

**Bassett Creek Watershed Management Commission  
Minutes of the Meeting of August 16, 2012**

**1. CALL TO ORDER AND ROLL CALL**

The Bassett Creek Watershed Management Commission (BCWMC) was called to order at 11:30 a.m., on Thursday, August 16, 2012, at Golden Valley City Hall by Chair Black.

**ROLL CALL**

|                       |  |                 |                         |
|-----------------------|--|-----------------|-------------------------|
| <b>Crystal</b>        | <b>Commissioner Dan Johnson</b>                | <b>Counsel</b>  | <b>Charlie LeFevere</b> |
| <b>Golden Valley</b>  | <b>Commissioner Stacy Hoschka, Treasurer</b>   | <b>Engineer</b> | <b>Karen Chandler</b>   |
| <b>Medicine Lake</b>  | <b>Commissioner Ted Hoshal, Secretary</b>      | <b>Recorder</b> | <b>Amy Herbert</b>      |
| <b>Minneapolis</b>    | <i>Not represented *</i>                       |                 |                         |
| <b>Minnetonka</b>     | <i>Not represented</i>                         |                 |                         |
| <b>New Hope</b>       | <b>Alternate Commissioner Pat Crough</b>       |                 |                         |
| <b>Plymouth</b>       | <b>Commissioner Ginny Black, Chair</b>         |                 |                         |
| <b>Robbinsdale</b>    | <i>Not represented</i>                         |                 |                         |
| <b>St. Louis Park</b> | <b>Commissioner Jim de Lambert, Vice Chair</b> |                 |                         |

*\*Note: Commissioner Michael Welch (Minneapolis) 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**
- Pat Byrne, BCWMC Technical Advisory Committee, City of Minneapolis**
- Jeannine Clancy, BCWMC Technical Advisory Committee, Golden Valley**
- John Elder, BCWMC Commissioner, City of New Hope**
- Dave Hanson, Alternate Commissioner, City of Golden Valley**
- Leigh Harrod, Metropolitan Council**
- Linda Loomis, Golden Valley resident**
- Tom Mathisen, BCWMC Technical Advisory Committee, City of Crystal**
- Richard McCoy, BCWMC Technical Advisory Committee, City of Robbinsdale**
- Joe Mulcahy, Metropolitan Council**
- Jeff Oliver, BCWMC Technical Advisory Committee, City of Golden Valley**
- John O’Toole, BCWMC Alternate Commissioner, Medicine Lake**
- Liz Stout, BCWMC Technical Advisory Committee, City of Minnetonka**

**2. CITIZEN FORUM ON NON-AGENDA ITEMS**

No citizen input.

**3. AGENDA**

Chair Black requested the addition of agenda item 7G - TAC agenda for the September TAC meeting.

*[Commissioner Welch arrives.]*

Commissioner Johnson moved to approve the agenda as amended. Commissioner Hoshal seconded the motion. The motion carried unanimously with seven votes in favor [Cities of Minnetonka and Robbinsdale absent from vote].

**4. CONSENT AGENDA**

Commissioner Welch requested the removal of item 4D – Adopt Revised BCWMC Bylaws – from the Consent Agenda because he wanted to discuss some ideas about the Bylaws with Mr. LeFevere. Chair Black removed the item from the Consent Agenda and added it as Old Business agenda item 7H. Commissioner Hoshal moved to approve the Consent Agenda and Agenda as amended. Commissioner Johnson seconded the motion. The motion carried unanimously with seven votes in favor [Cities Minnetonka and Robbinsdale absent from vote]. [The following items were approved as part of the Consent Agenda: The July 19, 2012, meeting minutes, the August financial report, and Legal Counsel Communications.]

The general and construction account balances reported in the August 2012 Financial Report are as follows:

|  |                       |
|--|-----------------------|
| Checking Account Balance   | \$647,463.37          |
| <b>TOTAL GENERAL FUND BALANCE</b>                                  | <b>\$647,463.37</b>   |
| <b>TOTAL ON-HAND CONSTRUCTION CASH &amp; INVESTMENTS (7/11/12)</b> | <b>\$2,853,517.17</b> |
| CIP Projects Levied – Budget Remaining                             | (\$2,777,836.90)      |
| Closed Projects Remaining Balance                                  | \$75,680.27           |
| 2012 Anticipated Tax Levy Revenue                                  | \$381,652.69          |
| Anticipated Closed Project Balance                                 | \$457,332.96          |

**5. ADMINISTRATION**

**5A. Presentation of Invoices for Payment Approval.**

- i. Kennedy & Graven – Legal Services through June 30, 2012 – invoice for the amount of \$1,243.05.

