



## **Bassett Creek Water Management Commission**

# **A g e n d a**

**Thursday, May 15, 2003  
12:00 Noon**

**Golden Valley City Hall  
7800 Golden Valley Road**

### **Call to Order**

#### **Presentation of April Minutes**

#### **Presentation of Financial Statements**

#### **Presentation of Invoices for Payment Approval**

### **Communications**

#### **Chairman**

- **Citizen Input on Non-Agenda Items**

#### **Counsel**

#### **Corps of Engineers**

#### **Commissioners**

#### **Engineer**

### **New Business**

- **Sunset Hills Nature Center Project Funding Request**
- **Proposed Education Plan with the Minneapolis Schools**

### **Old Business**

- **Budget Committee Report**
- **Final 2002 Annual Report**
- **Second Generation Plan Update**
- **Capital Improvements Program**
- **Financing Capital Projects**

### **June Meeting**

- **Adopt Final Budget (if not adopted at May meeting)**

### **Adjournment**

# **Bassett Creek Water Management Commission**

## **Minutes of the Meeting of April 17, 2003**

### ***Call to Order***

The Bassett Creek Water Management Commission was called to order at 12:10 p.m., Thursday, April 17, 2003, at the City of Golden Valley City Hall by Vice Chair Welch.

### ***Roll Call***

<i>Crystal</i>	Commissioner Pauline Langsdorf	<i>Counsel:</i> Charlie LeFevere
<i>Golden Valley</i>	Commissioner, David Hanson, Treasurer	<i>Engineer:</i> Len Kremer
<i>Medicine Lake</i>	Not represented, Chair	<i>Recorder:</i> Pat Schutrop
<i>Minneapolis</i>	Commissioner Michael Welch, Vice Chair	
<i>Minnetonka</i>	Commissioner Bill Yaeger, Secretary	
<i>New Hope</i>	Commissioner Vincent Vander Top	
<i>Plymouth</i>	Commissioner Elizabeth Thornton	
<i>Robbinsdale</i>	Commissioner Karla Peterson	
<i>St. Louis Park</i>	Commissioner Paul (PJ) Andersen	

**Also present:** Karla Anderson, Alternate Commissioner, city of Plymouth  
Mary Gwin-Lenth, Alternate Commissioner, city of New Hope  
Jan LeSuer, Alternate Commissioner, city of Golden Valley  
Ron Quanbeck, BCWMC Technical Advisory Committee, city of Plymouth  
Carlton Moore, BCWMC Technical Advisory Committee, city of St. Louis Park  
Lee Gustafson, Chair, BCWMC Steering Committee, city of Minnetonka  
Kelly MacIntyre, BCMWC Technical Advisory Committee, city of Minneapolis  
Mayor Linda Loomis, city of Golden Valley  
Steve Grayson, city council member, city of Golden Valley  
Jeannine Clancy, BCWMC Technical Advisory Committee, city of Golden Valley  
Jeff Oliver, BCWMC Technical Advisory Committee, city of Golden Valley  
Nancy Azzam, Golden Valley League of Women Voters  
Terrie Christian, Association of Medicine Lake Area Citizens  
Sara Aplikowski, Park and Recreation Board, city of Minneapolis  
Jack Frost, Metropolitan Council

### ***Approval and/or Correction of Minutes***

The minutes of the March 20, 2003 meeting were presented. Mr. Hanson moved and Ms. Peterson seconded the motion to approve the minutes. Carried unanimously.

### ***Financial Statements***

Mr. Hanson presented the Treasurers Report as of April 17, 2003. The current balances are as follows:

Checking Account Balance	\$209,460.18
Investment Account	0.00
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<b>TOTAL GENERAL FUND BALANCE</b>	<b>\$209,460.18</b>
Construction Account Balance	\$247,683.15
Commercial Paper (due 4/23/03)	99,000.00
Commercial Paper (due 4/23/03)	99,000.00
Commercial Paper (due 4/23/03)	99,000.00
Commercial Paper (due 4/25/03)	99,000.00
Commercial Paper (due 5/14/03)	199,648.44
Commercial Paper (due 5/23/03)	98,000.00
Commercial Paper (due 6/18/03)	199,435.00
Commercial Paper (due 7/16/03)	199,259.22
Commercial Paper (due 8/29/03)	97,991.18
Commercial Paper (due 8/29/03)	97,991.18
Commercial Paper (due 8/29/03)	97,991.18
Commercial Paper (due 8/29/03)	97,991.18
Commercial Paper (due 8/29/03)	97,991.18
Commercial Paper (due 8/29/03)	97,991.18
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<b>TOTAL CONSTRUCTION ACCOUNT BALANCE</b>	<b>\$1,829,981.71</b>

The Treasurers report was accepted as presented and ordered to be filed subject to audit.

