

# Bassett Creek Watershed Management Commission

## Minutes of the Meeting of February 19, 2009

### 1. Call to Order

The Bassett Creek Watershed Management Commission (BCWMC) was called to order at 11:35 a.m., Thursday, February 19, 2009, at Golden Valley City Hall by Chair Welch. 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>	Karen Chandler
<i>Medicine Lake</i>	<i>Not represented</i>	<i>Recorder</i>	Amy Herbert
<i>Minneapolis</i>	Commissioner Michael Welch, Chair		
<i>Minnetonka</i>	<i>Not represented</i>		
<i>New Hope</i>	Commissioner Daniel Stauner		
<i>Plymouth</i>	Alternate Commissioner Liz Thornton		
<i>Robbinsdale</i>	Alternate Commissioner Wayne Sicora		
<i>St. Louis Park</i>	Commissioner Manuel Jordan		

*Note: Commissioner Kris Sundberg arrived after roll call*

Also present: Laura Adler, BCWMC Technical Advisory Committee, City of St. Louis Park  
Derek Asche, BCWMC Technical Advisory Committee, City of Plymouth  
John Devine, New Hope Resident  
Jack Frost, Metropolitan Council Environmental Services  
Scott Fuhs, Dundee Landscape  
Tom Mathisen, BCWMC Technical Advisory Committee, City of Crystal  
Richard McCoy, BCWMC Technical Advisory Committee, City of Robbinsdale  
Jeff Oliver, BCWMC Technical Advisory Committee, City of Golden Valley  
Jason Quisberg, City of New Hope  
Duane Russ, New Hope Resident  
Mary Jo Russ, New Hope Resident  
Steve Schmidt, Plymouth Resident  
Liz Stout, BCWMC Technical Advisory Committee, City of Minnetonka

### 2. Approval of Agenda and Consent Agenda

Chair Welch announced that agenda item 4Gvi – BCWMC’s Mission and Goals - would be taken after Old Business item 6A – Update on 9209 40 ½ Avenue, New Hope, Variance Request. Ms. Thornton moved to approve the agenda as amended. Ms. Loomis seconded the motion. The motion carried unanimously [Cities of Medicine Lake and Minnetonka absent from the vote]. Chair Welch removed the January 15, 2009, meeting minutes and the financial report from the Consent Agenda and announced there is no Consent Agenda to approve.

### 3. Citizen Input on Non-Agenda Items

No citizen input.

## 4. Administration

- A. Presentation of the January 15, 2009, BCWMC meeting minutes. Ms. Chandler stated that in the January 15, 2009, meeting minutes on page 3 under Old Business item A – TAC Recommendations - the information provided about the Commission requesting that \$600,000 of the Plymouth Creek restoration be assessed by an ad valorem tax by Hennepin County was incorrect. Ms. Chandler clarified that actually the Commission will need to assess the entire cost of the project in the Commission’s upcoming ad valorem tax levy request to the County for its collection in 2010.

Chair Welch stated that in the second bullet on page 5 of the minutes the reference to “the permit for the project” should be changed to state “the approval of the minor plan amendment process.” Ms. Loomis moved to amend the minutes per Chair Welch’s recommendation, to annotate the minutes to reflect the correct information about the ad valorem tax levy request amount, and to approve the minutes as amended and annotated. Ms. Thornton seconded the motion. The motion carried unanimously [Cities of Medicine Lake and Minnetonka absent from the vote.]

[Commissioner Sundberg arrives.]

- B. Presentation of the Financial Statement.

The general and construction account balances reported in the February 2009 Financial Report are as follows:

Checking Account Balance	514,397.25
<u>TOTAL GENERAL FUND BALANCE</u>	<u>514,397.25</u>
Construction Account Balance (cash)	3,008,550.27
Investment Balance	0.00
<u>TOTAL CONSTRUCTION ACCOUNT BALANCE</u>	<u>3,008,550.27</u>
-Less: Reserved for CIP projects	3,743,721.70
<i>Construction cash/ investments available for projects</i>	<i>(735,171.43)</i>

Chair Welch directed Ms. Herbert to add to the BCWMC’s March meeting agenda a review of the Commission’s 2009 Operating Budget.