- ii. **Barr Engineering Company – Engineering Services through July 27, 2012 – invoice for the amount of \$39,494.80.**
- iii. **Amy Herbert – July Secretarial Services – invoice for the amount of \$1,462.98.**
- iv. **D’amico - ACE Catering – August BCWMC meeting catering – invoice for the amount of \$159.84.**
- v. **Sun Sailor Newspapers – Public Meeting Notice Publication – invoice for the amount of \$359.60.**
- vi. **Lakeshore Weekly News - Public Meeting Notice Publication – invoice for the amount of \$112.20.**
- vii. **Shingle Creek Watershed Management Commission – BCWMC portion of Metro Blooms Rain Garden Workshop – invoice for the amount of \$2,000.**

**Commissioner Hoshal moved the approval of payment of all invoices. Commissioner de Lambert seconded the motion. By call of roll, the motion carried unanimously with seven votes in favor [Cities of Minnetonka and Robbinsdale absent from vote].**

## **6. NEW BUSINESS**

**No New Business items.**

## **7. OLD BUSINESS**

- A. Administrator Services. Chair Black reviewed with the Commission the meeting packet materials for this agenda item. Chair Black asked for input or changes to the memos/ meeting notes. Commissioner Welch requested the addition to page 3 of the meeting notes from the July 19<sup>th</sup> Administrative Services Committee that he asked TAC for suggestions “on retaining commissioners.”**

**Commissioner de Lambert provided a summary of the August 1<sup>st</sup> Administrative Services Committee meeting. He said that the Committee began a list of pros and cons for three of the possible scenarios the Commission could choose regarding Administrator Services. Commissioner de Lambert said that the list is captured in the August 9<sup>th</sup> memo from the Administrative Services Committee. He said that the Committee would like input on the pros and cons. Commissioner de Lambert added that the Committee would like the Commission to determine the direction it would like to go regarding the Administrator.**

**Commissioner de Lambert reported that the Committee is recommending changing the Commission’s 2013 budget by reducing the Administrator budget to \$50,000 from \$100,000 because the Committee felt it is unlikely that there will be an Administrator on board by the time the Commission is into its 2013 fiscal year and because the Committee thought that the Commission has no real plan that supports the \$100,000 figure. Commissioner Welch asked if the Committee’s presumption was that as of February 2013 there will be no administrative functions performed. Commissioner de Lambert said that the Committee didn’t actually address that date of February but that yes, that was basically the consensus of the Committee. Chair Black added that she thought it would be unrealistic to think that the Commission would have anyone working as its Administrator in less than eight months. Commissioner de Lambert said that he thinks that it is the lack of defined roles and responsibilities for the Administrator position that gives uncertainty to the process and has the Committee thinking that it can’t justify a budget of \$100,000.**

**Commissioner Johnson asked if the Commission could break down the responsibilities into bite sized pieces and pull out the ones that are clearly defined as a way to move forward. Ms. Clancy stated that**

she thinks that administrative tasks could be divided between the Commission Engineer and Recording Secretary as a way of providing administrative services as soon as this week.

The Commission discussed the memos and the pros and cons of different Administrator Services options, identified other options such as ones identified in the 2008 organizational analysis report prepared by Springsted, Inc., and discussed the 2013 budget for Administrator services. Commissioner Hoschka provided additional pros and cons to be added to the pros and cons lists.

Chair Black stated that the Commission needs to make a decision today about the 2013 Administrator Budget so that the Commission's final 2013 budget and assessment tables can go out to the member cities.

Commissioner Johnson moved to change the 2013 Administrator services budget from \$100,000 to \$50,000. Commissioner Welch seconded the motion. The motion carried unanimously with seven votes in favor [Cities Minnetonka and Robbinsdale absent from vote].

Commissioner Hoshal moved that the BCWMC's 2013 Engineering Services budget be increased by \$30,000 and the 2013 Next Generation Plan budget be increased by \$20,000. Chair Black seconded the motion saying that she has seconded it for purposes of moving to a discussion of the motion. The Commission discussed the motion. Chair Black called for the vote. The motion failed with one vote in favor [City of Medicine Lake] and six votes against [Cities of Crystal, Golden Valley, Minneapolis, New Hope, and St. Louis Park] [Cities Minnetonka and Robbinsdale absent from vote].

