

Bassett Creek Watershed Management Commission

Minutes of the Meeting of February 16, 2006

1. Call to Order

The Bassett Creek Watershed Management Commission was called to order at 11:30 a.m., Thursday, February 16, 2006, at Golden Valley City Hall by Chair O'Toole. Ms. Herbert conducted roll call.

Roll Call

<i>Crystal</i>	Commissioner Pauline Langsdorf	<i>Counsel</i>	Charlie LeFevere
<i>Golden Valley</i>	Commissioner Linda Loomis, Treasurer	<i>Engineer</i>	Len Kremer
<i>Medicine Lake</i>	Commissioner John O'Toole, Chair	<i>Recorder</i>	Amy Herbert
<i>Minneapolis</i>	Commissioner Michael Welch, Vice Chair		
<i>Minnetonka</i>	Commissioner Bill Yaeger, Secretary		
<i>New Hope</i>	Commissioner Mary Gwin-Lenth		
<i>Plymouth</i>	Commissioner Ginny Black		
<i>Robbinsdale</i>	Commissioner Karla Peterson		
<i>St. Louis Park</i>	Commissioner Richard Johnson		

Also present:

- Nancy Azzam, Golden Valley League of Women Voters
- Scott Brink, City of St. Louis Park
- Jeannine Clancy, BCWMC Technical Advisory Committee, city of Golden Valley
- Lee Gustavson, BCWMC Technical Advisory Committee, city of Minnetonka
- Jack Frost, MCES
- David Hanson, Alternate Commissioner, city of Golden Valley
- Tom Mathisen, BCWMC Technical Advisory Committee, city of Crystal
- Richard McCoy, BCWMC Technical Advisory Committee, city of Robbinsdale
- Ron Quanbeck, BCWMC Technical Advisory Committee, city of Plymouth
- Elizabeth Thornton, Alternate Commissioner, city of Plymouth

2. Approval of Agenda and Consent Agenda

Mr. Kremer requested the removal of the January 19, 2006 meeting minutes from the consent agenda. Mr. Kremer also requested the addition to the consent agenda of New Business item A. French Regional Park Pedestrian Bridge Replacement. Mr. Yaeger moved to approve the amended consent agenda. Ms. Black seconded the motion. Upon call of the roll, the motion carried unanimously.

3. Administration

- A. Presentation of the January 19, 2006 minutes. Mr. Welch commented that when the Commission has a business item that will carry over in to future meetings, such as the TMDL discussion with Tim Larson of the PCA that took place in January, it is important that the minutes reflect the questions that were asked and the responses. Mr. Kremer said that he has asked Karen Chandler from Barr Engineering to prepare a brief summary of the January TMDL presentation and the answers to the TMDL questions from TAC and the Commission. Mr. Kremer said he would ask Ms. Chandler to prepare the summary to be included in the March meeting packet.

Chair O'Toole said he would like to see the Commission develop a timetable of critical next steps for the Commission regarding the TMDL process. Ms. Black suggested asking the TAC to develop such a timetable and to present the timetable to the Commission at the March meeting. Mr. Kremer said that one of the Old Business items for today's meeting is the agenda for the March TAC meeting.

Mr. LeFevere said it would be helpful to insert into the January 19, 2006 meeting minutes a statement about seeing the attached summary of the TMDL presentation and to set off the statement with brackets to indicate it is an editor's note. Ms. Black moved to approve the amended minutes of the January 19, 2006 meeting. Ms. Gwin-Lenth seconded the motion. The motion carried unanimously.

B. Financial Statements.

The general and construction account balances reported in the February 2006 Financial Report (through January 31, 2006) are as follows:

<u>Checking Account Balance</u>	<u>370,509.79</u>
<i>TOTAL GENERAL FUND BALANCE</i>	<i>370,509.79</i>
<u>Investment Balance</u>	<u>2,153,591.18</u>
<u>Commercial Paper (due 02/16/06)</u>	<u>496,659.17</u>
<i>TOTAL CONSTRUCTION ACCOUNT BALANCE</i>	<i>2,650,250.35</i>

C. Presentation of Invoices for Payment Approval. The following invoices were approved for payment under the consent agenda:

- i. Kennedy & Graven – Legal Services
- ii. Barr Engineering Company – Engineering Services
- iii. Amy Herbert – Administrative Services

D. Treasurer's Bond Renewal. Mr. Yaeger moved to approve the treasurer's bond renewal. Mr. Welch seconded the motion. The motion carried unanimously.

