

## **Bassett Creek Watershed Management Commission Minutes of the Meeting of September 15, 2011**

### **1. CALL TO ORDER**

The Bassett Creek Watershed Management Commission (BCWMC) was called to order at 11:43 a.m., on Thursday, September 15, 2011, at Golden Valley City Hall by Chair Loomis. Ms. Herbert called roll.

#### **ROLL CALL**

<b>Crystal</b>	<b>Commissioner Pauline Langsdorf</b>	<b>Administrator</b>	<b>Geoff Nash</b>
<b>Golden Valley</b>	<b>Commissioner Linda Loomis, Chair</b>	<b>Counsel</b>	<b>Charlie LeFevere</b>
<b>Medicine Lake</b>	<b>Commissioner Ted Hoshal</b>	<b>Engineer</b>	<b>Karen Chandler</b>
<b>Minneapolis</b>	<b>Alternate Commissioner Lisa Goddard</b>	<b>Recorder</b>	<b>Amy Herbert</b>
<b>Minnetonka</b>	<b>Commissioner Jacob Millner</b>		
<b>New Hope</b>	<b>Commissioner John Elder</b>		
<b>Plymouth</b>	<b>Commissioner Ginny Black, Vice Chair</b>		
<b>Robbinsdale</b>	<b>Commissioner Wayne Sicora</b>		
<b>St. Louis Park</b>	<b>Commissioner Jim de Lambert, Secretary</b>		

**Also present:**

- Laura Adler, BCWMC Technical Advisory Committee, City of St. Louis Park**
- Derek Asche, BCWMC Technical Advisory Committee, City of Plymouth**
- John Barten, Three Rivers Park District**
- Rick Bresch, Three Rivers Park District**
- Pat Byrne, BCWMC Technical Advisory Committee, City of Minneapolis**
- Terrie Christian, Area of Medicine Lake Area Residents**
- William Crouch, Golden Valley resident**
- Wayne DiCasiri, Chaska resident**
- Dave Hanson, Alternate Commissioner, City of Golden Valley**
- Gary Holter, Association of Medicine Lake Area Citizens**
- Sharon Janzen, Golden Valley resident**
- Richard McCoy, BCWMC Technical Advisory Committee, City of Robbinsdale**
- Jeff Oliver, BCWMC Technical Advisory Committee, City of Golden Valley**
- Dan Parks, Westwood Professional Services**

- Chuck Phillips, Canadian Pacific Railway**
- Zach Pontzer, EKS**
- Jay Rendall, Minnesota Department of Natural Resources**
- Bryan Ripp, Mced and Hunt**
- Liz Stout, BCWMC Technical Advisory Committee, City of Minnetonka**
- Allen Ward, Golden Valley resident**
- Andrea Weber, Minneapolis Park and Recreation Board**

**2. APPROVAL OF AGENDA AND CONSENT AGENDA**

Administrator Nash requested that the Commission move agenda item 6E – Certification of Levy to Hennepin County – so that it would directly follow agenda item 6A – Resolution 11-08 – Resolution Approving and Adopting Major Plan Amendment. Commissioner Goddard moved to approve the Agenda as amended and the Consent Agenda. Commissioner Elder seconded the motion. The motion carried unanimously with nine votes in favor.

**3. CITIZEN INPUT ON NON-AGENDA ITEMS**

Ms. Terrie Christian of the Association of Medicine Lake Area Citizens requested time to speak about prevention of aquatic invasive species, particularly zebra mussels, under the Commission’s agenda item 6G – Aquatic Invasive Species / Zebra Mussel Monitoring in Bassett Creek Watershed.

**4. ADMINISTRATION**

**4A. Presentation of August 18, 2011, Meeting Minutes.** The meeting minutes were approved as part of the Consent Agenda.

**4B. Presentation of Financial Statements.** The BCWMC’s September 2011 financial report was approved as part of the Consent Agenda.