## **Annual Audit Report**

1. Mr. Hanson distributed a draft copy of the annual audit for year ending January 31, 2003, prepared by Malloy Montague Karnowski Radosevich & Co., P.A. Mr. Hanson asked the commissioners to review the report and inform him or Sue Virnig of any comments. The final audit report will be distributed at the May meeting.

## **Presentation of Invoices to be Paid**

The following invoices were presented for approval:

1. An invoice was received from Malloy Montague Karnowski Radosevich & Co., P.A. in the amount of \$1,000 for preparation of the annual audit.

Mr. Hanson moved and Mr. Yaeger seconded approval for payment of claims set forth on the invoice. Upon call of the roll, the vote was unanimously carried.

2. An invoice was received from Barr Engineering Company for professional services during the period March 8, 2003 through April 4, 2003, in the amount of \$31,116.25.

Mr. Hanson moved and Ms. Thornton seconded approval for payment of claims as set forth on the invoice. Upon call of the roll, the vote was unanimously carried.

## **Communications**

*Chairman:*

No communications.

*Citizen Input on Non-Agenda Items:*

1. Nancy Azzam, Golden Valley League of Women Voters, pointed out that New Hope's commissioner, Vince Vander Top, serves as New Hope's assistant city engineer, although it is an unpaid position. Ms. Azzam asked if the city of New Hope intends to replace Mr. Vander Top with a citizen commissioner. Mr. Vander Top said his term expires in 2004 and technically speaking is not an employee of the city. He attends the Commission meetings on a volunteer basis and also is not a New Hope citizen. These were items discussed by New Hope's city council prior to appointing Mr. Vander Top. Ms. Gwin-Lenth, city council member for New Hope, said the city most likely will not review this prior to Mr. Vander Top's term expiration in 2004. Mr. LeFevere added the state statutes do not require a commissioner to be a citizen of the community represented.
2. Terrie Christian, Association of Medicine Lake Area Citizens, expressed concern over information provided by Mr. Gustafson at the March meeting relating to Medicine Lake projects that Plymouth is considering for construction in 2003, and according to the information, would not be reimbursed by the Commission should Plymouth decide to proceed with them in 2003. It was Ms. Christian's understanding that the Medicine Lake projects were part of the Commission's capital improvements program and she was of the impression that in the past when cities built water quality projects, the city was reimbursed for the work. Ms. Christian feels that the Steering Committee made a decision to not fund the Medicine Lake projects when those projects were included in the Commission's CIP and that Plymouth would not be reimbursed should Plymouth decide to move ahead with those projects in 2003. She also pointed out that Plymouth funds almost 50% of the Commission's budget.

Ms. Christian also raised the concern that Mr. Gustafson, a city staff person and former commissioner, is still in a position of authority by chairing the Second Generation Plan Steering Committee. She believes by allowing Mr. Gustafson to serve in this role, the Commission is not following the full intent of the law, which is to have citizens as commissioners. Ms. Christian also read through some information from the Minnesota State Bar Association on understanding and advising nonprofit organizations. Although the Commission is not a nonprofit organization, she believes the concepts apply to the Commission and believes the Commission needs to empower the actual commissioners as intended by the Minnesota state law.

Vice Chair Welch said the Commission is now entirely made up of citizens and he expressed appreciation for the city staff that was available to him while he was transitioning in the commissioner role. Mr. Welch also stated that as a member of the Steering Committee, the Commission made the decision to continue Mr. Gustafson in the role as chair of the committee because it would avoid restarting a process that would have cost the cities unnecessary expense to educate another commissioner who did not have the prior knowledge and history of the second generation plan or the Commission. Mr. Welch believes the former city staff people appointed by their member cities who served on the Commission, did so in good faith.