- C. Presentation of Invoices for Payment Approval.

Invoices:

- i. Kennedy & Graven – Legal Services through December 31, 2008 - invoice for the amount of \$1,009.92.
- ii. Barr Engineering Company – Engineering Services through January 30, 2009 - invoice for the amount of \$39,382.46.
- iii. Barr Engineering Company – Sweeney Lake TMDL Services December 27 – January 30, 2009 - invoice for the amount of \$2,600.00.
- iv. Amy Herbert – September Recording Administrator Services - invoice for the amount of \$2,345.41.
- v. SEH, Inc. – Sweeney Lake TMDL Study Work through December 31, 2008 – invoice for the amount of \$390.00.

vi. SEH, Inc. – Sweeney Lake TMDL Study Work through January 31, 2009 – invoice for the amount of \$915.00.

vii. City of Golden Valley – Reimbursement for payment of CNA Surety for Bond Insurance Premium in the amount of \$100.00.

Chair Welch requested the removal of the Barr Engineering Services invoice. Ms. Sundberg moved to approve payment of invoices i and iii through vii. Ms. Langsdorf seconded the motion. By call of roll, the motion carried unanimously [City of Medicine Lake absent from the vote]. Chair Welch asked Ms. Chandler for more details on the charges in the invoice for the work of Greg Wilson on the Medicine Lake TMDL Study. Ms. Chandler said she would find out and would report the information to Chair Welch and Barr could also provide the information at the next Commission meeting. Chair Welch also reminded Barr that work on TMDL studies that don't have their own budget should be charged to the BCWMC's TMDL Studies budget line. Chair Welch moved approval of Barr's Engineering Services invoice in the amount of \$39,382.46 with the caveat that Barr follow up with the information about the Medicine Lake TMDL work in an e-mail and at the March Commission meeting. Ms. Loomis seconded the motion. By call of roll, the motion carried unanimously [City of Medicine Lake absent from the vote].

- D. **Review 2009 Engineering Budget and Approval of Resolution 09-03 Amending the BCWMC 2009 Operating Budget to Carry-over \$1,700 from 2008 Demonstration/ Education Grants.** Ms. Chandler stated there are recommendations in the Engineer's Memo including the recommendation that the Commission authorize follow up work from the tunnel inspection at a cost of \$5,000. She said that work could be billed to the Surveys and Studies budget line. She said the Engineer also recommends the Commission authorize the Engineer to work with the Recording Administrator to prepare the annual report and to perform WOMP support tasks as requested by the Metropolitan Council and the Minneapolis Parks and Recreation Board. Ms. Chandler said the cost of the additional sampling Barr has recommended for the 2009 season would fall within the previously approved water quality monitoring budget of \$49,000 and that more details of the monitoring would be discussed later in the agenda.

Chair Welch asked if Minneapolis Parks and Recreation Board had taken on some of the WOMP work and Ms. Chandler said Barr would get that clarified.

Ms. Sundberg moved to approve the Engineer Budget recommendations a – c in the February 10, 2009, Engineer's Memo. Ms. Langsdorf seconded the motion. The motion carried unanimously [City of Medicine Lake absent from the vote].

Ms. Loomis moved to approve Resolution 09-03 – A Resolution Amending the Bassett Creek Watershed Management Commission's 2009 Operating Budget by Reappropriating Funds from the 2008 Budgeted Expenditures into 2009. Ms. Thornton seconded the motion. The motion carried unanimously [City of Medicine Lake absent from the vote].

- E. **Approval of Contract with MMKR CPA for Audit Services.** Chair Welch said the MMKR contract states the cost is \$8,650 for the audit and that there would be additional fees of \$600 - \$800 for work that may need to be completed if it is necessary to meet auditing standards. Ms. Sundberg asked if the BCWMC received other bids for this work. Chair Welch said he thought MMKR was the only firm who bid. Ms. Loomis said typically MMKR bid comes in lowest since the firm is already at the City of Golden Valley conducting the city audit. Ms. Loomis moved to approve the MMKR contract. Ms. Sundberg seconded the motion. The motion carried unanimously [City of Medicine Lake absent from the vote].