The general and construction account balances reported in the September 2011 Financial Report are as follows:

Checking Account Balance	\$512,882.58
<b>TOTAL GENERAL FUND BALANCE</b>	<b>\$512,882.58</b>
<b>TOTAL CONSTRUCTION CASH &amp; INVESTMENTS</b>	<b>\$2,530,802.70</b>
Investment due 9/16/2015	\$512,059.83
<b>TOTAL ON-HAND CONSTRUCTION CASH &amp; INVESTMENTS</b>	<b>\$2,521,792.96</b>

CIP Projects Levied – Budget Remaining	(\$2,488,188.12)
Closed Projects Remaining Balance	\$33,604.84
2011 Anticipated Tax Levy Revenue	\$444,068.08

#### 4C. Presentation of Invoices for Payment Approval.

- i. Kennedy & Graven – Legal Services through July 31, 2011 – invoice for the amount of \$1,960.54.
- ii. Barr Engineering Company – Engineering Services through August 16, 2011 – invoice for the amount of \$35,255.03.
- iii. Watershed Consulting, LLC – Geoff Nash Administrator Services through August 31, 2011– invoice for the amount of \$3,989.08.
- iv. Amy Herbert – August Secretarial Services – invoice for the amount of \$3,457.98.
- v. D’amico - ACE Catering – September BCWMC meeting catering – invoice for the amount of \$285.51.
- vi. Finance & Commerce – Public Hearing Notice publication – invoice for the amount of \$158.71.
- vii. Shingle Creek Watershed Management Commission – WMWA Expenses to 9/6/11 – invoice for the amount of \$806.95.

Commissioner Black moved to approve payment of all of the invoices. Commissioner Elder seconded the motion. By call of roll the motion carried unanimously with nine votes in favor.

#### 4D. BCWMC Budget Committee Recommendations for the Remaining BCWMC Fiscal Year 2011 Budget and Scheduled/ Anticipated Work. Commissioner Black summarized the Budget Committee’s discussion about potential changes to the BCWMC’s fiscal year 2011 budget and provided the Committee’s recommendations for changes.

Commissioner Black asked Barr Engineering for clarification on the comments it submitted to the Committee regarding possible savings in the Engineer’s meeting preparation budget. Ms. Chandler provided the requested information and stated that the Commission Engineer’s estimation is that the Commission could save in the range of \$2,500 to \$5,000 in the Engineer’s meeting preparation and attendance budget. Ms. Chandler noted that if the Commission decides to cancel one of its remaining 2011 Commission meetings the action would provide cost savings but the work pile up could cause the meeting preparation and attendance for the meeting before or after the cancelled meeting to be higher than the meeting preparation and attendance costs for one regular meeting.

Chair Loomis stated that the Commission doesn’t need to take action today to amend its budget if the Commission wants to have time to think about it but she added that at some point the Commission should probably amend its 2011 budget to move forward with some of the modification presented today.

She announced that the BCWMC received the resignation of Administrator Geoff Nash, effective September 21, 2011. Chair Loomis said that the proposed budget changes may be in flux because of the

news that the Administrator has taken on a new position. She reported that she and Administrator Nash have discussed that he will try to get some items wrapped up before he starts his new position. She asked that Administrator Nash create a list for the Commission that would document all the items he thinks he could take care of before he leaves as well as the items he will need to leave unfinished that will need to be picked up.

Commissioner Black moved to amend the BCWMC's 2011 budget by reducing the Water Quality/Monitoring line item by \$4,000, reducing the Water Quantity line item by \$2,500, zeroing out the watershed inspections, zeroing out the annual flood control inspections, and zeroing out the municipal plan review. Commissioner Elder seconded the motion. The motion carried with eight votes in favor of the motion and one vote against the motion [Commissioner Hoshal of Medicine Lake].

Commissioner Elder requested that as the year moves on the Commission evaluate whether it should cancel its December 2011 meeting.

Chair Loomis asked the Commission to give direction to staff to have the Administrator work with the Commission Engineer to transfer tasks that may still be left unresolved. She said she didn't know who else would do it if the Commission doesn't ask Barr Engineering to do it. Commissioner Black moved to direct the Administrator to work with Barr Engineering and the Recording Secretary to transfer any unfinished duties to the appropriate staff. Commissioner Elder seconded the motion. The motion carried unanimously with nine votes in favor.

Commissioner Elder volunteered to continue being part of the group working on revising the budget document and asked to be informed when the group tries to coordinate its next meeting.