Concerning the information regarding the funding for the Medicine Lake projects in Plymouth, Mr. LeFevere clarified that the intent of the information to the city of Plymouth made at the March meeting, was not to remove Plymouth projects from the Commission's CIP. In fact, the recommendation made by the Steering Committee to the Commission was to fund the CIP at 100% Commission share using the county tax levy. The comment to the city of Plymouth was to advise them that if the other projects on the CIP are funded on a watershed wide basis, it might be to Plymouth's best interests to think about taking advantage of that for their projects scheduled in the near term. The Commission cannot legally proceed with the county tax levy recommendation except by following a certain process (adoption of the second generation plan and a CIP), which has not happened yet. It is no longer possible for the Commission to use the county tax levy on capital projects during the year 2003 because of county taxing schedule should the Commission decide on that option. If Plymouth decides to

go ahead and construct the two Medicine Lake projects, they would be viewed the same as preceding projects where no reimbursement was given for projects. The statement made at the March meeting was for the benefit of the city of Plymouth city staff in attendance and the Plymouth commissioner's information. The projects are still on the CIP; however, the start date on the CIP moved from 2003 to 2005. Mr. Gustafson repeated that the statement made at the March meeting was for the benefit of Plymouth's commissioner so that Plymouth understood the options.

Mr. LeSuer recommended the Commission discuss when does the Commission involvement become a hindrance to the mission, which is improved water quality. Cities that are locked into participating in the Commission – in terms of voting and financially – as well as each city having their own local agenda and process seems to work at cross-purposes.

Mr. Quanbeck added that Plymouth met with the Commission engineer and anticipates that Plymouth will make a formal request for funding of these projects with the Commission. At this point, it is premature for the Commission to be able to make that decision. Mr. Welch said there is no doubt the Commission is working through the process of trying to configure the Commission so that it can do water quality projects in an efficient way working with nine member cities. Mr. Welch added that these are considerations to keep in front of the Commission.

*Counsel:*

No communications.

*Corps of Engineers:*

No communications.

*Commissioners:*

1. Former Crystal Commissioner, Tom Mathisen, introduced Pauline Langsdorf, new commissioner representing the city of Crystal. Ms. Langsdorf is a retired Metropolitan Council Environmental Services staff person and former city of Crystal city council member. Some of Ms. Langsdorf's experience includes involvement in and working with the organization of Watershed Partners, help with the design of a Science Museum project that explains wastewater treatment, and being an active member with the group that designs stream protocol.
2. Mr. Hanson reported that after 2 inches of recent rainfall, Sweeney Lake did not have a big inflow of mud and said the erosion control measures taken by the Minnesota Department of Transportation on Highway 100 appear to be working.
3. Mr. Welch will forward an email received that includes a Minnesota Pollution Control Agency report summarizing the total maximum daily loads (TMDL) issue.

*Engineer:*

1. The Wirth Lake improvements were part of the Legislative Commission on Minnesota Resources funding package that was presented to the state legislature. However, because of reduction in budgets, about one-third of the LCMR funding request was cut and Wirth Lake was part of that cut. The funding request moved to a committee and in discussions with one of Senator Higgins' staff people, Mr. Welch learned that Wirth Lake was not included.

Mr. Kremer received a call requesting the Commission to provide a guarantee from the other funding partners participating in the Wirth Lake project in order for it to be included in the funding package that moved to committee. The information was needed within 24 hours because if the committee decided to fund the Wirth Lake project, it was necessary for all funding partners to be in place in order to participate. One of the partners was the Minnesota Department of Transportation. When Mr. Kremer contacted MnDOT several weeks ago, he was told at that time that MnDOT was also experiencing budget cuts and it would take time for them to find the money to participate in the Wirth Lake project. When contacted again, MnDOT could not commit to having the funding available in that short of a time frame. Mr. Kremer was forced to tell the LCMR that all the funding partners were not in a position to commit financially at this time; however, Mr. Kremer did offer to proceed with the project on a partial basis because some of the project did not depend on MnDOT dollars, but the LCMR would not consider participating on a partial project.

Mr. Kremer requested authorization from the Commission to write a letter from the Chair to Senator Higgins expressing appreciation for her help in trying to get LCMR approval.