Chair Black said that she is hearing from the Commission that there are unspent 2012 BCWMC Administrator funds and that there needs to be discussion about what could be done with those funds. She suggested that the Administrative Services Committee discuss it.

The Commission continued its discussion of Administrator Services options. Commissioner de Lambert moved that the Commission pursue the RFP process. Commissioner Hoschka seconded the motion. By call of roll, the motion carried with five votes in favor [Cities of Crystal, Golden Valley, Minneapolis, New Hope, and St. Louis Park], and two votes against [Cities of Medicine Lake and Plymouth] [Cities Minnetonka and Robbinsdale absent from vote].

Chair Black said that the Administrative Services Committee would set up a Committee meeting as soon as possible to discuss pursuing an RFP process and that the Committee would bring something back to the Commission at its September meeting.

- B. **WOMP Station Management.** Chair Black said that the Commission had a lengthy discussion about this topic last month and she referenced the agenda item materials in the meeting packet. She said that there are Metropolitan Council representatives here at today's meeting to provide information and answer questions about WOMP. Joe Mulcahy and Leigh Harrod of the Metropolitan Council (Met Council) spoke about the program. Mr. Mulcahy stated that the Met Council would provide the Commission with \$5,000 from grant funds toward the WOMP costs for 2013. Commissioner Welch asked them if they had any comments on the three bids that the Commission was provided. Ms. Harrod commented that she liked the \$10,000 WOMP cost range for the 2013. She said that she figures the WOMP work would take 45 hours of work in 2013. The Commission discussed the bids, the WOMP program, the sample collection process, and the utilization of the data. Commissioner Welch moved to accept the Wenck bid of \$10,320 for the 2013 WOMP work. Commissioner Hoshal seconded the motion. The motion carried unanimously with seven votes in favor [Cities of Minnetonka and Robbinsdale absent from vote].

**C. BCWMC 2013 Final Budget.** Chair Black stated that the Commission needs to look at its 2013 WOMP budget and approve a final number. She said that the Commission has agreed to budgeting \$11,000 for Wenck to perform the station monitoring, \$4,000 for Barr Engineering to maintain the rating curve, and \$2,000 for Barr Engineering to do the data management, which means that the Commission's 2013 WOMP budget would be \$17,000 instead of the \$25,000 previously approved. Commissioner Hoshal moved to approve the 2013 budget as amended with the Administrator budget decreasing to \$50,000 and the WOMP budget decreasing to \$17,000. Commissioner de Lambert seconded the motion. The motion carried unanimously with seven votes in favor [Cities of Minnetonka and Robbinsdale absent from vote]. Chair Black directed staff to make changes to the 2013 budget and invoice the cities for their share of the annual dues.

**D. BWSR Clean Water Fund Grant Applications – Grant Fund Requests.** Ms. Chandler reviewed with the Commission the August 9, 2012, memo regarding the BWSR Clean Water Fund Grant Application and grant fund requests. She said the memo provides an explanation of the different possible grant funding requests for the three CIP projects that the Commission decided last month should be part of the grant application.

Commissioner Welch moved to approve the fund requests as listed in Table 1 of the memo: \$491,250 for the Four Seasons Mall Area Water Quality Project; \$144,750 for the Lakeview Park Pond Project, and \$350,750 for the Schaper Pond Diversion Project. Commissioner Hoshal seconded the motion. The motion carried unanimously with seven votes in favor [Cities Minnetonka and Robbinsdale absent from vote].

**E. Preliminary Recommendation for 2013 Tax Levy.** Ms. Chandler discussed the information in the August 9, 2012, memo on the preliminary recommendations for the 2013 tax levy to fund 2013 CIP projects. Ms. Chandler pointed out that the memo outlines that the cost of the 2013 CIP projects is \$1,186,000. She reported that the Commission has funds available in its reserve and recommended that the Commission transfer \$200,000 from its reserves to use for its 2013 CIP projects and request \$986,000 for its 2013 levy. The Commission agreed with the preliminary tax levy request of \$986,000.