E. Renewal of Contract for Recording Administrator Services. Ms. Black moved to approve the contract renewal and asked if the Recording Administrator would take on the responsibility of general content maintenance of the BCWMC Web site. Ms. Herbert agreed to take on the responsibility of general Web site maintenance. Mr. Yaeger seconded the motion. The motion carried unanimously.

F. Organizational Meeting.

- i. **Nomination for Chair:** Chair O'Toole asked for nominations from the floor for Commission Chair. Chair O'Toole nominated Mr. Welch. Chair O'Toole asked for nominations from the floor two more times and then closed the nominations. Mayor Loomis moved to elect Michael Welch as chair of the Commission. Chair O'Toole seconded the motion. The motion carried unanimously.
- ii. **Nomination for Vice Chair:** Chair Welch asked for nominations from the floor for Commission Vice Chair. Ms. Gwin-Lenth nominated Mr. Yaeger as vice chair. Ms. Peterson nominated Ms. Black as vice chair. Ms. Black withdrew her nomination. Chair Welch called for nominations from the floor two more times

and then closed the nominations. Chair Welch called a vote for Mr. Yaeger's nomination as vice chair. The Commission unanimously voted in favor Mr. Yaeger as vice chair. Mr. LeFevere commented that the Commission bylaws allow the offices of secretary and treasurer to be combined.

- iii. **Nomination for Secretary:** Chair Welch asked for nominations from the floor for Commission Secretary. Chair Welch nominated Ms. Black as secretary. Chair Welch called for nominations two more times and then closed the nominations. Chair Welch called a vote for Ms. Black's nomination as secretary. The Commission unanimously voted in favor Ms. Black as secretary. Chair Welch asked Mr. LeFevere if the Commission alternate would hold the same executive position as the Commissioner. Mr. LeFevere responded that the alternate does not.
- iv. **Nomination for Treasurer:** Chair Welch asked for nominations from the floor for Commission Treasurer. Ms. Black nominated Mayor Loomis as treasurer. Chair Welch called for nominations two more times and then closed the nominations. Chair Welch called a vote for Mayor Loomis' nomination as treasurer. The Commission unanimously voted in favor Mayor Loomis as treasurer.
- v. **Appointment of Deputy Treasurer.** Ms. Black moved to appoint Sue Virnig as Deputy Treasurer. Chair Welch seconded the motion. The motion carried unanimously.
- vi. **Appointment of Official Depository.** Chair Welch called for a vote to appoint Wells Fargo as the Commission's Official Depository. The Commission unanimously voted to appoint Wells Fargo as the Commission's Official Depository.
- vii. **Appointment of Executive Committee.** Mr. Yaeger suggested making the Executive Committee a five-member committee instead of a four-member committee. Mr. Yaeger also asked if it would be possible for an alternate commissioner to serve on the Executive Committee. Ms. Thornton asked whether the Commission should consider that a five-member Executive Committee would be considered a quorum. Mr. LeFevere responded that as a formal committee, the Executive Committee is required to comply with the open meeting law. Mayor Loomis asked whether the Executive Committee was necessary. Mr. LeFevere said the Commission is not required to have an Executive Committee. Chair Welch said there are two points the Commission needs to consider. First, should the Commission have an Executive Committee and second, if there is an Executive Committee, who should be on it. Ms. Thornton mentioned that an ad hoc committee could be created when and if necessary. This item was deferred until the March meeting.

Chair Welch announced a Resolution of Appreciation for Services of John O'Toole to the Bassett Creek Watershed Management Commission. Chair Welch read the resolution and the Commission recognized Mr. O'Toole for his dedicated years of service as a Commissioner, Vice Chair and Chair to the Commission.

4. Communications

- A. **Chairman: No communications.**
- B. **Citizen Input on Non-Agenda Items: No communications.**
- C. **Counsel: No communications.**
- D. **Commissioners: Mr. O'Toole mentioned that he attended AMLAC's annual meeting the previous night and that there was a presentation given by the president of Genesis Solutions on new technology for dredging. Mr. O'Toole said there was a high level of interest and a fair amount of enthusiasm by the audience about the concept of dredging Medicine Lake. Mr. O'Toole said that the new technology described in the presentation incorporated a new dewatering process, which resulted in a solid byproduct that could be removed by a back loader and therefore could eliminate many of the expensive issues surrounding byproduct removal and storage. Mr. Kremer said Barr Engineering is working on a lake improvement plan project on a lake in Wisconsin and that Barr is looking at Genesis Solutions' technology among other technologies as part of that plan.**

Mr. Johnson mentioned that Westwood Hills Nature Center, located within the Bassett Creek Watershed, is celebrating Earth Day on April 22. Mr. Johnson said that he would like to see Bassett Creek represented at the center's Earth Day. Ms. Langsdorf said she would be happy to talk to Mr. Johnson about possibilities. Mr. Kremer said the pictorial tour previously created of the watershed would be available for Mr. Johnson to use.

