

## Bassett Creek Watershed Management Commission

### Minutes of the Meeting of July 21, 2011

#### 1. CALL TO ORDER

The Bassett Creek Watershed Management Commission (BCWMC) was called to order at 11:39 a.m., on Thursday, June 21, 2011, at Golden Valley City Hall by Chair Loomis. Ms. Herbert conducted roll call.

#### ROLL CALL

Crystal	Commissioner Pauline Langsdorf	Administrator	Geoff Nash
Golden Valley	Linda Loomis, Chair	Counsel	Charlie LeFevere
Medicine Lake	Commissioner Ted Hoshal	Engineer	Karen Chandler
Minneapolis	Commissioner Michael Welch, Treasurer	Recorder	Amy Herbert
Minnetonka	Absent		
New Hope	Commissioner John Elder		
Plymouth	Commissioner Ginny Black, Vice Chair		
Robbinsdale	Absent		
St. Louis Park	Commissioner Jim de Lambert, Secretary		

#### *Note:*

*Commissioner Wayne Sicora, Robbinsdale, 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, City of Golden Valley**  
**Jack Frost, Metropolitan Council Environmental Services**  
**Christopher Gise, Watershed Resident**  
**Lee Gustafson, BCWMC Technical Advisory Committee, City of Minnetonka**  
**Dave Hanson, Alternate Commissioner, City of Golden Valley**  
**Ann Krogman, Metropolitan Council**  
**Tom Mathisen, BCWMC Technical Advisory Committee, City of Crystal**  
**Richard McCoy, BCWMC Technical Advisory Committee, City of Robbinsdale**  
**Joseph O'Brien**  
**Jeff Oliver, BCWMC Technical Advisory Committee, City of Golden Valley**  
**Liz Stout, BCWMC Technical Advisory Committee, City of Minnetonka**  
**Liz Thornton, BCWMC Education Committee**  
**Sue Virnig, BCWMC Deputy Treasurer**

## 2. APPROVAL OF AGENDA AND CONSENT AGENDA

Commissioner Black moved to approve the Consent Agenda and the Agenda. Commissioner Elder seconded the motion. The motion carried unanimously with seven votes in favor [Cities of Minnetonka and Robbinsdale absent from vote].

## 3. CITIZEN INPUT ON NON-AGENDA ITEMS

No Citizen Input on Non-agenda Items

## 4. ADMINISTRATION

Presentation of June 16, 2011, Meeting Minutes. The meeting minutes were approved as part of the Consent Agenda.

Presentation of Financial Statements. The July Financial Report was received and filed as part of the Consent Agenda.

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

Checking Account Balance	\$570,219.82
<hr/>	
<b>TOTAL GENERAL FUND BALANCE</b>	<b>\$570,219.82</b>
Construction Account Cash Balance	3,286,409.67
Investment due 9/16/2015	512,059.83
<hr/>	
<b>TOTAL CONSTRUCTION ACCOUNT BALANCE</b>	<b>3,286,409.67</b>
<hr/>	
<b>-Less: Reserved for CIP projects</b>	<b>4,941,603.82</b>
<hr/>	
Construction cash/ investments available for projects	(1,143,134.32)

Presentation of Invoices for Payment Approval.

- i. Barr Engineering Company – Engineering Services through 7/2/11 – invoice for the amount of \$51,073.81.
- ii. Watershed Consulting, LLC – Geoff Nash Administrator Services through 6/30/11 – invoice for the amount of \$3,458.55.
- iii. Amy Herbert – June Administrative Services – invoice for the amount of \$4,449.17.
- iv. D’amico - ACE Catering – June BCWMC watershed tour catering – invoice for the amount of \$143.48.
- v. D’amico - ACE Catering – July BCWMC meeting catering – invoice for the amount of \$258.85
- vi. League of Minnesota Cities Insurance Trust (LMCIT) – Premium for LMCIT Property/ Casualty Insurance Coverage – invoice for the amount of \$3,827.00.
- vii. MMKR – Final billing for Fiscal Year 2010 audit – invoice for the amount of \$3,675.00.