4E. Resolution 11-07 – A Resolution of Appreciation for the Services of Al Sarvi as BCWMC Alternate Commission from the City of New Hope. Commissioner Black moved to approve Resolution 11-07. Acting Commissioner Goddard seconded the motion. The motion carried unanimously with nine votes in favor.

## 5. PUBLIC HEARING

Prior to opening the public hearing Chair Loomis asked Ms. Chandler to conduct presentations on both proposed projects that are part of the public hearing: Bassett Creek Main Stem Restoration Project from Irving Avenue North in Minneapolis to Golden Valley Road in Golden Valley for 2012 and the Wirth Lake Outlet Structure Modification Project. Ms. Chandler made the presentations.

Chair Loomis opened the public hearing and called for comments. Seeing no one come forward to offer comments and hearing no comments, Chair Loomis closed the public hearing.

## 6. NEW BUSINESS

A. Resolution 11-08 – Resolution Approving & Adopting Major Plan Amendment. Mr. LeFevre read Resolution 11-08 aloud to the Commission. Commissioner Black moved to approve Resolution 11-08 approving and adopting the Major Plan Amendment. Acting Commissioner Goddard seconded the motion. The motion carried unanimously with nine votes in favor.

E. Certification of Levy to Hennepin County. Commissioner Black moved to approve certifying the levy in the amount of \$762,010.00 to Hennepin County. Commissioner Elder seconded the motion. The motion carried unanimously with nine votes in favor.

- B. Resolution 11-09 – Resolution Ordering 2012 Improvements and Designating Members Responsible for Construction of the Main Stem Restoration and the Wirth Lake Outlet Structure Modification Projects.** Commissioner Black moved to approve Resolution 11-09. Commissioner de Lambert seconded the motion. The motion carried unanimously with nine votes in favor.
- C. Cooperative Agreement – Main Stem Restoration Project, Irving Avenue to Golden Valley Road.** Chair Loomis requested that the item be tabled to allow the City of Minneapolis, the City of Golden Valley, and Commission staff more time to discuss the agreement. Commissioner Black moved to table the item until the Commission’s October meeting. Commissioner de Lambert seconded the motion. The motion carried unanimously with nine votes in favor.
- D. Cooperative Agreement for Wirth Lake Outlet Structure Modification Project.** Chair Loomis requested that the item be tabled to allow the City of Golden Valley more time to review the agreement. Commissioner Elder moved to table the item until the Commission’s October meeting. Commissioner Black seconded the motion. The motion carried unanimously with nine votes in favor.
- F. Presentation by City of Golden Valley on Plans for Ed Silberman Memorial at Schaper Park.** Golden Valley City Engineer Jeff Oliver presented the preliminary ideas for the Ed Silberman Memorial at Schaper Park in Golden Valley. He said that the City anticipates the dedication of the memorial would occur in spring 2012.
- G. Aquatic Invasive Species/ Zebra Mussel Monitoring in Bassett Creek Watershed.** Administrator Nash reminded the Commission that it scheduled this agenda item based on a request from the Association of Medicine Lake Area Citizens (AMLAC). John Barten of the Three Rivers, Park District, Terrie Christian of AMLAC, Gary Holter of AMLAC, and Jay Rendall of the Minnesota Department of Natural Resources provided information about different aspects of zebra mussels and the means by which they spread from water body to water body, prevention tools being used around Medicine Lake including measures being used to monitor the boat launches of Sweeney Lake, the desire for further prevention measures around the boat launches on Medicine Lake, action and policy statewide, and training and grant opportunities available in Minnesota.
- The Commission questioned what type of action AMLAC was asking the Commission to take and Ms. Christian responded that AMLAC would like the Commission to help as a local entity to prevent the spread of zebra mussels. Commissioner Hoshal said that he thought it would be helpful for the Commission to review the City of Minneapolis’ zebra mussels control plan. The Commission asked him to forward the link to the document to Ms. Herbert and directed Ms. Herbert to distribute it via e-mail to the Commission.
- Commissioner Elder said he would like the Commission to have a conversation with the Three Rivers Park District before the Commission takes any action. The Commission agreed and decided that it would invite the Three Rivers Park District to a future Commission meeting. Commissioner Elder said that he could work with Ms. Herbert to coordinate inviting the TRPD to a future meeting.
- H. Crossroad Commons: Plymouth.** Ms. Chandler explained that this project is in the City of Plymouth in the Medicine Lake Watershed and is located south of Highway 55 and west of County Road 73. She said that the project is in front of the Commission because the project proposes an underground infiltration basin. She stated that the two-phase project includes the demolition of the existing shopping center and frontage road, the construction of a new frontage road and two buildings, and includes eight acres of grading.