F. **Review CIP Reserve Account Policy and its \$250,000 minimum account balance.** Ms. Loomis moved to continue the discussion at the March BCWMC meeting. Ms. Thornton seconded the motion. The motion carried unanimously [City of Medicine Lake absent from the vote].

G. **Organizational Meeting**

- i. **Appointment of Chair**
- ii. **Appointment of Vice Chair**
- iii. **Appointment of Secretary**
- iv. **Appointment of Treasurer**

Ms. Thornton moved to keep the current officers in their positions for 2009 – Michael Welch, Chair; Ginny Black, Vice Chair; Linda Loomis, Treasurer; and Pauline Langsdorf, Secretary. The motion carried unanimously [City of Medicine Lake absent from the vote].

- v. **Appointment of Budget Committee.** Chair Welch said the Budget Committee has typically comprised the Commission officers and that it usually meets in May. He asked if any other Commissioners wanted to participate on the Committee. Mr. Sicora said he would be interested but would need to check his schedule. Ms. Loomis moved to approve the Budget Committee as discussed. Mr. Stauner seconded the motion. The motion carried unanimously [City of Medicine Lake absent from vote].
- vi. **Discuss BCWMC's Missions and Goals.** Chair Welch directed Ms. Herbert to send to the Commission the goals reviewed by the Administrative Services Committee and deferred the discussion to the March meeting.
- vii. **Discuss 2009 TAC Liaison Schedule.** Ms. Loomis said she would attend the May TAC meeting as the Commission Liaison. Mr. Jordan said he would take the March TAC meeting as the Liaison.
- viii. **Set Month/ Date for 2009 Watershed Tour.** The Commission discussed possible dates for the tour and decided the tour will be held on a Thursday morning in June other than the Thursday of the Commission meeting. Chair Welch stated that the Plymouth Creek restoration and the West Medicine Lake Park Pond project sites should be part of the tour. Mr. Jordan stated that the South Park / 394- environmental corridor should be part of the tour. Chair Welch directed Ms. Herbert to add to the BCWMC's April agenda a discussion of the watershed tour itinerary and details and directed the TAC to discuss and provide the Commission with recommendations on tour stops.

## 5. New Business

No New Business

## 6. Old Business

- A. **Update on 9209 40 ½ Avenue, New Hope, Variance Request.** Ms. Chandler reminded the Commission that the variance request was discussed at the November 2008 meeting. She stated that the Commission tabled the matter at that time to allow the City of New Hope, the property owner, and the landscape contractor the opportunity to explore ways to eliminate the need for the variance or to identify more appropriate reasons for the variance. Ms. Chandler explained that

the Commission authorized the Commission Engineer to provide assistance if either the City or the property owners requested it. She said that letters went out to the City and property owners to that effect but that no help has been requested of the Commission Engineer.

Mr. Stauner stated that he had asked for this issue to be reviewed at this meeting because it seemed like it was getting lost in limbo and that he feels it is not appropriate to let matters languish. He said he has spoken to the City of New Hope and it is not going to provide compensating storage at its expense for a private landscaping project. Mr. Stauner said the City had put the contractor in touch with the Bassett Creek Watershed before any work was done. He said the City had the understanding that the contractor would pursue any necessary permitting before any work was done. He said from the City's standpoint it was up to the contractor to pursue the necessary permitting before any work was done.

Mr. Stauner said there may be in the future a project that has the possibility of providing additional compensating storage such as with the Northwood Pond project but that the City will not spend taxpayer money to provide the compensating storage.

Chair Welch said that decision by the City of New Hope is a new development since the November discussion of the variance. Chair Welch said that he wants to separate the issue of the variance from the matter of the process with which the Commission works with the cities on permits and the communication between the Commission and the member-cities.

Mr. Stauner said that this variance request did not come to the Commission until after the project was completed. He said now the Commission needs to consider that this is an after-the-fact approval request and the Commission needs to seriously weigh the precedent it sets with its decision.

Ms. Sundberg commented that variances are supposed to be submitted before proceeding with a project. She said the property owner is caught in the middle because the contractor failed them. She said she doesn't like penalizing the property owner for the failure of their contractor. She asked if there are other options.