Mr. Hanson moved and Mr. Andersen seconded the motion to direct the Commission engineer to prepare a letter on behalf of the Commission Chair to Senator Higgins thanking her for her assistance in trying to get LCMR funding on the Wirth Lake project. Carried unanimously.

2. A request was received from the city of Minneapolis for an outline of issues relating to the portions of Bassett Creek located within the city that need to be addressed in their water management plan. Minneapolis said its plan is scheduled for completion in about 1½ years.
3. Correspondence was received from the Hennepin Conservation District concerning support for the River Watch Program for 2003. The Hennepin County Board of Commissioners is funding six positions to take over some of the responsibilities of the HCD and one of them is the education position that managed the River Watch Program.
4. Some of the funds from the Minnesota Board of Water and Soil Resources went to Hennepin County for costs associated with implementation of the Wetlands Conservation Act. That funding will be allocated by Hennepin County based on costs incurred and is to be used to accomplish program mandates and other obligations.

## ***New Business***

1. Budget Committee. A budget committee was established to develop a 2004 budget, consisting of the following commissioners: Commissioners O'Toole, Hanson, Welch, Thornton, Yaeger, and Peterson, as well as the Commission engineer. The committee will meet before the May meeting and bring a proposal to that meeting for the Commission's consideration.
2. Draft 2002 Annual Report. The draft 2002 Annual Report was distributed. Comments are to be submitted by April 25, 2003, to the Commission recorder, Pat Schutrop.

3. **River Watch Program.** As discussed earlier, a letter was received from the Hennepin Conservation District requesting financial support from the Commission in the amount of \$1,000 (\$500 per monitoring site) for the River Watch Program. In the past, two schools in the watershed volunteered to participate in the program and the HCD prepared a report. The 2002 report will be completed sometime this month. The monitoring sites are visited in the spring and fall of the year. If the site is visited before May 19, the Commission will owe about \$250 to HCD. Mr. Kremer recommends authorizing \$250 per site visit not to exceed \$1,000 so that if they visit the site before May 19<sup>th</sup>, the Commission will likely pay HCD \$250 for each site visit and for site visits after May 16, the Commission will likely pay Hennepin County \$250 per site.

Mr. Welch said because the River Watch Program is a line item from the Public Relations budget, he asked the Commission to withhold action at this time until competing budget considerations are discussed under Old Business.

## **Old Business**

1. **Watershed Outlet Monitoring Program (WOMP).** At the March meeting, the Commission discussed what the most efficient course of action would be for using the dollars in the Public Relations budget item (\$15,000) and the Public Communications budget (\$5,000). The WOMP program is one of the items included in the Public Relations budget and the Commission discussed the situation with the Metropolitan Council no longer having the funds to manage the WOMP monitoring station located on Irving Avenue. The Met Council informed the Commission if they wanted to continue monitoring the station, the Commission would be responsible to fund the monitoring. The Commission directed the engineer to contact the Middle Mississippi WMO and Hennepin County Conservation District regarding their interest in operating or providing financial assistance to operate the Bassett Creek WOMP station, and to contact the Minneapolis Park & Recreation Board, a Metropolitan Council employee, and the Commission engineering staff for estimates to operate the station.

The Public Relations budget was designated as follows:

WOMP	\$ 7,500
CAMP	\$ 3,500
River Watch	\$ 1,000
Annual Report	\$ 3,000
Public Communications	<u>\$ 5,000</u>
TOTAL	\$20,000

Since the estimates were gathered for this meeting, the Met Council was contacted to inform them that the Commission would like to keep the station in operation as a flow monitoring station so that if the money becomes available in the future, the station will be in place. The Met Council told Mr. Kremer that they would like to continue water quality monitoring through the end of the year so that two full years of data would be available. Mr. Kremer contacted the Minneapolis Park Board to see what additional funds they would need in order to continue to service the station from June 30 until the end of the year. The Park Board said they would need about \$10,000 to continue monitoring, which is about \$2,500 more than the Commission has budgeted for WOMP, plus the Commission would have incurred additional expenses (about \$4,000) from the period June 30 through December 30.

If the Commission wanted to continue the water quality station and use the Minneapolis Park Board, it will cost approximately \$6,000 more than the \$7,500 allocated for WOMP.