Ms. Langsdorf mentioned that the Education and Outreach Subcommittee met at Hamline University on February 3 to see what educational materials are available through Hamline. Ms. Langsdorf said that the Subcommittee will be meeting in March to discuss a recommendation to the Commission regarding an education budget for 2007.

- E. **Engineer: Mr. Kremer reported that he attended a Minnesota Pollution Control Agency (PCA) meeting where an individual from the Washington, D.C. Environmental Protection Agency (EPA) office discussed TMDL issues. Mr. Kremer said that Tim Larson of the PCA was there and that Mr. Larson introduced to the EPA representative all the questions Mr. Larson couldn't answer from the Commission regarding TMDLs. The EPA representative planned to take the questions back to his office and post answers to the questions at the EPA Web site within the next few weeks.**

Mr. Kremer also reported that thirty cities required to prepare non-degradation plans as part of the MS4 program met and talked about the process. St. Louis Park, Minnetonka and Plymouth are the cities that are part of the Commission that are required to prepare a non-degradation plan. The cities will have to prepare their plans within 18 months of the permit approval and the permit is supposed to be approved on February 28, 2006. Mr. Kremer said that water management organizations have collected a lot of data and have created a lot of models and therefore the metro area cities are in pretty good shape for being able to prepare their plans within the timeline required.

5. New Business

- A. **French Regional Park Pedestrian Bridge Replacement: Plymouth. Approved under the Consent Agenda.**

6. Old Business

A. Review 2006 Budget and 2006 Proposed Programs.

- i. **Plan Reviews.** Mr Kremer said that in 2005 the Commission spent \$110,000 on Plan Reviews. Mr. Kremer recommended the Commission move \$33,000 to the Contingencies budget item. Mr. Yaeger moved to amend the Commission's budget so Engineering Administration (plan reviews) has a total of \$110,000, Contingencies has \$33,000 and Executive Director has \$0.

Mr. O'Toole suggested allocating a portion of the budgeted amount, such as \$10,000 or \$12,000, from Executive Director to secretarial services since some of the responsibilities that were to be given the Executive Director may fall on the Recording Administrator. Mr. Johnson suggested deferring that discussion to a different meeting. Mr. Yaeger agreed postponing making that amendment due to time constraints in this meeting. Chair Welch called a vote for the motion on the table to amend the budget. The motion carried unanimously.

- ii. **Water Quality Monitoring.** Mr. Kremer said there are three items included in water quality monitoring: general activities, detailed monitoring of Medicine Lake, and stream sampling. Mr. Kremer remarked that Ms. Black has expressed some concern regarding duplication of effort between the city of Plymouth and the Commission regarding monitoring Medicine Lake. Mr. Kremer reported that it appears that there may be some duplication in macrophyte surveys in the coming year and the city of Plymouth and the Commission Engineer will check to see if the surveys will be the same level of detail. Mr. Kremer said that if it is discovered that there will be duplication, the Commission will eliminate the spring survey and will only undertake the fall survey, which would save approximately \$1,800. Mr. Yaeger moved to approve \$38,000 for Water Quality Monitoring. Ms. Thornton seconded the motion. The motion carried unanimously.
- iii. **CAMP (Citizens Assisted Monitoring Program).** Mr. Kremer stated that the Commission has budgeted money for the past several years for this program in which volunteers work with the Metropolitan Council on lake monitoring. Ms. Langsdorf moved to approve \$4,500 for the CAMP program. Ms. Gwin-Lenth seconded the motion. The motion carried unanimously.
- iv. **Hennepin County River Watch.** Mr. Kremer said that in this program the Hennepin County Department of Environmental Services works with volunteers through schools to conduct sampling. Mr. Yaeger moved to authorize the Commission to budget \$1,400 for River Watch (two schools at \$700 each). Mr. Welch seconded. The motion carried unanimously.
- v. **Wetland Health Evaluation Program (WHEP).** Mr. Kremer explained that there is educational value in this type of monitoring because a change in vegetation is seen as water quality improves. Mr. Kremer said this evaluation is another tool communities could use in the future to test if their Best Management Practices (BMPs) are effective.