*[Commissioner Sicora of Robbinsdale arrived.]*

Chair Loomis commented on the budget to-date of Engineering Services and asked staff for an update on that budget item as part of the BCWMC's mid-year budget update at the August BCWMC meeting. Commissioner Black moved to approve payment of all of the invoices. Commissioner de Lambert seconded the motion. By call of roll the motion carried unanimously with seven votes in favor [City of Minnetonka absent from vote. City of Robbinsdale abstained from the vote].

**4D. Explanation of BCWMC Financial Documents and Discussion on Possible Revisions.** Chair Loomis said that the reason this item is on the agenda is because the Commission Administrator and Engineer are having difficulties determining how much money the Commission has collected under Ad Valorem taxes for projects that have subsequently been closed thereby leaving money available to be used for the Commission to pay for future CIP projects and to reduce future levies. Chair Loomis said that the Commission asked its Deputy Treasurer, Sue Virnig, to attend today's meeting to be able to discuss the current reporting methods. Chair Loomis asked if the Engineer or Administrator wanted to summarize what information they learned through their meetings with Ms. Virnig or if the Commission wanted to start with Ms. Virnig to summarizing what she had explained to the Engineer and Administrator. Chair Loomis added that she also has spoken to Ms. Virnig about the financial report and thinks that the Commission may need to have a separate item on its financial report that shows its closed account balance so that the Commission knows what could be applied to reduce a levy in a current year.

Administrator Nash commented that what has caused problems for the Administrator and Engineer is that the closed projects money gets put back into the general fund, which makes it difficult to discern exactly the closed account balance that could be used for future projects. Ms. Chandler volunteered to summarize what had been discussed prior to today's meeting. Ms. Chandler went through the financial report with the Commission and detailed how the Commission currently handles its money. Ms. Chandler recommended that the Commission initiate sub-accounting for its projects that use ad valorem tax levies monies in order to track those projects separately just like the Commission already separately tracks its flood control long-term maintenance, flood control emergency maintenance, and channel maintenance. She noted that the TMDLs should also be separately tracked. She said that it would require extra work but it would allow the Commission to more easily see what funds it has available for capital projects.

The discussion brought up the Commission's practice of reimbursing its CIP administrative costs by annually moving 2.5% from its construction account to its administrative account. Chair Loomis commented that the Commission will need to examine that policy as well. Mr. LeFevere remarked that in today's economy the Shingle Creek Watershed Management Commission is not recovering the amount that it has certified to the County much less the higher amount that the County levies to try to anticipate for those tax non-payments. Mr. LeFevere said that the way the contracts are set up is that an amount is certified to the County and the contract with the city says that the Commission will use its best efforts to secure tax funds in that amount and the city will get that amount less the Commission's expenses. He said if the Commission isn't tracking what it's getting from the levy then it doesn't know what's available to the city. Mr. LeFevere said that he isn't sure that the money has been tracked that way with the funds coming in assigned to individual projects. He suggested the Commission keep a close eye on that side of the budget as well as what Ms. Chandler had discussed. He said that when the levy monies come in they aren't identified as to which projects the monies are for but the Commission could prorate the projects within the year and take whatever the percentage is of the incoming levy money.

Ms. Virnig walked the Commission through items on the Commission's Construction Account worksheet and described how the numbers are calculated.

Mr. Gustafson commented that he thought the Commission owes it to its member cities and its constituents to have a budget document that is easy to understand and is transparent. He suggested that the Commission consider changing its CIP project administrative reimbursement from 2.5% to 2.6% and use

that extra 0.1% to fund the administrative costs it would take to have a complete new financial system that could track funds on a project-per-project basis including funds like interest generated on the flood control emergency maintenance and flood control long-term maintenance funds.

Mr. Mathisen cautioned the Commission to be careful of what it wishes because not enough information is a problem but too much information is difficult to understand as well. Commissioner Welch remarked that proper expenditure needs to be made so that the Commission's financial tracking is clear and transparent. He said that he thinks the Commission needs to direct its Administrator to work with the Commission's Deputy Treasurer and Engineer to look at new financial reporting options. Ms. Clancy asked if the Commission would be willing to expand that group to include a policy member of the Commission and a member of the TAC. The Commission agreed and Commissioner Elder and Mr. Gustafson volunteered.