Chair Welch said it doesn't benefit anyone to talk about who was at fault because at this point the Commission has a very limited scope on what it needs to decide and it needs to look at the application of the Commission's rules in order to make a decision. He said that first the Commission needs to decide what is the application of the Commission's rules in this circumstance and second the Commission needs to decide what to do about it.

Mr. LeFevere said that this variance application should be considered in the same light after the fact as it would have before the fact. He said if the property owner had the grounds for a variance and they would have been entitled to a variance, they shouldn't be denied a variance as a punishment for not getting approval first. On the other hand, he explained that the property owner shouldn't be granted a variance that they otherwise wouldn't have gotten because the property owner went ahead without getting a permit. He said what the Commission is looking at is the application of the Commission's rules.

Mr. LeFevere said the Commission's rules have standards for variances. He said the standards are very similar to the standards that cities have for variances for zoning regulations. He said generally if there is a circumstance unique to the property that prevents a substantial enjoyment of the property and the application of the code to that specific property poses a hardship, then granting some relief may be reasonable. He said that in general those kinds of variances are applied under the land planning act and are unique to the properties – there has to be something wrong with the properties as opposed to a problem the individual land owners have. He said the

rules have to apply the same to everybody. He said if this variance were justified in the case of any one applicant, the same kind of variance should be granted to all applicants.

Mr. LeFevere stated that in the case of floodplain regulation, the standards are slightly different. He said there are rules relating to the use and development of the floodplain and it is possible to apply for variances to those rules. Mr. LeFevere said there is one limitation on those variances and that is in the case of a use in the floodplain, the rules state that the variance shall not allow a lower degree of flood protection than the flood protection elevation stated in Table 5-3 of the BCWMC's *Watershed Management Plan*. He continued by saying that Table 5-3 states flood elevations throughout the watershed. Mr. LeFevere said what it means in the case of adding fill is that fill can be added but something needs to be done, i.e., provide compensating storage, so that the addition of fill doesn't provide a lower degree of flood protection than the flood protection elevation stated in Table 5-3.

Mr. LeFevere said that from talking to BCWMC staff he understands that the Commission has never granted a variance for the addition of fill in the floodplain that didn't provide compensating storage. He stated that it seems to him the only way around the limitation is if the Commission determines as an interpretation of its own rules that there is some sort of acceptable de minimus level where the impact on the floodplain is so small that the Commission doesn't consider it an affect on the floodplain. He said that is a bit of a slippery slope but they rules are the Commission's to interpret. Mr. LeFevere said the November discussion stalled on the issue of whether or not compensating storage could be provided. He said information provided today clarifies that the City of New Hope will not provide compensating storage at taxpayer expense but could it be provided at property owner expense? Mr. LeFevere said another possibility is to change the project such as terracing the project so that there isn't a net increase in fill in the floodplain. He said the addition of any fill in the floodplain requires a variance and under the code, if the variance is going to result in a decrease in flood elevation protection, then the variance can't be granted and the way to avoid that is with compensating storage.

Mr. Stauner said there is the possibility of providing compensating storage when the City of New Hope dredges stormwater sediment from Northwood Lake. He said there is the possibility of taking out some dirt on the shoreline to increase the capacity and the estimated cost is \$400 - \$500. Mr. Stauner said the City of New Hope will not use taxpayer money to do that work but if the property owner would agree to pay that cost then providing compensating storage that way is a possibility.

Ms. Loomis moved to approve the variance with the condition that compensating storage is provided and that the property owner work it out with the City of New Hope on how the compensating storage is provided and paid for. Ms. Sundberg asked who would take responsibility for making sure it happens. Ms. Loomis said the City of New Hope. Mr. Quisberg said he assumes the dredging project would take place in the next year or two but there is no set schedule. Ms. Sundberg seconded the motion.

Mr. Mathisen commented that people are forced to remove fill from the floodplain all of the time. He said in his mind this is a landscaping issue that has violated the rule. He said it is clear that the fill has to come out.

Mr. Welch said the Commission could approve the variance request, could deny the variance request, could approve the variance with conditions, or could take a request from the property owners to delay the decision to give them time to address the issue.

Mr. LeFevere stated that if the variance is denied the Commission needs a reason or reasons for denying it. He said implicit in the granting of the variance is that conditions have been met. He

said the Commission may want to ask itself that if the motion is passed does it want to put some time limits on it. He said for example the property owner needs to make arrangements with the City within 90 days even if the work is done later.