Mr. Johnson asked if there is value in continuity of the monitoring. Mr. Kremer said there is value in monitoring the same wetland but it doesn't necessarily need

to be done each year. Ms. Thornton asked whether this kind of information could be used with TMDLs. Mr. Kremer responded yes, it could be one of the measures of effectiveness of the BMPs. Mr. Kremer remarked that the reason for bringing this item up now is that county staff would like to know at the beginning of the year whether or not the Commission will participate so the county can staff accordingly. Mr. Johnson suggested that the Commission drop this program and consider it next year.

- vi. **Watershed Partners.** Mr. Kremer said that Watershed Partners is a group that prepares water quality educational materials and programs and that the Commission has participated for two years with this group. The group in turn provides those educational materials to the Commission and the member cities. Chair Welch commented that the Commission needs to contact the organization in order to be acknowledged on its Web site. Ms. Langsdorf said she would like to see the Commission's continued support of the program.

Chair Welch requested Ms. Langsdorf to contact the group and ask it to make a brief presentation to the Commission and to ask the group to acknowledge the Commission on its Web site. Mr. LeFevere commented that city engineers can take credit for funding the educational efforts through this program and this credit can be documented on the MS4 permit application.

- vii. **TMDL Studies.** Deferred to a future meeting.
- viii. **2006 Minnesota Envirothon.** Ms. Herbert explained that the Hennepin Conservation District requested the Commission to sponsor a school team for the Envirothon in Spring 2006 at a cost of \$150 per team. Ms. Thornton asked if the Commission could support any team from a school within the Bassett Creek Watershed District. Chair Welch directed Ms. Herbert to respond to Hennepin County Conservation District that schools within the Bassett Creek Watershed District that have a team going to the Envirothon can contact the Commission with a specific request for sponsorship.

- B. **City of Golden Valley – Extension of Flood Proofing Plan.** Mr. Kremer explained that this contract is asking for an extension in time to complete the project. Mr. Welch clarified that the only issue in front of the Commission regarding this plan is an extension of time. Mr. LeFevere said that modification to the contract is simple and the Commission could authorize the Chair to extend the expiration date on the contract by one year. Mr. O'Toole moved to authorize the Chair to extend the expiration date on the contract by one year. Mayor Loomis seconded the motion. The motion carried unanimously.
- C. **2005 Lake Monitoring Results (Northwood Lake, Sweeny Lake, and Twin Lake).** Item deferred to March meeting.
- D. **Watershed Projects' Aesthetic Elements – BCWMC's role in the aesthetic issues of watershed projects.** Item deferred to March meeting.
- E. **Revisit Policy that Created CIP Reserve Account and set \$250,000 Minimum Account Balance.** Item deferred to March meeting.

- F. **TAC March Meeting Agenda.** Mr. Kremer said the Commission discussed the possibility of TAC discussing the role of the cities and the role of the Commission in TMDLs and coming back to the Commission with a recommendation. Mr. Kremer also suggested the Commission request TAC to discuss to what extent should the Commission work with cities on non degradation plans.

Chair Welch asked Commission staff to follow up with Tim Larson for the answers to the Commission's TMDL questions in time for the March 2 TAC meeting. Mr. Welch also mentioned that the Commission considered that TAC should have some discussion regarding feedback on the CIP. Mr. Kremer said the TAC could review the CIP comments received from the cities by the March 2 TAC meeting and could develop some recommendations regarding the CIP comments.

Mr. O'Toole moved to add three items to TAC's March meeting agenda:

1. Investigate TMDLs and develop a recommendation on the next steps;
2. Discuss the degree to which the cities and the Commission should work together on the MS4 non degradation plans; and,
3. Review the comments/ CIP modifications requested by member cities.

Mayor Loomis seconded the motion. The motion carried unanimously.

7. March Meeting

The following agenda items are currently scheduled for the Commission's March 16, 2006 meeting:

- A. 2005 Lake Monitoring Results (Northwood Lake, Sweeny Lake, and Twin Lake Wirth Lake Resolution and Agreement
- B. Watershed Projects' Aesthetic Elements – BCWMC's role in the aesthetic issues of watershed projects. Revisit Policy that Created CIP Reserve Account and set \$250,000 Minimum Account Balance
- C. TAC Recommendations on TMDLs and Non-Degradation Planning for MS-4s
- D. TAC Recommendations on CIP Modifications
- E. Appointment of Commission Executive Committee

8. Adjournment

Ms. Langsdorf moved to adjourn the meeting. Mayor Loomis seconded the motion. Chair Welch adjourned the meeting at 2:00 p.m.

John O'Toole, Chair

Amy Herbert, Recorder

William Yaeger, Secretary

Date: _____

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