

Bassett Creek Watershed Management Commission

Minutes of the Meeting of January 19, 2006

1. Call to Order

The Bassett Creek Watershed Management Commission was called to order at 11:30 a.m., Thursday, January 19, 2006, at Golden Valley City Hall by Chair O'Toole. Ms. Herbert conducted roll call.

Roll Call

<i>Crystal</i>	Not represented	<i>Counsel</i>	Charlie LeFevere
<i>Golden Valley</i>	Commissioner Linda Loomis, Treasurer	<i>Engineer</i>	Karen Chandler
<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: Laura Adler, BCWMC Technical Advisory Committee, city of St. Louis Park
Nancy Azzam, Golden Valley League of Women Voters
Terrie Christian, Association of Medicine Lake Area Citizens (AMLAC)
Jeannine Clancy, BCWMC Technical Advisory Committee, city of Golden Valley
Neal Bauer, city of Minneapolis
Joe Carlson, city of Minneapolis
David Hanson, Alternate Commissioner, city of Golden Valley
Tim Larson, Minnesota Pollution Control Agency
Tom Mathisen, BCWMC Technical Advisory Committee, city of Crystal
Ron Quanbeck, BCWMC Technical Advisory Committee, city of Plymouth
Elizabeth Thornton, Alternate Commissioner, city of Plymouth

2. Approval of Agenda and Consent Agenda

Mayor Loomis requested the removal of the December 15 meeting minutes from the consent agenda. Ms. Peterson moved to approve the amended consent agenda. Mayor Loomis seconded the motion. Upon call of the roll, the motion carried unanimously [the cities of Crystal and Minneapolis were not present for the vote].

3. Administration

- A. Presentation of the December 15, 2005 minutes. Mayor Loomis pointed out that the investment balance listed in the December 15 minutes under Administration item B should be corrected and should be the figure \$643,042.23. Mayor Loomis stated that the Engineer Communications should be labeled letter E instead of being listed as part of section D – Commissioners Communications. Mayor Loomis also commented that on page 6 of the minutes, Mr. LeFevere was quoted as stating that the city can pay for a project after the fact, but Mayor Loomis thought Mr. LeFevere stated

that the Commission could pay for a project after the fact. Mr. LeFevere concurred the correct statement should be that the Commission could pay for a project after the fact.

Mayor Loomis moved to approve the amended minutes of the December 15, 2005 meeting. Ms. Peterson seconded the motion. The motion carried unanimously.

B. Financial Statements.

The general and construction account balances reported in the January 2006 Financial Report are as follows:

<u>Checking Account Balance</u>	<u>142,816.81</u>
TOTAL GENERAL FUND BALANCE	142,816.81
<u>Investment Balance</u>	<u>652,054.27</u>
<u>Commercial Paper (due 01/19/06)</u>	<u>991,992.78</u>
<u>Commercial Paper (due 01/19/06)</u>	<u>498,308.33</u>
<u>Commercial Paper (due 02/16/06)</u>	<u>496,659.17</u>
TOTAL CONSTRUCTION ACCOUNT BALANCE	2,639,014.55

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
- iv. Center for Global Environmental Education – Metro WaterShed Partners
- v. Minneapolis Park and Recreation Board – Watershed Outlet Monitoring Program (WOMP)
- vi. Hennepin County – Hennepin County River Watch Program

D. Contract for MMKR Certified Public Accountant Audit Services. Ms. Black moved to approve the contract. Ms. Peterson seconded the motion. Upon call of roll, the motion carried unanimously [city of Crystal was not present for the vote].

4. Communications

A. Chairman:

- a. A letter from the BCWMC was sent out to the Scenic Byways Commission of Mn/DOT in support of the Minneapolis Park and Recreation Board's grant application for the Boardwalk Trail improvements at Theodore Wirth Regional Park.
- b. A letter from the BCWMC will be sent out sometime in the next weeks to the Commission's member-cities requesting the city review the CIP projects timeline enclosed in the letter and to comment if the cities propose modifications to the timeline.