Ms. Loomis amended her motion to include that the property owners would need to come to an agreement with the City within 90 days. Ms. Sundberg agreed to the amendment. Chair Welch moved to amend the motion. Ms. Sundberg seconded the motion to amend. The motion to amend carried unanimously [City of Medicine Lake absent from the vote].

Mrs. Russ stated that she liked what Mayor Loomis had discussed and she thinks she and her husband would be able to work with the City.

Chair Welch stated that he will not vote in favor of the motion on the table to approve the variance with the condition because he thinks it prolongs the situation unnecessarily and it confuses the situation with regard to the Commission's application of its rules. He said he does understand the need to come to some resolution that is palatable to the commissioners. Ms. Langsdorf stated she intends to vote against the motion for the same reasons. By call of roll, the motion carried with five votes in favor [Cities of Golden Valley, Minnetonka, New Hope, Plymouth, and Robbinsdale] and three votes were against [Cities of Crystal, Minneapolis, and St. Louis Park] [City of Medicine Lake absent from the vote]. Chair Welch directed Barr to draft a letter to inform the property owners and the City of New Hope of the decision prior to the next Commission meeting.

Chair Welch said the Commission revised its *Requirements for Improvements and Development Proposals* document but that it needs to do more work to clarify its review procedures. Chair Welch said the Commission's review process works within the city's 60-day timeframe although it is also the Wetlands Conservation Act authority, which is a separate permitting body. He said the process is really complicated, which is why he thinks there needs to be clarity with the cities about how the process works. Mr. LeFevere commented that there should a discussion about how the Commission's requirements are integrated into the cities' permitting process and the 60-day rule is part of that process. He said there should be a process where an application comes in and the 60-day review period starts getting tracked. Mr. LeFevere said that process is probably fairly technical and perhaps the TAC should take a look at it and figure out how to make it happen. He said in the case of a variance application, under the Commission's rules, the application is filed first with the city, which starts the 60 days, and the city is responsible for sending it over to the Commission.

Mr. LeFevere said a bigger issue is enforcement. He said the way it works is that the enforcement mechanism is through the member cities. He said the way it works under state law is that the watershed management organization (WMO) adopts its plan. The cities are required to adopt local plans that conform with the Commission's plan and after that the cities have 180 days to amend their official controls. He said it means they need to go back into their laws to make sure the WMO's plan is implemented. Mr. LeFevere said the Commission isn't taking any steps to make sure that's happening. He said the Commission is really done with its review when it reviews the local plan and the city has the legal responsibility for implementation and the Commission doesn't really know whether it is happening. Mr. LeFevere said perhaps the TAC should take a look at that, too. He said he doesn't think cities want to be in the position of having to enforce something that wasn't in their ordinances. Chair Welch said the application of that is that New Hope's ordinance should match what is in the BCWMC's *Watershed Management Plan*.

Ms. Loomis moved to authorize the Chair to give direction to the TAC. Mr. Jordan seconded the motion. The motion carried unanimously [City of Medicine Lake absent from the vote].

- B. 2008 Lake Water Quality Study Report for Sweeney Lake and Twin Lake.** Ms. Chandler handed out information that is part of the report and reminded the Commission that it had received the report's Executive Summary in the meeting packet. She said historically in Sweeney Lake the water quality has been improving comparing 2008 data from 2007 and 2005 data.

Chair Welch directed Barr to send the report to Ron Leaf of SEH to get his thoughts on the Sweeney Lake water quality information.

Ms. Chandler said that for Twin Lake the summer phosphorus average took a large spike up, which is concerning. She said it could have been caused by last year's later ice out because it could have allowed a larger phosphorus build up lower in the water or perhaps it could have been due to flow from Sweeney Lake. She said Barr doesn't know if the phosphorus spike is a one-time thing or not, which is why Barr is recommending additional monitoring of Sweeney and Twin Lakes in 2009 and she will discuss this further later in the agenda.

Chair Welch said if Barr, in the next month, thinks of other things during its discussions with Ron Leaf or others that would be measures the Commission could take regarding the water quality of Twin Lake then Barr should bring those ideas back to the Commission as soon as possible.

