

# **Bassett Creek Watershed Management Commission**

## **Minutes of the Meeting of October 16, 2008**

### **1. Call to Order**

The Bassett Creek Watershed Management Commission (BCWMC) was called to order at 11:35 a.m., Thursday, October 16, 2008, at Golden Valley City Hall by Chair Welch. Ms. Herbert conducted roll call.

#### **Roll Call**

<i>Crystal</i>	Alternate Commissioner Stu Stockhaus	<i>Counsel</i>	Charlie LeFevere
<i>Golden Valley</i>	Commissioner Linda Loomis, Treasurer	<i>Engineer</i>	Karen Chandler
<i>Medicine Lake</i>	Commissioner Cheri Templeman	<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>	Commissioner Ginny Black, Vice Chair		
<i>Robbinsdale</i>	Commissioner Karla Peterson		
<i>St. Louis Park</i>	<i>Not represented</i>		

*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  
Terrie Christian, Association of Medicine Lake Area Citizens  
Jack Frost, Metropolitan Council Environmental Services  
Dave Hanson, Alternate Commissioner, City of Golden Valley  
Randy Lehr, Three Rivers Park District  
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  
Wayne Sicora, Alternate Commissioner, City of Robbinsdale  
Liz Stout, BCWMC Technical Advisory Committee, City of Minnetonka  
Elizabeth Thornton, Alternate Commissioner, City of Plymouth

### **2. Approval of Agenda and Consent Agenda**

Chair Welch announced that item 5A – West Medicine Lake Park Pavilion has been removed from the agenda at the request of the City of Plymouth. Ms. Black moved to approve the agenda as amended. Ms. Loomis seconded the motion. The motion carried unanimously. Ms. Black moved to approve the Consent Agenda. Ms. Loomis seconded the motion. The motion carried unanimously. [Cities of Minnetonka and St. Louis Park absent from the vote].

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

No citizen input.

## 4. Administration

- A. Presentation of the September 18, 2008, BCWMC meeting minutes. Minutes were approved as part of the Consent Agenda.
- B. Presentation of the Financial Statement.

The general and construction account balances reported in the October 2008 Financial Report are as follows:

<u>Checking Account Balance</u>	<u>467,585.33</u>
<i>TOTAL GENERAL FUND BALANCE</i>	<i>467,585.33</i>
Construction Account Balance (cash)	2,490,335.55
Investment Balance	0.00
<u>TOTAL CONSTRUCTION ACCOUNT BALANCE</u>	<u>2,490,335.55</u>
<u>-Less: Reserved for CIP projects</u>	<u>3,719,340.08</u>
<i>Construction cash/ investments available for projects</i>	<i>(1,229,004.53)</i>

- C. Presentation of Invoices for Payment Approval.

Invoices:

- i. Kennedy & Graven – Legal Services through August 31, 2008 - invoice for the amount of \$1,468.40.
- ii. Barr Engineering Company – Engineering Services through September 26, 2008 - invoice for the amount of \$20,495.97.
- iii. Barr Engineering Company – Sweeney Lake TMDL Services August 30 – September 26, 2008 - invoice for the amount of \$1,466.80.
- iv. Amy Herbert – September Recording Administrator Services - invoice for the amount of \$3,216.68.
- v. Springsted Incorporated – Watershed Organizational Study – invoice for the amount of \$8,018.72.

Ms. Loomis moved to approve payment of all invoices. Ms. Black seconded the motion. By call of roll, the motion carried unanimously [Cities of Minnetonka and St. Louis Park absent from the vote].

- D. Resolution No. 08-08 Approving the Local Plan Prepared by the City of New Hope. Ms. Loomis moved to approve resolution 08-08. Ms. Black seconded the motion. The motion carried unanimously [Cities of Minnetonka and St. Louis Park absent from the vote].

## 5. New Business

- A. West Medicine Lake Park Pavilion: Plymouth. Removed from agenda.

- B. Select Consultant for City of St. Louis Park Local Water Management Plan Review.** Chair Welch announced that the Commission queried SEH, Inc. and Wenck for cost estimates to conduct the review of St. Louis Park's local water management plan. He said the TAC (Technical Advisory Committee) had previously recommended the BCWMC request cost estimates from those firms along with WSB for local plan reviews. Chair Welch said the Commission did not query WSB this time since WSB played a role in preparing part of the St. Louis Park's local plan.

Chair Welch said the meeting packet contains the cost estimates from SEH and Wenck. He summarized that SEH's cost estimate was \$1,200 with a time frame of three weeks and Wenck's cost estimate was \$1,300 with a time frame of two weeks.

Ms. Black moved to approve selecting SEH, Inc. as the contractor for the plan review. Ms. Loomis seconded the motion. Chair Welch commented that he leaned toward selecting Wenck, even with the slightly higher cost, for consistency with the previous Commission reviews of the Golden Valley and Minnetonka local plans and due to the shorter time frame to conduct the review. The motion carried with six votes in favor [Cities of Crystal, Golden Valley, Medicine Lake, New Hope, Plymouth, and Robbinsdale] and one vote against [City of Minneapolis] [City of St. Louis Park absent from vote]. Chair Welch directed Ms. Herbert to communicate the decision to SEH, Inc. and Wenck.