B. Citizen Input on Non-Agenda Items: No communications.

C. Counsel: No communications.

D. Commissioners: No communications.

- E. **Engineer:** Ms. Chandler stated that Barr Engineering received preliminary maps for Hennepin County from FEMA and that the maps have also been sent to the cities and the Department of Natural Resources. Ms. Chandler remarked that there are issues with the maps including some errors in the maps of the city of Crystal and Golden Valley. Ms. Chandler announced there will be three public meetings in Hennepin County. The meetings will be held during the weeks of February 13 and February 27 and the public has up to ninety days after the public meetings to submit written comments to FEMA. Mr. Mathisen reminded the Commission that these new maps are remakes of the maps that previously contained many errors regarding the flood plain elevations.

5. New Business

- A. **Presentation on Total Maximum Daily Load Studies by Tim Larson, Minnesota Pollution Control Agency.**

6. Old Business

- A. **Parkers Lake – Circle Park Pond Project, Plymouth. Amendment to Agreement.** Mr. LeFevere stated that the Circle Pond project was a project to excavate a water quantity pond to a depth that would convert it to a water quality pond. Mr. LeFevere reminded the Commission that at its December 2005 meeting the Commission directed counsel to prepare a contract amendment to include the \$14,000 project cost increase to allow for construction of a skimmer at the pond outlet. The contract amendment increases the maximum reimbursement to the city from \$42,000 to \$56,000 to reflect the \$14,000 cost of the skimmer construction. Mr. Yaeger moved to approve the contract amendment. Ms. Black seconded the motion. The motion carried unanimously.
- B. **Commission Procedure for Evaluating Grant Requests and Education Subcommittee.** Ms. Black reported that the Education Subcommittee met on January 6. Ms. Black said the Subcommittee discussed a grant program and the grant requests the Commission has received. Ms. Black said the topic of a grant program for the Bassett Creek Watershed Management Commission is on the Subcommittee's agenda. Ms. Black stated that the Subcommittee will review the material prepared and circulated by Mr. Welch and will present recommendations about a grant program at a future Commission meeting.

Ms. Black said the Subcommittee also discussed the idea of creating a brochure about the Commission and the Bassett Creek Watershed. Chair O'Toole asked the Subcommittee to prepare a budget so it could be discussed during the 2007 budget discussions. Ms. Black said that funding transportation to the Children's Water Festival would be an example of a program the Commission could support through a grant if the Commission decides to go forward with a grant program.

Mr. Welch commented that he believes the discussion on whether or not to do a grant program and other macro questions about the structure and goals needs to be at the Commission level.

Chair O'Toole recommended the Commission adopt an interim policy of not distributing money in a grant program in the next year or two.

Mr. Yaeger suggested the Education Subcommittee could finalize its recommendation by May and bring it in front of the Commission for discussion at that time, or if it couldn't meet that timeframe then it could put the topic on hold for another year (until the 2008 budget process).

Chair O'Toole said it would be wonderful if the Education Subcommittee could develop a

recommendation by April. Ms. Black said the Subcommittee would put that deadline on its radar.

Mr. LeFevere commented that the term grant insinuates a give-away which may not be what the Commission is intending. Mr. LeFevere said if the Commission enters into a grant agreement as a contract for services for education and outreach, some of those activities are already included in the Commission's current budget such as River Watch and the Citizen Assisted Monitoring Program. Mr. LeFevere suggested the Commission evaluate the different kinds of education programs with which the Commission is currently involved.

Mr. LeFevere remarked that in the Management Plan, the Commission identifies education activities and there are a lot of ways the Commission can leverage its money by using community resources and volunteers. Mr. LeFevere continued by saying the Commission could spend its education dollars in a variety of ways, such as using grant contracts and by contracting for services with other governmental and quasi-governmental agencies.

Ms. Peterson recommended that the Education Subcommittee develop concrete recommendations so the Commission discussion on the topic does not just go around in circles.

Chair O'Toole directed the Education Subcommittee to inform Ms. Herbert when the Subcommittee is ready to have the topic on a meeting agenda.