*[Kris Sundberg departs.]*

Ms. Loomis moved that the Commission accept the report and authorize Ms. Herbert to post it on the Commission's Web site. Mr. Stauner seconded the motion. The motion carried unanimously [Cities of Medicine Lake and Minnetonka absent from vote].

- C. 2009 Water Quality Monitoring Program.** Ms. Chandler reported that the 2009 water quality monitoring budget is \$49,000. She said the Engineer's Memo lists the three items that are included in that budget: General water quality activities; Bassett Creek biotic index monitoring; and detailed lake monitoring. Ms. Chandler said no additional budget is needed but Barr recommends that within that budget the Commission add the water quality monitoring of Sweeney and Twin Lakes in 2009.

Mr. Stauner moved to approve the water quality monitoring and analysis of Twin and Sweeney Lakes in 2009 as recommended in the February 10, 2009, Engineer Memo. Ms. Loomis seconded the motion. Mr. Sicora asked if the Commission wants to wait to hear back from Ron Leaf of SEH before the Commission makes a decision on the additional monitoring. Chair Welch said if feedback comes in from SEH or others with a different recommendation then Barr can bring it back in front of the Commission for its consideration. The motion carried unanimously [Cities of Medicine Lake and Minnetonka absent from vote].

- D. Minor Plan Amendment and Public Notification Process – Discuss Schedule.** Chair Welch reminded the Commission that the public hearing will take place at the March Commission meeting for a minor plan amendment. Chair Welch directed staff to direct all information about the changes to the Plymouth Creek Capital Improvement Project plan to Hennepin County to give it a chance to comment. He said County staff already has viewed the project site and every indication is that County staff is in favor of the plan. Chair Welch said the Commission will also communicate to the County the public process the City of Plymouth will go through regarding scoping this project as well as the wetlands and EAW issues.

Mr. Asche reported that the City of Plymouth has a public informational meeting about PC-1 for residents and businesses scheduled for March 2<sup>nd</sup>. Chair Welch asked Mr. Asche to announce the Commission's March 19<sup>th</sup> public hearing at the City's public meeting. Ms. Langsdorf asked if the residents of Medicine Lake would be aware of the City of Plymouth's March 2<sup>nd</sup> informational

meeting. Mr. Ashe said he can send a meeting notice to the City of Medicine Lake.

Chair Welch said procedure-wise, the Commission will hold the public hearing at the March meeting and after the public hearing the Commission will make a decision about the amendment. He stated that the Commission will send its decision to the Minnesota Board of Water and Soil Resources (BWSR) and BWSR then has 45 days to comment and if they don't comment within that timeframe then the amendment passes. Ms. Chandler said Barr will have the proposed minor plan amendment included in the March meeting packet.

Chair Welch moved to approve holding the public hearing at the next BCWMC meeting and publishing the hearing notices. Ms. Thornton seconded the motion. The motion carried unanimously [Cities of Medicine Lake and Minnetonka absent from vote].

## 7. Communications

### A. Chair:

- i. Chair Welch said that Ms. Herbert e-mailed summaries and links to two pieces of introduced legislation regarding increasing oversight of watershed organizations by counties and now there is a third piece and he will have Ms. Herbert e-mail the summary and link to that one also. He said his understanding is that they are not likely to go far.
- ii. Chair Welch announced that the Commission received notification that Mn/DOT has made a negative declaration on Trunk Highway 55 from Plymouth to Rockford. He said that means Mn/ DOT determined that the project doesn't pose such risk to environmental resources that an environmental impact statement is needed. Chair Welch directed Ms. Herbert to e-mail a copy of that notification to the Commissioners.
- iii. Chair Welch reported that tomorrow, February 20, there will be a joint planning meeting with the WMOs, watershed districts, and the Minnesota Pollution Control Agency (MPCA) at the Capitol Region office from 2:00 – 3:30 pm regarding WMOs and Watershed districts working together with the MPCA on watershed planning. He commented that he would try to attend.

### B. Commissioners:

- i. Mr. Stauner said that as the Commission representative on the Wirth Lake TMDL Study stakeholder meeting he attended the meeting and thought that the most significant thing that came out of the meeting from the Commission's perspective is that a major contributor, more than one-third, of the phosphorus to Wirth Lake is backflow from Bassett Creek.