Commissioner Black moved that the Commission's Administrator, Deputy Treasurer, Engineer, and Commissioner Elder and TAC member Gustafson work to come up with a format for a new accounting and computer system that will allow the Commission track projects in a more transparent manner. Commissioner Welch seconded the motion. Commissioner Welch said that another issue that needs to be addressed at the same time is internal communications about expenditures and income such as the Commission specifying budgets when directing expenditures. The motion carried unanimously with eight votes in favor [City of Minnetonka absent from vote].

4E. Commission Liaisons for Upcoming TAC Meetings. Commissioner Elder volunteered to attend the Commission's August 4<sup>th</sup> TAC meeting as the Commission-TAC liaison. Chair Loomis volunteered to be the liaison at the TAC's September 1<sup>st</sup> TAC meeting. The Commission discussed the TAC's August agenda and directed the TAC to look at the following issues:

- Possible changes in current BCWMC policies for redevelopment projects and liner projects in terms of water quality treatment and non degradation because current policies allow increases in nutrient loading.
- Discuss other watersheds' approaches to wetland banking trading - namely Ramsey-Washington and Nine Mile Creek's programs. Discuss the costs to update and maintain the programs.
- Discuss specific locations for possible placement of the pressure transducers that the BCWMC voted to purchase for reading lake level elevations.

The Commission indicated approval of the August TAC agenda.

4F. Resolution 11-06 – A Resolution Accepting a Donation for Lake Monitoring. Ms. Black moved to approve Resolution 11-06 for the BCWMC to accept a donation from Caroline's Kids Foundation in the amount of \$550 to be used for the BCWMC's participation at the second monitoring site on Sweeney Lake for the Metropolitan Council's 2011 Citizen-Assisted Monitoring Program. Commissioner Elder seconded the motion. The motion carried unanimously with eight votes in favor [City of Minnetonka absent from vote].

## 5. NEW BUSINESS

A. Discuss Wirth Lake Outlet Structure Feasibility Report. Ms. Chandler drew the Commission's attention to the July 12, 2011, Barr Engineering memo included in the meeting packet. She explained that the memo detailed the changes made to the final draft of the Wirth Lake Outlet Structure Feasibility Report based on the following comments received in June about the draft report:

- Add language clarifying the impacts of this project on the proposed 2012 Bassett Creek Main Stem restoration project work adjacent to it in Wirth Regional Park;
- Clarify that the rubber check valves' installation will not change the existing outflow

characteristics at the Wirth Lake outlet;

- Clarify the rubber check valves' effect on fish passage at the Wirth Lake Outlet.

She discussed the revisions in detail and asked that the Commission approve the final feasibility report. Commissioner Black moved to approve the final feasibility report. Commissioner Langsdorf seconded the motion. Commissioner Welch asked for clarification that the rubber check valves don't have any mechanical elements. Ms. Chandler said that he is correct and that the valve operates via hydraulic pressure. Commissioner Welch asked if the comments from the Minnesota Department of Natural Resources (DNR) were provided in written form. Ms. Chandler said no, not before the state government shut down but said that she could pursue obtaining them. Commissioner Welch asked her to do so, commenting that he thought that a project to improve water quality should prove favorable to a fish stocking program and that he was surprised by the DNR's neutral position on the project.

The motion carried with eight votes in favor [City of Minnetonka absent from vote].

- B. **Annual CIP Review – Discuss 2013 Projects.** Administrator Nash said that the recommended Commission action on this item is to approve the addition of two projects to its Capital Improvement Plan (CIP) for 2013. Administrator Nash described the projects. He explained that one project has been renamed the Four Seasons Mall Wetland Enhancement Project in Plymouth from the former name of the NB-07 Project as listed in the Commission's *Watershed Management Plan*. He said that the project's goal is to reduce phosphorous loading into Northwood Lake and has an estimated cost of \$943,000, which would be assessed for 2013.

Administrator Nash said that the second proposed project for 2013 is the Lakeview Park Pond project in Golden Valley. He said that the goal of the project is to reduce total suspended solids and phosphorous and the estimated project cost is \$196,000 to be assessed over two years so that \$150,000 of the cost would be assessed for 2013 and \$46,000 would be assessed for 2014.