**F. Next Generation Watershed Management Plan.** Ms. Loomis reported on the July 23<sup>rd</sup> Plan Steering Committee meeting. She reviewed with the Commission and provided a handout on a proposed process to garner public participation in the Next Generation Plan. Commissioner Hoshal provided a possible name for the public participation process: WAVE – Watershed Assessment Visioning Exercise.

Chair Black asked if the public participation plan needed BWSR approval. Ms. Chandler responded that the Commission does need to get the plan to BWSR for comment even if it is not a formal approval process. Ms. Chandler recommended that before the Commission sends the public participation process plan to BWSR the Commission may want to look at the plan in relation to the rest of the Commission's Plan revision process. Chair Black volunteered to create a chart that would illustrate the public participation process in relation to the Plan revision process.

Commissioner Welch commented that he is in favor of a very lean structure in the Plan revision input process. He said that the input meetings could be very open instead of having a lot of different committees having a lot of separate meetings and that this structure could keep costs down and input high.

The Commission discussed the City of Golden Valley's Envision process and how the City incorporated its public participation process data into its plan. Commissioner Hoshal commented that the first step is

to receive information on the Plan revision process from the stakeholders per the Commission's request to them last month. Ms. Chandler said that comments are due back to the Commission on September 4<sup>th</sup>. The Commission directed Ms. Herbert to forward to the Commission any comments received by the stakeholders.

Chair Black reminded the Commission of the monthly Plan Steering Committee meeting and said that the next meeting is on Monday, August 20<sup>th</sup> at 4:30 p.m. She asked staff to add the monthly meetings to the BCWMC's Administrative Calendar.

Ms. Loomis stated that last month the Plan Steering Committee suggested that the Commission discuss having the Commission Engineer review the current Plan and compile recommendations on the technical changes that need to be made to the plan and to provide a cost estimate for the work to make those technical changes to the Plan. Commissioner Welch requested that the Commission Engineer first put together a cost estimate for doing that technical analysis and bring it back to the Commission. Ms. Chandler said that she would need more details from the Commission about the work before she could put a cost estimate together but that she thinks those details will be discussed at Monday's Plan Steering Committee meeting.

**7G. Agenda for September TAC Meeting.** The Commission discussed the items that it has previously directed to the TAC and agreed that at its September meeting the TAC should address: development of the CIP process flowchart, development of a new summary CIP table, revision of the current CIP table, and a map of the CIP projects. Commissioner Hoshal volunteered to be the Commission liaison at the September 6<sup>th</sup> TAC meeting.

**7H. Revised BCWMC Bylaws.** Due to time considerations, the Commission deferred this item to its September meeting.

## 8. COMMUNICATIONS

Chair:

1. Chair Black discussed a request that the BCWMC has received from the Association of Medicine Lake Area Citizens (AMLAC) regarding being given time at an upcoming Commission meeting to present an issue regarding the Medicine Lake Dam. The Commission agreed to put the request on a future meeting and Ms. Chandler said that she received a recent communication from the president of AMLAC, Gary Holter, saying that the issue could wait until the Commission's October meeting if the September agenda is too full to add it. Chair Black said the Commission would monitor its September agenda and would add the AMLAC request if there is room and if not, then the Commission would add the AMLAC request to its October meeting agenda. Commissioner Welch suggested that staff pull together the past information that has been presented to the Commission and to AMLAC regarding the Medicine Lake Dam along with any dam inspection results. The Commission directed staff to pull together that information.
2. Chair Black reported that she, Derek Ashe, and Karen Chandler went to the Hennepin County Public Works, Energy and Environment Committee meeting on August 14th.

**Commissioners:**

1. **Commissioner Welch said that he has recently been hearing from citizens that Bassett Creek is running very clear right now.**
2. **Commissioner Welch reported that the Van White Boulevard Memorial Bridge is going up quickly and he encouraged the Commission to go take a look.**
3. **Commissioner Hoshal complimented the City of Golden Valley for the great job it did coordinating the Ed Silberman Memorial dedication ceremony. He added that the interpretive signage is up and he encouraged the Commission to take a look. The Commission directed Ms. Herbert to send a thank you and flowers from the Commission to the City of Golden Valley Public Works department.**

**Committees: No Committee Communications.**

**Counsel Communications: No Counsel Communications.**

**Engineer Communications: No Engineer Communications.**

**9. ADJOURNMENT**

**The meeting adjourned at 2:10 p.m.**

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**Chair**

**Date**

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**Amy Herbert, Recorder**

**Date**

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**Secretary**

**Date**