The two choices before the Commission are: (a) end the WOMP station as of June 30 and essentially save the \$6,000 necessary to complete the year; or (b) continue monitoring through December 30 at a cost of approximately \$6,000 more than the budgeted \$7,500 with the Minneapolis Park Board collecting the samples.

Mr. Kremer recommends the Commission consider allocating additional funds to the Public Relations budget from the Surveys and Studies budget. The Surveys and Studies budget is \$25,000. This line item is typically used for collection of information as directed by the Commission to investigate situations that arise throughout the year (e.g., severe erosion problems). To date, \$4,300 has been spent from the Surveys and Studies budget, with a remaining \$20,700. Mr. Kremer recommends the Commission reallocate \$6,000 from the Surveys and Studies budget item to continue the water quality monitoring at the WOMP station through the end of 2003. The budget committee can discuss future actions with the WOMP station when it meets to develop the 2004 budget.

The Hennepin Conservation District was contacted and a request was made for their assistance with the monitoring of the station and Mr. Kremer was told because they are in the process of being reorganized, they would not be available to help at this time.

The Middle Mississippi WMO was also asked if they could contribute to the continuation of the Irving Avenue station and Mr. Kremer was told they would discuss it at their next meeting. Mr. Kremer told them that the Commission is expecting to incur about \$10,000 additional costs to continue the station. Mr. Welch asked if a specific amount should be requested from the Middle Mississippi WMO. Mr. Kremer will ask them to consider contributing \$5,000 toward the costs. Ms. Langsdorf is in favor of moving the funds from the Surveys and Studies budget to continue monitoring the station because it is important for the Commission to have good water quality and water quantity data.

Mr. Welch asked if the funds are moved from the Surveys and Studies budget, would that budget item come up short if needed later in the year. Mr. Kremer said that may happen, but the Commission also has a \$15,000 contingency budget that can be used.

Mr. Andersen moved and Mr. Yaeger seconded the motion to authorize the Commission engineer to allocate an appropriate amount of funding from the Surveys and Studies budget for the WOMP station and make a request to the Middle Mississippi WMO for a dollar amount as determined by the Commission engineer to help defray costs to continue the WOMP station through December 30, 2003. Carried unanimously.

Mr. Hanson moved and Ms. Langsdorf seconded the motion to allocate \$1,000 for the River Watch program. Carried unanimously.

2. **Website Improvements.** This item was also discussed at the last two meetings as a consideration for the efficient use of funds from the Public Relations budget. However, because the Commission made the decision to continue with the WOMP station through the end of the year and with funds already allocated for CAMP, River Watch, and the Annual Report, funding to make website improvements is not available at this time. The budget committee will review this item during the budget process for 2004. Mr. Kremer suggested the website improvements be revisited at the October 2003 meeting to determine if other budget items may have budget that can be reallocated at that time.
3. **Second Generation Plan Update.** The Capital Improvements tables were sent out for the commissioners to use in discussions with their city staff and city councils. Mr. Welch clarified that the tables dated "April 2003" should be used. The April 2003 tables moved the start year from 2003 to 2005, which is more realistic.

Mr. Gustafson pointed out that a memorandum was prepared that estimates the cost per residential unit for several proposed capital improvement plan assessments. The assessment per individually owned residential unit is \$3.78 (average annual amount) based on a total annual CIP assessment of \$275,000. Mr. Gustafson pointed out that according to the CIP, the \$275,000 is not an average year, but an average estimated project cost during 2006 through 2014.

Mr. Gustafson said the Steering Committee's CIP funding recommendation to the Commission was 100% Commission funding using a County ad valorem tax. The purpose of redistributing the CIP tables to the commissioners is that some of the cities are not in agreement with the committee's recommendation and the information sent was to further help the cities understand the recommendation made by the committee. The Commission is at a point where it needs to make a decision regarding funding in order to move the plan along.

Ms. Thornton asked about the nonresidential properties of the assessments for the cities. Mr. Gustafson said that the calculations were not taken that far, but the nonresidential information can easily be obtained from the member cities or the Commission engineer. The amounts shown are strictly based on value. Ms. Thornton would like the information should she be asked by her city council, since Plymouth is not in favor of the ad valorem tax. She would like to have as much information available to them as possible in order to bring back adequate feedback.