Commissioner Black noted that the Lakeview Park Pond project is estimated to remove 52% of the phosphorous from stormwater draining into Medicine Lake and has a project cost of \$196,000 compared to the \$943,000 cost of the Four Seasons Wetland project, which is estimated to remove phosphorous loading into Northwood Lake by only 14%. She asked Plymouth TAC Member Derek Asche to provide more details on the Four Seasons project and to speak to the point that she just raised.

Mr. Asche discussed that the original NB-07 project was to dredge a wetland just south of the Four Seasons Mall for some phosphorous reduction. He said that because of changes in wetland mitigation requirements it is unlikely that dredging out the area for the 14% reduction in phosphorous would be worthwhile. Mr. Asche said that the project has been expanded into more of a wetland enhancement project where habitat could be created and phosphorous could be reduced. He added that the project could be possibly combined with the redevelopment of the Four Seasons Mall site. He stated that the City of Plymouth received a grant to look at the redevelopment of the Four Seasons Mall site, which is essentially 85% impervious surface today. He said that the grant allows for the City to look at surface water management for the site. Mr. Asche said that as a result of the City and the Commission wanting to do projects at this site, which is now a possible redevelopment site, there is the opportunity to come up with a comprehensive way to address the Commission's goal of reducing phosphorous. Mr. Asche said that the redevelopment project would need to meet the Commission's requirements for redevelopment projects but the City is looking at ways the project could go above and beyond those redevelopment projects. Commissioner Elder commented that if the project's goal is to lessen the amount of phosphorous going into Northwood Lake then it would seem to make sense to add on to the project the portion of New Hope on the other side of Highway 169 that leads into Northwood Lake. Mr. Asche said that the City will be in touch with staff about that and said that it does make sense and that Plymouth has mentioned it to New Hope staff.

Ms. Black asked if the \$943,000 cost estimate could go up. Ms. Chandler said that the \$943,000 cost estimate assumes the project includes dredging but changes could happen as the Four Seasons Mall

project gets beyond the conceptual phase. She said that the project could end up looking a lot different. Ms. Chandler said that the dredging project would be large and expensive because there are 37,000 cubic yards of material to be excavated and the wetland status could pose complications.

Mr. Asche commented that in the West Medicine Lake Park Pond project the wetland needed to be mitigated to almost one-to-one, which ended up being almost half of the project cost. Commissioner Black asked if Mn/DOT has been asked to participate in the Four Seasons Mall Wetland Enhancement project. Mr. Asche said that he has been in touch with Mn/DOT since a portion of the project does end up in its right of way. He said that Mn/DOT was interested at that time in terms of being involved in the discussion but didn't make any commitments.

Commissioner Welch said that there remains a lot of moving parts to this project and wondered when the goal identification stops and the feasibility study process starts. He suggested that the next step should be identifying how to design a feasibility study and the cost it would take to bring someone in to do the feasibility study in order to bring a good picture of the project in front of the Commission.

Ms. Chandler said the process would be for the cities and the Four Seasons Mall process get further along and identify the storm water treatment alternatives that seem most promising. She said that after that point the Commission would have a better idea of what the project could look like and could begin the feasibility process.

Ms. Black asked about how much leeway the Commission has to change a project's date and cost without needing a Plan Amendment. Ms. Chandler responded that this project is already in the Commission's Plan and the Commission can change the year of the project without a Plan Amendment. She said that there is limitation on changing the dollar amount based on cost of living increases and a certain percentage of the project cost. Commissioner Welch said the limit is 20% of the project cost. Ms. Chandler reminded the Commission that any project with a cost greater than \$500,000 that is using ad valorem dollars requires a minor plan amendment due to Hennepin County requirements.

Chair Loomis mentioned that there is the possibility of spreading the cost of this project over two years. She pointed out the listed projects on the Commission's CIP table updated February 9, 2011, and said that it would be possible for some of this project to be levied for 2014.

