
Plymouth	Catherine Cesnik	<i>Absent</i>	Ben Scharenbroich
Robbinsdale	Wayne Sicora	<i>Absent</i>	Richard McCoy, Jenna Wolf
St. Louis Park	<i>Absent in person</i>	David Johnston	Erick Francis
Administrator	Laura Jester, Keystone Waters, LLC		
Engineers	Karen Chandler, Stephanie Johnson, Greg Williams - Barr Engineering		
Recording Secretary	<i>Vacant Position</i>		
Legal Counsel	Dave Anderson, Kennedy & Graven		
Presenters/ Guests/Public	Brian Vlach, Three Rivers Park District		
Attended via Zoom	RJ Twiford, St. Louis Park (observer only); Brad Wozney, MN Board of Water and Soil Resources		

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

No public comments.

**3. APPROVAL OF AGENDA**

MOTION: Commissioner Gwin-Lenth moved to approve the agenda. Commissioner Pentel seconded the motion. Upon a vote the motion carried 8-0 with the City of Minnetonka absent from the vote.

**4. CONSENT AGENDA**

Items 4A, 4D, and 4I were 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 8-0 with the City of Minnetonka absent from the vote.

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

- Acceptance of January 2024 Financial Report
- Approval of Payment of Invoices
- Approval of Resolution 24-01 to Transfer Funds from CIP Account to Administrative Account
- Approval of Resolution 24-02 Transferring Funds from Next Generation Plan Development and Flood Control Project Long Term Accounts to Administrative Fund
- Approval of Resolution 24-03 to Transfer Funds from Administrative Account to Channel Maintenance Fund and Long-Term Maintenance Fund
- Approval of Resolution 24-04 Designating Depositories

**4D. Approval of Resolution of Appreciation for Commissioner Anderson**

Chair Cesnik read the resolution of appreciation to Commissioner Dave Anderson and noted his important contributions on the Budget Committee.

[Alternate Commissioner Harwell arrives.]

MOTION: Commissioner Gwin-Lenth moved to approve the resolution of appreciation for Commissioner Anderson. Commissioner Carlson seconded the motion. Upon a vote the motion carried 9-0.

**4A. Approval of Minutes – December 21, 2023 Commission Meeting**

Commissioner Welch noted that when there is a non-unanimous vote, commissioner names rather than the cities they represent should be listed in the voting record. Administrator Jester indicated she would make that revision in the minutes.

Regarding Item 4F from the December minutes (Approval of Hopkins Crossroads Trail Improvement – Minnetonka, MN) Commissioner Welch asked if wetland buffer information was submitted to the Commission Engineer with planning documents. Administrator Jester indicated that member cities are responsible for enforcing the BCWMC wetland buffer requirements and wondered if the Commission Engineer does request the information, what they should do with it. There was discussion about how it might be valuable for the Commission to be assured buffer requirements are being met but that might be duplicative if the city is already doing that. Administrator Jester noted this should be a future agenda item so Commission Engineers have appropriate direction on this matter.

MOTION: Commissioner Pentel moved to approve the December 21, 2023 meeting minutes as amended. Commissioner Gwin-Lenth seconded the motion. Upon a vote the motion carried 9-0.

**4I. Approval of Golden Valley 2024 Pavement Management Program Project**

Commissioner Welch noted that although this project meets BCWMC requirements it is an example of another linear project submitted without information on how/if the project is impacting water resources. Commission Engineer Chandler noted that they do request information on best management practices and include the information they receive in the review memo. She noted that the MS4 permit is not clear on how to address water quality impacts with linear projects.

MOTION: Commissioner Welch moved approval of the Golden Valley 2024 Pavement Management Program Project. Commission Gwin-Lenth seconded the motion. Upon a vote the motion carried 9-0.

## 5. BUSINESS

### A. Consider Directing Commission Attorney to Update Joint Powers Agreement

Administrator Jester reminded commissioners that the BCWMC Joint Powers Agreement (JPA) among all nine member cities expires January 1, 2025. She noted that although no substantive changes are recommended the Commission Attorney recommends streamlining and reorganizing the document. Commission Attorney Anderson provided more background noting that the original agreement was drafted in 1969 and has not changed too much. He noted that much historical information currently in the document should be removed and saved elsewhere and that the document should be refreshed, updated, and reorganized as it is not currently user friendly.