### C. Committees:

#### Administrative Services Committee.

- i. Chair Welch recommended that the Administrative Services Committee meet to talk more about the Commission's Mission and Goals. He reported that at the last meeting the Committee talked some about the goals and also met with Wenck to discuss potential consulting engineer services it could provide the Commission.

#### Education and Public Outreach Committee.

- i. Pauline Langsdorf showed the Commission posters regarding root systems of native plants and reported that the Commission has laminated both sides of the poster to include with the Commission's table top display.

- ii. Ms. Langsdorf said the communication plan for the Joint Education and Public Outreach Committee was included in the meeting packet. She pointed out that the cost estimate for brochure design and creation is \$2,500 so the BCWMC's cost would be \$825 (33%). Ms. Langsdorf asked for approval for these funds from the Education and Public Outreach budget line. Ms. Langsdorf stated that if the Commission wanted to order brochures for its own use it would pay that expense itself.

Ms. Langsdorf asked if the Commission is interested in having a utility insert designed and said the cost to the Commission would be \$169. The Commission indicated it is interested. Chair Welch stated that the Commission approves the concept but if the Committee decides there's not enough interest in pursuing the insert then the funds can just remain unexpended.

Ms. Langsdorf said that at no charge the Committee will be developing newsletter articles and Hennepin County will host them on a Web site so cities can access the articles at no charge. She reported that the Committee plans to launch the campaign by the middle of March. Ms. Langsdorf said an e-mail will be sent to partners reminding them of the resources. Ms. Langsdorf commented that the Committee's communication plan came out of the results from the Decision Resources survey.

Ms. Loomis moved approval of the recommendations and expenditures in the communication plan. Mr. Stauner seconded the motion. The motion carried unanimously [Cities of Minnetonka and Medicine Lake absent from the vote].

- iii. Ms. Langsdorf said the Education Committee took a look at the Commission's Web site and found that the agenda and meeting minutes were not up to date and stated that they either need to be maintained or the link needed to be removed. Ms. Herbert said she would update them. Ms. Langsdorf said the Committee didn't feel qualified to make recommendations on the technical aspect of the Web site but would like to continue to review the education aspect of the site and make recommendations.
- iv. Ms. Langsdorf reported that she received an e-mail that the Third Minnesota Report Card on Environmental Literacy is now available and she asked Ms. Herbert to forward it to the Commission.
- v. Ms. Langsdorf announced that the next Education Committee meeting will take place on March 5<sup>th</sup> at 9:00 a.m. in the Council Conference Room at Golden Valley City Hall and the next Joint Education and Public Outreach meeting will be on March 10<sup>th</sup> at 8:30 a.m. in the Medicine Lake Room at Plymouth City Hall.
- vi. Chair Welch commented that the Joint Education and Public Outreach's communication plan stated that Ms. Thornton and Mr. Stockhaus were developing an e-mail to reach teachers at schools and he said he would like an e-mail that he could e-mail teachers at his kids' schools. He said perhaps the Committee would consider putting together an e-mail that the commissioners could send out to get the word out about the available grants.

vii. Ms. Langsdorf thanked the cities of New Hope, Crystal, and Golden Valley for working together to provide the rain garden workshops.

D. Counsel\*

E. Engineer:

- i. Ms. Chandler reported that she and Mr. LeFevere are on the advisory committee for the Minnesota Rules 8410 update. She explained that those rules govern watershed management in the metro area and said that if anyone has any comments they can provide them to her or Mr. LeFevere.
- ii. Ms. Chandler reported that the Sweeney Lake TMDL study stakeholder meetings would be starting up again and that Barr is encouraging SEH to get those meetings scheduled. She said Barr also plans to discuss with SEH the results of the BCWMC's 2008 monitoring of Sweeney Lake and the results that SEH has gotten.

## 8. Adjournment

Ms. Thornton moved to adjourn the meeting. Ms. Loomis seconded the motion. The meeting adjourned at 2:25 p.m.

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

Date

\_\_\_\_\_  
Amy Herbert, Recorder

Date

\_\_\_\_\_  
Pauline Langsdorf, Secretary

Date