Mr. LeSuer said the city of Golden Valley city council discussed the CIP when they met and there was concern about setting priorities and who sets those priorities and what is the relationship to the amount of citizens represented overall. Golden Valley city council thought that perhaps the very structure of the Commission needs to be relooked at in terms of voting. Plymouth and Golden Valley have the largest populations and also contribute the most to the budget of the Commission. Golden Valley feels because of that, there should be a proportionate voting to the residential support. Mr. LeSuer added that Golden Valley could not support the ad valorem tax because of the disproportionality. Mr. Welch added the Joint Powers Agreement is structured by one city and one vote. What Golden Valley is suggesting is different than the JPA and would take 100% agreement by all the member cities' city councils to make that change in the JPA.

Mr. Mathisen clarified that the Commission's annual operating budget is still based on the 50/50 formula (based on net tax capacity) and the county ad valorem tax (based on value) is proposed only for capital projects.

Mr. Vander Top asked if the Commission staff or commissioners involved with other WMOs could comment on how agreement was reached on funding of capital projects and the threat of being disbanded if no agreement was reached. Mr. LeFevere represents four other WMOs and none have capital projects like Bassett Creek WMO. There may be more attention directed at the BCWMC because of the political climate. Middle Mississippi has an annual budget of over \$6 million and they are doing capital projects based on a grant program by participating funding through a large group (e.g., Minneapolis Park Board) that is an ad valorem tax levied by the WMO itself. Their tax levied is much higher than what the Commission would be levying. Mr. Jack Frost commented that he is a board member on the Ramsey Washington Metro Watershed District and the annual capital budget is \$1 million to \$2 million a year. Ramsey Washington levies a per household cost of about \$20 and \$25 per year and that amount has never been questioned by the citizens.

Mr. Andersen said since the Steering Committee came to the recommendation to support the ad valorem tax, and since previous city comments revealed there is still question as to support, he suggested the commissioners approach their city councils and city staff again for comments and report back at the June Commission meeting to make a decision.

Mr. LeSuer added city councils are able to see the broad spectrum of city needs and he believes that the Commission making taxation decisions without the broad spectrum is a mistake and Golden Valley city council and citizens will most likely agree that the Commission should not be making that decision.

Mr. Hanson asked what happens if the Commission approves the CIP plan to be included in the Second Generation Plan, but does not include a funding decision of the CIP. Mr. LeFevere said if the funding source is not identified in the plan, it would take a major plan amendment if the Commission wanted to use the ad valorem tax levy later. Therefore it would not be a fair process to move ahead with the plan and the cities not knowing where the money will come from for the capital projects plan. Mr. Welch agreed and said to move ahead with an approved CIP and not include the funding source in the plan is trusting for whatever ad hoc implementation comes about. Mr. Welch also addressed Mr. LeSuer's concern about the constitution and the voting rights. The Commission has tried to reach a unanimous consensus approach to implementing the projects with the cities. Mr. Welch feels the commissioners need to go back to their cities with a clear plan and clear recommendation for funding the plan and get their comments. If there is still disagreement, the Commission will then approach the question again as a Commission.

Ms. Thornton is quite confident that Plymouth will not agree with the ad valorem tax levy recommendation. She asked what would happen if a vote is taken at the June or July meeting and the vote comes down to a 6 to 3 vote passing the ad valorem tax? Ms. Thornton likens it to the senate telling the legislation how taxation will be done. Ms. Thornton is not questioning the CIP or proportionality; it is the idea of taxation.

Mr. Gustafson said to identify the funding source in the plan will save the Commission and citizens the expense of going through a major plan amendment. Mr. LeSuer added that many areas are being cut back either through layoffs, budget cuts, etc. that don't have a funding source that is secure and he objects to allowing the Commission to tax without accountable representation. Mr. Welch respectfully disagreed with Mr. LeSuer's characterization of the effort of the Commission to lock up funding. The effort of the Steering Committee and the Commission has been to act as a watershed management organization and has been forthright with the cities about how much the CIP is going to cost and proposed a funding mechanism to pay for the CIP rather than expect the cities to figure it out.

Mr. Mathisen added that the WMO was established in the early 80s and does not agree with proposing a change to the voting because a city does not agree with how the vote may turn out. If Golden Valley wants to propose changing the proportionality of votes, he recommends doing that at a later time so that the process can keep moving.