There was discussion about how commissioners and possibly Commission staff should engage with city officials and how city attorneys would need time to review the proposed revisions as well. Attorney Anderson noted that the updated version of the JPA would likely be brought to the March meeting with the goal of having a complete updated version ready for city officials to review by June. Commissioners noted it might be good to see a version with tracked changes – although it would be very “messy” and may be difficult to review.

Commissioner Welch agreed the document should be updated and that proposed changes should be circulated to cities as soon as possible.

**MOTION:** Commissioner Welch moved to direct the Commission Attorney to Update the Joint Powers Agreement and to include one specific change to allow commissioners to be financially compensated by the Commission for their meeting attendance. Commissioner Pentel seconded the motion.

Discussion: Commissioner Gwin-Lenth noted the Administrative Services Committee had discussed commissioner compensation as a way to keep commissioners engaged. Commissioner Welch noted that currently cities are able to give per diem compensation to commissioners but that none do.

There was discussion on how to communicate to city officials that aside from allowing compensation to commissioners, no other “substantive” changes are proposed in the document. Attorney Anderson noted that “substantive changes” would be those that provide more authority to the Commission or take away authority from the Commission – a change to powers and authorities. There was some additional discussion about how per diems to commissioners are generally a good idea which helps address equity concerns but will have budget implications.

Commissioner Welch noted that the current motion only directs the Commission Attorney to work on updating the document and that the Commission will have final approval of the document that goes to cities for consideration. He also noted that he would also like to look at whether or not the current JPA gives the Commission regulatory powers.

There was further discussion on how commissioners should see a redline (tracked changes) version of the JPA but that city officials should probably get the proposed version without redlines and with explanations on what changed.

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

### B. Consider Approval of AIS Prevention Grant Application for Sweeney Lake

Administrator Jester reported that she recently developed and submitted a grant application for a Hennepin County Aquatic Invasive Species (AIS) Prevention Grant which was due January 11<sup>th</sup>. She provided background noting late last summer Eurasian watermilfoil (EWM) was discovered in Sweeney Lake during a routine plant survey. She reported the Commission’s AIS Rapid Response Plan was used and the EWM plants were treated with herbicide 5 days after discovery. However, another small bed of EWM was found in October which was too late for another herbicide treatment. She noted that because of the newness of the infestation and the relatively small area it covers, eradication from the lake is still possible and that the Commission Engineer developed a plan for plant surveys and EWM treatment in 2024 which was used in the grant application.

Administrator Jester also referred to the AIS policy recommendation approved by the commission in 2017 which indicates that infestations such as this would be considered for commission funding and cooperation in management on

a case by case basis when the AIS negatively impacts water quality or lake ecology. She reported that if awarded, the grant would aid considerably in implementing the plan and that the local match of \$7,100 could be covered by Commission funding or could be partially or wholly covered by other partners.

Alternate Commissioner Harwell noted that expectations with lake residents should be set so they don't necessarily expect eradication and that this could be a case where ongoing control is needed. Alternate Commissioner Gould asked about the impacts of the herbicide on native plants and wildlife. Administrator Jester indicated she would gather that information for her and Engineer Chandler noted that because the herbicide is applied early in the spring, many native plants are not yet growing and thus are not impacted.

**MOTION: Commissioner Pentel moved to approve submission of the AIS Prevention Grant application. Commissioner Welch seconded the motion. Upon a vote the motion carried 9-0.**

[Chair Cesnik called a 5-minute break.]

### C. Review Results of Staff Evaluations

Commissioner Harwell presented a summary of the responses to questionnaires on the performance of Administrator Jester and Commission Engineers. She noted that there were only 6 responses – 3 from commissioners representing 3 cities and 3 from TAC members representing 2 cities. She reported that comments included a note that climate change is and will continue to be a big challenge and that more attention should be given to diversity, equity, and inclusion issues. Additional comments noted that meetings should be kept on point with fewer “rogue” comments.