Commissioner Black moved to approve adding both projects discussed to the Commission's CIP for 2013. Commissioner Elder seconded the motion. Commissioner Welch commented that this action is a fantastic step in the right direction for the Commission starting its CIP process earlier. He asked Ms. Chandler if the cost estimates presented today are the amounts listed in the Commission's Plan. Ms. Chandler said yes. Ms. Chandler commented that the phosphorous reduction discussed in the two projects isn't an apples to apples comparison. She said that the 14% reduction in phosphorous discussed in the Four Seasons Mall Wetland project is talking about the reduction in the entire watershed of Northwood Lake and the 52% reduction discussed for the Lakeview Park Pond project is treatment provided by the pond for the watershed draining into it.

The motion carried unanimously with eight votes in favor [City of Minnetonka absent from vote].

- C. **Tennant Company Improvements: Golden Valley.** Ms. Chandler said that more information was handed out today on the project and she passed around product catalogs about the sand filters. She explained that the project is a 4.9 acre site in the City of Golden Valley. She said that the project is in front of the Commission because it proposes an alternative treatment for storm water and an increase in impervious surface of 0.24 acres. Ms. Chandler said that it is important to note that the project is in the Sweeney Lake watershed.

Ms. Chandler explained that with the addition of the 0.24 acres of impervious surface 4.38 acres of the 4.9 site will be impervious. She said that 3.1 acres of the site will be graded. Ms. Chandler added that there will be some structural improvements done to the building as part of the project, which isn't part

of the Commission's review. She said there are no floodplain issues and commented that prior to this redevelopment there was no rate control on the site.

Ms. Chandler said the project proposes an underground sand filter and reminded the Commission that its policy is that projects proposing underground treatment as an alternative water quality treatment be brought in front of the Commission. Ms. Chandler said that previously there was no water quality treatment on the site but the Commission's redevelopment policy requires redevelopment to meet nondegradation requirements. She summarized that with the proposed sand filters and the pre-treatment basin the project meets the requirements of the Commission by providing enough treatment for the whole site to meet the Commission's nondegradation requirements. She said that the permit applicant is considering installing some sump manholes to keep the sediment in place but cost is a factor. Ms. Chandler said that the July 12, 2011, Engineer Memo listed four conditions for the permit. She reported that the first two conditions have been met since the memo was sent to the Commission. She said that the Commission Engineer recommends approval of the project based on the two remaining conditions, listed as numbers 3 and 4 in the Engineer memo:

3. Sump manholes should be considered along the storm sewer leaving the site to the northeast.

4. A maintenance agreement for the bioretention basin and storm chambers must be established between the City of Golden Valley and applicant. Submittal by the applicant indicates maintenance of the sand filter is required when sediment has collected to 3-inches inside the storage chamber. The sand filter will be cleaned with a vacuum truck equipped with a culvert-cleaning nozzle. The sand filter will be replaced if it no longer drains within 48-hours of a storm event.

Ms. Chandler said that she recommended modifying condition number 3 by inserting the words "SAFL Baffles" so that the condition begins "Sump manholes and SAFL Baffles..." She recommended modifying condition number 4 to read, "...Submittal by the applicant indicates that the maintenance agreement must include the following maintenance actions, which were provided by the applicant, and include..."

Ms. Chandler fielded specific questions on the size of components of the storm chamber, how the chambers are cleaned out, and how much runoff the drainage areas treat. Mr. Mathisen asked if the Commission's policies don't require this redevelopment project to treat the whole site to one-inch runoff treatment. Ms. Chandler indicated no and explained it is because this redevelopment project is less than five acres.

Commissioner Welch commented that this discussion is indicative of the urgency with which the Commission needs to revise its standards. He said that this redevelopment project is in the Sweeney Lake watershed, Sweeney Lake is an impaired waterbody, and one of the things discussed in the Sweeney Lake TMDL is the lack of opportunities for redevelopment where treatment could be increased. He said that this project doesn't make the water quality any worse but a lot of phosphorous could be removed from almost five-acres of impervious surface.

Commissioner Welch asked for the addition of a third condition that the applicant consider or investigate the addition of iron to the system to enhance treatment capacity.

Commissioner Sicora made specific comments about the proposed system and said that the filter medium is critical to how the system works. He said that he thinks the filter medium to be used in the proposed underground sand filters needs to be reviewed in more detail to ensure it is done properly.