Ms. Chandler answered many questions about the proposed infiltration system. Commissioner Hoshal asked if there was a potential to daylight the stream on the site as part of this project. Mr. Dan Parks of Westwood Professional Services, the developer's engineer, answered many specific questions about soils, location of the underground infiltration system in relation to the water table, and maintenance of the infiltration system, namely who would maintain it. Mr. Parks commented that his latest information was that the City would maintain it but Mr. Ashe of Plymouth said that he would need to confirm the maintenance plan with its staff.

[Commissioner John Elder departs the meeting.]

Commissioner Black moved to approve the project with the Engineer's recommendations and two additional conditions:

1. The estimated phosphorous removal is calculated for the project.
2. The developer investigates the possibility of daylighting the creek.

Commissioner Sicora seconded the motion. The motion carried with seven votes in favor [Cities of Crystal, Golden Valley, Minneapolis, Minnetonka, Plymouth, Robbinsdale, and St. Louis Park], one vote against [City of Medicine Lake], and one vote absent [City of New Hope].

- I. **Canadian Pacific Railway Bridge Replacement: Minneapolis.** Ms. Chandler explained that the project is the construction of a new bridge a short distance from the existing bridge and the removal of the old bridge. She said that the project is in front of the Commission because the project includes work in the flood plain. Mr. Chuck Phillips of Canadian Pacific Railway answered the Commission's specific questions about the project. Commissioner Goddard moved to approve the project with the Commission Engineer's recommendations. Commissioner Sicora seconded the motion. The motion carried unanimously with eight votes in favor [City of New Hope absent from vote].
- J. **1200 Angelo Drive Shoreline Restoration: Golden Valley.** Ms. Chandler said that the project is in front of the Commission because it proposes work in the floodplain. Ms. Chandler said that the project will involve work along approximately 100 feet of shoreline and will include grading, restoration of native plants, and installation of beach sand. Commissioner de Lambert moved to approve the proposed project. Commissioner Hoshal seconded the motion. The motion carried unanimously with eight votes in favor [City of New Hope absent from vote].

## 7. OLD BUSINESS

- A. **Clean Water Fund Grant Application Update.** Administrator Nash asked that Barr Engineering be the main contact in the grant application for the 2012 Main Stem project. He said that the grant application will be ready to go by the time he is ready to leave the Commission and commented that the deadline for the grant application is September 20th.

The Commission discussed the idea of a grant application for financial incentives for best management practices and decided that the Commission does not have the funds to expend on staff time to prepare the grant application. The Commission took no action on the item.

- B. **Draft BCWMC Policy Manual.** The Commission deferred this item to a future meeting.

## 8. COMMUNICATIONS

### Chair:

1. Chair Loomis reported that she received a letter of resignation from the Administrator and that his last day will be September 20<sup>th</sup>. She recommended that the Commission pass this issue back to the Administrative Services Committee to make some recommendations to the Commission next month on where the Commission goes from here. The Commission consented.

### Commissioners:

1. Commissioner Goddard reported on the Powderhorn raingarden project that occurred through Metro Blooms.  
[Commissioner Goddard departs the meeting.]
2. Commissioner Black moved to direct the Recording Secretary to abbreviate the Commission's minutes and to save the recordings of the meetings for one year. Commissioner Langsdorf seconded the motion.

### Committees:

#### Education Committee

1. Commissioner Langsdorf said that the Education and Public Outreach Committee has an article ready for publication and recommended that it be published under Chair Loomis' name. The Commission consented.  
[Jacob Millner departs the meeting.]

## 9. ADJOURNMENT

The meeting adjourned at 3:10 p.m.

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Linda Loomis, Chair

Date

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Amy Herbert, Recorder

Date

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Jim de Lambert, Secretary

Date