For Administrator Jester, Alternate Commissioner Harwell noted that strengths included good writing, organization, communication, and collaboration. Areas to work on include coming to the commission for approval before working on items outside normal “day to day” business.

For Commission Engineers, Alternate Commissioner Harwell noted that comments indicate the engineers meet expectations, work well with the administrator, and respond well to questions.

Administrator Jester and Engineer Chandler thanked commissioners and TAC members for their input and indicated they are always happy to receive feedback on their work. Alternate Commissioner Harwell noted that commissioners or others could contact her with additional feedback as well.

## 6. COMMUNICATIONS

- A. Administrator’s Report - Administrator Jester reminded commissioners that election of officers and committee appointments will be held at the February meeting. And she requested that commissioners consider volunteering at the Discover Plymouth event in March. She also reminded commissioners about the quarterly Metro Watersheds meeting, the latest of which was held the previous Tuesday. There was a brief discussion about the topic presented at the meeting on Low Salt Design. Commissioner Welch noted that low salt design concepts or requirements should be included in the 2025 watershed plan.
- B. Engineer –Commission Engineer Chandler noted that she will report on the 2023 Schaper Pond monitoring results at the next commission meeting.
- C. Legal Counsel – Attorney Anderson noted that the Lagoon Dredging Project contractor finally sent the settlement agreement payment.
- D. Chair – No report
- E. Commissioners – Commissioner Welch reported that the chloride limited liability legislation doesn’t currently have an author and no lead lobbyist.
- F. TAC Members – No report – next meeting is February 7<sup>th</sup> with Commissioner Pentel as the liaison.
- G. Committees – None

## 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. WCA Notices Plymouth
- E. Minnesota Watersheds Statewide Survey Results
- F. Minnesota Watersheds Strategic Plan Accomplishments

[Chair Cesnik called for a 5-minute break before starting the Commission workshop.]

[Alternate Commissioner Harwell departs the meeting.]

## 8. 2025 WATERSHED PLAN DEVELOPMENT WORKSHOP

Chair Cesnik provided an introduction to the workshop, noting the importance of commissioner involvement in the plan development process. She noted the work of the Plan Steering Committee (PSC) over the last several months and noted that the draft goals are based on sound science – often by analysis of the Commission’s data. She indicated that commissioners should review and discuss the draft issue statements and goals and indicate where substantive changes are recommended. She noted this is not a brainstorming nor wordsmithing exercise and that goals should be “SMART” goals – specific, measurable, achievable, relevant, and time based. She noted that Commission staff use the 10-year plan regularly – that it does not just sit on a shelf.

Commissioner Welch underscored that this is a Commission plan – the goals and content of which should be developed by the commissioners and alternates. He noted it’s appropriate to get technical input from TAC members but reiterated that it is a watershed plan, not a city plan.

Commissioners, alternates, TAC members, and Commission staff broke into four small groups to review and discuss issues and goals for about 45 minutes. Then everyone came back together and each small group reported the key parts of their discussions.

There was some whole group discussion about the streambank and lakeshore erosion issues being categorized as “medium” rather than “high.” It was noted that these issues are directly intertwined with the water quality goals and the implementation plan should reflect that. It was also noted that it’s difficult to look out 10 years; the Commission should be responsive to issues as they arise as well.

There was a general consensus among commissioners (and articulated in all small groups) that education and outreach are critical activities across all issues. Alternate Commissioner Hauer advocated for raising the priority level of education issues from low and medium to high. Administrator Jester noted that while education is an important tool, it is difficult to directly measure its impact on water resources.

Chair Cesnik asked how commissioners would like to receive the PSC’s response to the workshop comments. Commissioners would like to review any changes as tracked – likely at the next Commission meeting. There was a comment that strategies/actions should be listed in order of priority.

Commissioners thanked the PSC members for their work and commented that overall the draft issue statements and goals are well written and appropriate – that only finetuning is needed at this point.

## 9. ADJOURNMENT - The meeting adjourned at 11:33 a.m.