Mr. Andersen moved to direct the Commissioners to go back to their member cities with the information provided by the Steering Committee and its recommendation to use the ad valorem tax levy and that the Commission be ready to make a funding a decision at the Commission's June meeting so that the process can move forward.

Mr. Yaeger would second Mr. Andersen's motion with the following amendment added that the Commission would be ready to vote on a funding decision at the June meeting.

Mr. Vander Top further amended the motion that the commissioners go back with a specific recommendation of three options (0%, 100%, and 20/80%). He recommends adding the 20/80 because: (a) to respect the concern of using the ad valorem and the 100% taxation without representation; and (b) the 20% provides seed money and 80% paid by those who benefit and those who contribute to the problem. The 20/80 seems like a compromise between all positions. Mr. Vander Top added that he and City Council member, Mary Gwin-Lenth, could approach New Hope with any of the three options and the city council could come to some type of agreement with those options. Mr. Vander Top suggests

bringing something to the city councils to react to explaining the Commission has differing views; however, in an effort to move forward the Commission recommends the 20/80 funding mechanism. Ms. Peterson concurred with Mr. Vander Top's comments.

Mr. LeFevere suggested that he prepare a more detailed explanation of how the various options work to offer the city councils a clearer understanding. Whether it is an ad valorem tax or a project under the JPA, the same dollars are spent, and the same taxpayers pay. Figures can be pulled together for taxpayers according to city. Sending the bill to the county is a new idea by the Commission and only allowable under the JPA. The JPA does not provide for a 20/80 funding formula as a fixed formula to pay for capital projects and it is not an option unless all the member city councils agree to it. Another alternative of the Commission is to not do projects or the individual cities can do the projects. Mr. LeFevere will prepare the position paper for the Commission's consideration at the May meeting to help formulate a decision to present to the member cities that will help the cities understand the current issues before the Commission.

Mr. LeSuer said that he raised a legal concern and that is the one person/one vote question and Mr. LeSuer would like Mr. LeFevere to address that position. Mr. LeSuer also added that if the Commission used the same system that is currently in place, he doesn't think that is a just system either. Mr. Welch responded by saying that the Commission does not have the authority to change the voting structure without the member city councils agreeing to the change.

Mr. Welch said that the information that Mr. LeFevere can provide would be helpful. Mr. Welch's position has been the 100% Commission share option because he feels it is the most transparent way to show costs for the capital improvement program, but is open to additional interpretation.

Mr. Andersen restated his earlier motion: Mr. Andersen moved that the information provided by the Steering Committee that included the recommendation to use the 100% ad valorem tax levy to pay for capital projects to the cities and additional information provided by the Commission staff so that the Commission can discuss that information with their city councils and city staff and be prepared to vote on a decision at the June (or most likely July) meeting.

Mr. Welch also suggested that the commissioners can go back to their cities and ask for a recommendation affirmatively for how the Commission should fund the CIP.

Mr. Quanbeck stated it is important how the Commission approaches the cities and he is concerned about sending a commissioner back to a city when they may not be confident or in agreement with the position of the Commission. Mr. Quanbeck suggested it might be appropriate to ask a delegation from the Commission to meet with those cities where there is opposition. Mr. Welch agreed with Mr. Quanbeck's comments.

Vice Chair Welch asked for a second on Mr. Andersen's motion. Ms. Langsdorf asked if Mr. Andersen's motion changed to July instead of June. Mr. Andersen restated the motion and will amend the motion if the Commission would prefer to wait until there has been opportunity to review the information from Mr. LeFevere. The commissioners would like to see the information because it may provide the consistency in how the commissioners approach their city councils. Mr. Welch said it would be incumbent on the Commission to clearly and unequivocally define a way to come to a decision on this at the next meeting. The motion was withdrawn.

## ***May Meeting***

1. Vice Chair Welch presented the following agenda items for the Commission's May meeting:

- Final 2002 Annual Report
- Budget Committee Report
- Final Audit Report

## ***Adjournment***

It was moved by Mr. Andersen and seconded by Mr. Yaeger to adjourn the meeting. Vice Chair Welch adjourned the meeting at 2:05 p.m.

\_\_\_\_\_  
Michael Welch, Vice Chair

\_\_\_\_\_  
Pat Schutrop, Recorder

\_\_\_\_\_  
Bill Yaeger, Secretary

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

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