[Commissioner Sundberg arrives.]

## **6. Old Business**

- A. Authorize State Register Publication of Request for Letters of Interest for Proposals for Legal, Engineering and Technical, and Administrative Consulting Services.** Chair Welch said the Commission has a statutory requirement to publish a notice in the *State Register* every two years to request bids for consulting services. Chair Welch said the draft notice is in the meeting packet. Ms. Black recommended adding to the notice information about the Commission's capital budget. Chair Welch directed Ms. Herbert to amend the notice to include the capital budget information.

Chair Welch asked the commissioners to be prepared to field inquiries from service providers about the consulting services positions. He added that in terms of the Commission's discussion of where it wants to go with structuring the provision of services to the Commission, the Administrator Services Committee will be meeting on October 23<sup>rd</sup> and will discuss that issue.

Mr. Stockhaus asked if the Commission has criteria by which it measures the services provided to the Commission. Chair Welch said the Commission hasn't set formal criteria and uses feedback from the Commission and the member cities. He said that in previous years the Commission has asked the TAC for feedback and recommendations for the engineering and technical service providers. Ms. Peterson asked if it would be helpful for applicants to see the TAC's previous feedback to the Commission. Chair Welch commented that it would be part of the public record and is documented in the BCWMC's meeting minutes available to the public on the Commission's Web site [[www.bassettcreekwmo.org](http://www.bassettcreekwmo.org)].

Ms. Sundberg moved approval and publication of the notice as amended. Ms. Peterson seconded the motion. The motion carried unanimously [City of St. Louis Park absent from vote].

- B. Medicine Lake TMDL Study Update.** Chair Welch said that this isn't a technical update but that since the last BCWMC meeting there has been the kickoff stakeholder "Steering Committee"

meeting for the TMDL study. He said there were about 40 attendees. He said the Commission needs to make a decision today about its representation on the Steering Committee. Chair Welch said the Commission needs to select a representative and alternative representative as well as a technical representative and alternate representative. He said that consistency of representation on the Committee is very important and that the representative needs to be there for all seven proposed meetings.

Chair Welch reported that the Commission as a joint powers organization can't pay its members for their time participating on the Committee. He said in regards to a previous suggestion of paying a TAC member for his or her time that the Commission Counsel said the Commission would find it easier to go through a city for such an arrangement. Chair Welch also commented that he thinks there should be some separation between the MS4 representatives and the Commission representatives on the Committee. Ms. Loomis commented that she feels that any commissioner from a member city that is an MS4 in this TMDL study should not represent the Commission on the Medicine Lake Steering Committee.

Mr. Mathisen asked the Commission if it is setting a precedent with this TMDL study in terms of the extensive time it is taking to even set up the study. He commented that the Shingle Creek Watershed Management Commission's method of conducting TMDL studies did not take as many hours as seem to be planned for in the Medicine Lake TMDL. Chair Welch commented that he wishes the Medicine Lake TMDL would be a simpler process and that anyone who can offer recommendations on how to simplify the process is welcome to do so but that this TMDL study has taken on a life of its own. Mr. Stauner said he understands Mr. Mathisen's point but commented that he has had some issues with Shingle Creek's TMDL process because it has been difficult as a stakeholder to get information about it and there have been transparency problems with the process.

Chair Welch said he would like to represent the Commission on the Steering Committee. Commissioner Templeman and Commissioner Peterson indicated they would like to represent the Commission on the Steering Committee. Chair Welch clarified that even though the Commission is selecting one Commission representative and one Commission technical representative there won't be a cap on the Steering Committee and anyone who wants to participate on it can. By Commission vote, Chair Welch was elected to represent the Commission on the Medicine Lake Steering Committee and Commissioner Peterson was elected to represent the Commission as the alternate representative on the Committee [City of St. Louis Park absent from vote].

Ms. Loomis nominated Barr Engineering to be the technical representative and the alternate representative for the Commission on the Steering Committee. Mr. Oliver announced that the TAC's recommendation is for Barr to be the technical representative. Ms. Black brought up the issue of the Commission's cost for Barr to be the technical representative and pointed out that it would cost the Commission at least \$7,000. Chair Welch asked Ms. Chandler for a ballpark cost estimate. Ms. Chandler said she would agree that the cost would likely be \$7,000 to \$10,000 for Barr to prepare for and participate in the seven Steering Committee meetings, depending on what Barr is asked to do and how much time it takes Barr to prepare for and carry out those tasks. Chair Welch stated that Barr Engineering can allocate the costs to the TMDL budget and that the Commission can choose to define the scope of the costs for Barr's participation on the Committee.

Chair Welch directed Ms. Herbert to communicate to Brooke Asleson of the MPCA (Minnesota Pollution Control Agency) the contact information for the Commission's representatives on the Steering Committee.