Commissioner Hoshal asked if the project's building design is considering a green roof. Ms. Chandler said that she did not know. Commissioner Hoshal asked if pervious pavement opportunities are being taken advantage of in this project. Ms. Oliver said the applicant did consider it but moved away from it to the infiltration systems. Commissioner Hoshal asked about rain garden opportunities. Chair Loomis said the site's soils and water table don't allow for rain gardens.

Commissioner Black asked if the Commission needs to look at its requirements for filter media when the Commission reviews its standards. Mr. Sicora said it really comes down to criteria, which is why as

a policy it is best for these projects to come in front of the Commission. He commented that he would like to see the specific cross sections for the systems proposed for the projects so that there is the detail included for the particular project and that project's site. Ms. Chandler said there are particular cross sections developed for this site and she can get those to anyone interested. Commissioner Welch asked if Commissioner Sicora would want additional information prior to voting on the project.

Commissioner Sicora said that as a commissioner he would approve this project based on the Commission Engineer's review with the recommended conditions. He said that as an engineer he would dig into the design a bit more. Commissioner Sicora commented that as a responsible body the Commission should be looking at the longevity and the sustainable nature of these systems.

Chair Loomis said that Commissioner Welch hit on a topic that the Commission may want to address when looking at the Plan revision. She said that the opportunities to make improvements in a fully developed watershed are so few and far between that not only does the Commission need to look at its standards but also at helping the developers do what will help the watershed.

Ms. Clancy and Mr. Oliver discussed recent cases where property owners looked at the redevelopment standards and backed away from projects.

Commissioner Welch said that the Plan revision is still two years out and said that the Commission should not wait that long to look at making changes to its redevelopment standards.

Commissioner de Lambert moved to approve the permit with the Commission Engineer's recommended conditions numbers three and four becoming conditions one and two, adding the condition regarding asking the applicant to look at using iron filings in the infiltration systems, and incorporating the language revisions as described earlier by the Commission Engineer regarding the SAFL Baffles and the maintenance requirements. Commissioner Black seconded the motion.

The motion carries with eight votes in favor [City of Minnetonka absent from vote].

**D. Consideration of Data Practices Procedures. Deferred to August BCWMC meeting. Commissioner Welch said that the Data Practices Procedures should have gone first to the Committee instead of into the meeting packet and this underscores communication issues.**

**E. Draft BCWMC Policy Manual. Deferred to August BCWMC meeting.**

## **6. OLD BUSINESS**

**A. Major Plan Amendment Update. Chair Loomis said that the Commission needs to direct staff to submit the Plan Amendment to the Minnesota Board of Water and Soil Resources (BWSR) after Hennepin County makes a decision about it at its August 2<sup>nd</sup> meeting. She said that the Commission also needs to direct staff to notice the September Public Hearing and to prepare the Cooperative Agreements for the projects. Ms. Chandler said that the draft memo to BWSR as included in the meeting packet contains revisions to the Plan Amendment because of some items learned through the feasibility report process for the Wirth Lake Outlet Structure project.**

**Ms. Chandler explained that the draft letter in the packet is dated August 3, 2011, to indicate that it needs to go to BWSR immediately following the August 2<sup>nd</sup> County meeting at which hopefully the Plan Amendment will be approved by the County. Commissioner Welch asked if anyone from the Commission is going to the August 2<sup>nd</sup> County meeting to represent the Commission. Chair Loomis said the Commission hasn't heard back from Joel Settles on whether or not the County has asked anyone from the Commission to attend but she said that she can attend and plans to attend. Commissioner Welch said that Administrator Nash should be there as well and he said that he will also try to attend. Mr. LeFevere said that it might be helpful if the BCWMC commissioners tell their County commissioner ahead of time that it is time critical that the County make a decision on August 2<sup>nd</sup>. Commissioner Black said that she could talk with her commissioner on the County board and the Commission indicated that she should go ahead and do so.**



Chair Loomis said that the Commission is looking for a motion to submit the Plan Amendment to BWSR after the Hennepin County approves the Plan Amendment and to authorize staff to notice the public hearing and to prepare the Cooperative Agreements for the two projects. Commissioner Welch said so moved. Commissioner Black seconded the motion. Chair Loomis clarified that the Commission Engineer would submit the Plan Amendment to BWSR, the Recorder would notice the public hearing, and legal counsel would prepare the Cooperative Agreements. Commissioner Welch noted that the Commission is a party to the Cooperative Agreements. The motion carried unanimously with eight votes in favor [City of Minnetonka absent from the vote].