- C. Tunnel Repair. Ms. Chandler of Barr Engineering stated the Commission engineer recommends the Commission authorize an additional \$30,000 beyond what the Commission had originally authorized (\$22,000) in order to complete the tunnel repair. The \$30,000 allocation includes a contingency amount of \$10,000 and will bring the total amount authorized by the Commission for the tunnel repair to \$52,000.

Chair O'Toole asked whether the repair project has been inspected and wondered if the "bad concrete" was an unexpectedly premature failure or if the degradation was normal. Chair O'Toole also wanted to know what the Commission can expect in terms of possible future repairs.

Mr. Mathisen commented that the repair project seems to be languishing and wondered why the full extent of the damage was not originally found. Mr. Mathisen asked the Commission if the project needs some oversight by the Commission and wonders if Barr Engineering should inspect the repair project.

Mayor Loomis said that if the Commission had hired a private contractor to conduct the repair, the Commission would not likely authorize an additional \$30,000 because the Commission would have a contract and an agreement and if there were overages the Commission would have serious questions. Mayor Loomis stated that the project cost was originally \$22,000 and now it has increased to \$52,000, which is over a 100% increase.

Chair O'Toole asked the Commission if it wants to spend some of its Barr Engineering budget dollars to send someone to inspect the tunnel repair. Ms. Clancy encouraged the Commission to do so. Mr. Mathisen said that if the Commission approves the additional cost of the tunnel repair, perhaps Barr Engineering can report back to the Chair.

Chair O'Toole said it seems like the sense of the Commission is to authorize Barr to step in and exercise some reasonable oversight and communicate with the Chair about its findings.

Mr. Welch said the Commission needs to find out from Barr if it has the personnel who can tell what is going on with the concrete and whether it is degrading faster than it should be and why.

Mayor Loomis said she did ask that question a few months ago when the project first came up and said that Mr. Kremer responded that there is no recourse.

Mr. Yaeger made a motion to approve the additional funds (\$30,000) for a total project cost of \$52,000 and to authorize Barr to go into the tunnel to inspect the extent of the damage and degradation of the concrete and report back to Chair O'Toole and the Chair make the decision whether to go ahead with the repair. Ms. Black seconded the motion. The motion carried unanimously.

- D. **Legislative Agenda Subcommittee.** Chair O'Toole said that this topic was introduced in a previous meeting by Mayor Loomis. Chair O'Toole said that Mayor Loomis mentioned that some cities have legislative agendas and suggested that the Commission consider establishing a subcommittee.

Mayor Loomis said the city of Golden Valley put TMDLs on its legislative agenda and sat down with its legislators and talked about the city's concerns with the funding. Ms. Clancy commented that the League of Minnesota Cities posts its positions on issues on its Web site.

Chair O'Toole asked Mayor Loomis if she would be willing to chair the subcommittee if it is established. Mayor Loomis answered yes. Chair O'Toole proposed that the Commission create a subcommittee chaired by Mayor Loomis and asked any Commissioners to indicate their interest in participating in the subcommittee to Mayor Loomis and Ms. Herbert.

- E. **Watershed Projects' Aesthetic Elements.** Item deferred to the February meeting.

- F. **Model on Flood Damage Dollars Avoided due to Watershed Structures.** Ms. Chandler said that Barr Engineering does have data it can use and that Barr can modify the data relatively easily. Ms. Chandler said that the \$1,000 cost for creating the model is a one-time cost. Mr. Yaeger moved to approve the \$1,000 for Barr Engineering to create the model. Ms. Peterson seconded the motion. The motion carried unanimously.

7. February Meeting

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

- A. **BCWMC Organizational Meeting**
- B. **Wirth Lake Resolution and Agreement**
- C. **Watershed Projects' Aesthetic Elements**

8. Adjournment

Mr. Welch moved to adjourn the meeting. Ms. Black seconded the motion. Chair O'Toole adjourned the meeting at 2:05 p.m.

John O'Toole, Chair

Amy Herbert, Recorder

William Yaeger, Secretary

Date: _____

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