**C. Feasibility Report Requirements.** Ms. Chandler said this item is to clarify the Commission's

intent with its feasibility reports. She reminded the Commission that the purpose of a feasibility report is to demonstrate that a project is technically and economically feasible. Ms. Chandler reported that at the May 1, 2008, TAC meeting the TAC recommended to the Commission that feasibility reports should encompass all public costs including land acquisition, site preparation, and site remediation including wetland mitigation, contaminated soil clean up, and those types of related costs. She said the TAC concluded that including this additional information in feasibility reports would allow the Commission and the cities to better evaluate CIP projects based on the total cost of the project alternatives. Ms. Chandler said the Commission has previously discussed adding the additional information into its requirements for feasibility reports but never formally took action. Ms. Chandler recommended that the Commission also require permitting requirement information to be included in its feasibility reports. Ms. Loomis moved to approve adding the information Ms. Chandler just detailed, including all public costs and permitting requirements, to the Commission's feasibility report requirements. Ms. Black seconded the motion. The motion carried unanimously [City of St. Louis Park absent from vote].

- D. **Resource Management Plan.** Ms. Chandler said she checked with the City of Plymouth regarding its proposed schedule for the Plymouth Creek project. She reported that the City said if the Commission moves forward with the Resource Management Plan (RMP) and the plan is started by January 1, 2009, then the Plymouth Creek project could be included. Ms. Chandler summarized that the Commission doesn't need to make a decision today about whether or not to go forward with the RMP but that the Commission needs to make a decision in the next month or two to allow for the inclusion of the Plymouth Creek project.

Chair Welch stated that the Commission has not asked the TAC to review and give a recommendation to the Commission regarding the RMP. Ms. Black mentioned she had called Doug Thomas, the Administrator of the Rice Creek Watershed District, to ask about Rice Creek's experiences with the RMP process since it has gone through it several times. She said he was generally positive about it but that Rice Creek hasn't been far enough down the process to know yet if it really has sped up the permitting process. She also said he told her Rice Creek's cost for one of its RMPs was \$100,000 and the cost of another one of its RMPs was \$150,000.

Chair Welch responded that the Rice Creek Watershed District is one his firm's clients and said that Rice Creek is currently on its third RMP. He said its first one was done in 2004. Chair Welch said a key difference is that Rice Creek's RMPs have encompassed Wetland Conservation Act (WCA) wetlands and have been designed to identify contiguous areas of wetland to be conserved and upland suitable for development. He said the BCWMC's RMP is not the same model as Rice Creek's model. Chair Welch recommended referring the issue to the TAC.

Mr. LeFevere recommended the Commission also ask for TAC's feedback on the Commission's question about whether it should conduct the Environmental Worksheets (EAWs) at the same time. Mr. Mathisen brought up the cost of the EAWs and the EAW public notification process and recommended the TAC take up this issue at its next meeting.

Chair Welch moved to direct the TAC to review the packet of RMP information included in this month's Commission packet and to recommend to the Commission whether it should move forward with the RMP and whether EAWs should be conducted at the same time. Ms. Black seconded the motion. The motion carried unanimously [City of St. Louis Park absent from vote.]

## **7. Communications**

### **A. Chair:**

- i. Chair Welch announced the Minnesota Water Resources conference will be held October 27 – 28 in St. Paul and the Minnesota Invasive Species Conference will be held October 26 -29 in Duluth.**
- ii. Chair Welch announced the Freshwater Society is having a reception and presentation on October 22.**
- iii. Chair Welch reported that Joel Settles of Hennepin County contacted him for some background information on the Commission's levy request.**
- iv. Chair Welch said that the Commission has received an e-mail update from Ron Leaf on the Sweeney Lake TMDL study and that he will be at the November meeting to present the information to the Commission.**
- v. Chair Welch reminded the Commission that the November Commission meeting is on Wednesday, November 19.**
- vi. Chair Welch encouraged the commissioners to e-mail to Ms. Herbert any requests or ideas they have for topics of future training presentations.**
- vii. Chair Welch reminded the commissioners that they are welcome to attend the TAC meetings.**
- viii. Chair Welch stated that the cities of Robbinsdale and New Hope have sent the Commission their draft comprehensive plans and that the Commission will respond as it has to other cities with letters stating that the Commission assumes that the cities' comprehensive plan amendments are consistent with the cities' local water management plans (LWMP) and if not then the comprehensive plans should be amended to conform or the LWMPs should be amended.**

### **B. Commissioners:**

- i. Ms. Black encouraged commissioners to send any comments regarding the BCWMC's watershed organizational analysis to Ms. Herbert to distribute to the Administrator Committee for its consideration at its Thursday, October 23<sup>rd</sup> meeting at 4:30 p.m. at Golden Valley City Hall. Chair Welch asked Ms. Herbert to add to the November agenda a discussion of the organizational analysis.**

### **C. Committees:**

- i. Education and Public Outreach Committee: Ms. Thornton reported that the Joint Education and Public Outreach Committee met yesterday and discussed other educational activities it will be doing this year.**

### **D. Counsel\***

### **E. Engineer:**

- i. Ms. Chandler reported on the grant possibility for the water quality project on Twin Lake. She said grant funding may be available through the Clean Water Partnership program but**