- B. **Draft Education and Public Outreach Plan for 2011-2015.** Chair Loomis asked if the TAC would discuss the draft Education and Public Outreach Plan (EOP) at its August 3<sup>rd</sup> meeting and suggested that the Commission discuss the EOP and the TAC's input at the Commission's August meeting. The Commission indicated agreement.

Commissioner Langsdorf said that BWSR requested that Watershed Management Organizations (WMOs) prepare an EOP and also requested that the WMOs send someone to BWSR's training on preparing EOPs. She said that the BCWMC sent Education Committee member Margie Vigoren to the training and that Committee member Liz Thornton was the alternate. Commissioner Langsdorf said that the draft EOP was developed using the EOP guidelines from BWSR and the information in the Commission's Second Generation Plan regarding the Commission's education and outreach goals.

Commissioner Langsdorf said that the Committee took the Commission's 2012 operating budget and changed the EOP to fit within the BCWMC's 2012 budget. She said that the items removed for 2012 because of budget considerations were added back in for 2013 – 2015. Commissioner Langsdorf drew the Commission's attention to the July 14, 2011, memo and the 2012 and 2013 education budget comparison table, both prepared by the Education and Outreach Committee, as sources for more details about the preparation of the EOP.

Education Committee member Liz Thornton raised the point that the EOP and the Education Committee activities have all been done by volunteers. She said that the Commission needs to look to the future because the work can't continue based only on volunteer work. Chair Loomis said that the Commission did allocate funds within the Administrator's 2012 budget for staff time on education.

## 7. COMMUNICATIONS

Chair:

1. Chair Loomis reported that Ed Silberman, a former long-time BCWMC commissioner from Golden Valley, passed away in early July. She recommended that the Commission direct staff to prepare a resolution in recognition of the work accomplished by Ed Silberman on behalf of the BCWMC, which the BCWMC could present to his family. The Commission agreed and directed Mr. LeFevere to prepare the resolution. Ms. Clancy volunteered to help. Chair Loomis noted that the City of Golden Valley is considering naming a flood control facility after Mr. Silberman.

Administrator:

1. Administrator Nash announced that the Sweeney Lake TMDL had been sent to the U.S. Environmental Protection Agency by the Minnesota Pollution Control Agency prior to the Minnesota government shut down. Chair Loomis added that the BCWMC also heard that the TMDL was approved but said that the written communication to the Commission of the approval has been delayed because of the state government shut down.
2. Administrator Nash reported that SRF contacted him because it is one of the firms that received the Engineering RFP and would like to respond to the BCWMC's call for Request for Proposals (RFPs). He said that SRF called wanting to know if there would be any issues since Lisa Goddard, the BCWMC Alternate Commissioner from Minneapolis, is employed at SRF. Mr. LeFevere said that he would like to report back on that issue. He said that he could report his legal findings

directly to SRF. He said that if the Commission finds out that it is ok legally but knows that it is uncomfortable with it then the Commission should let SRF know right away so that it doesn't spend time on the proposal. Administrator Nash said that the proposals are due to the Commission next week and so SRF should be notified as soon as possible. Chair Loomis directed Mr. LeFevere to check into the issue and to let the Administrator and SRF know. She said that if any of the Commission members are uncomfortable with the relationship then communicate it to the Administrator. Commissioner Sicora said that as a consulting engineer he thinks it would be nice to have clarification on the issue. Mr. LeFevere said that he would prepare a memo and distribute it.

**Commissioners:**

1. Commissioner Black said that on June 30<sup>th</sup> she was called on and asked to be part of the Hennepin County Surface Water Governance Research Project. She said that she agreed but thought that she was participating through her role with the City of Plymouth. She said she sees that the group's contact list identifies her organization affiliation as the BCWMC. Ms. Black said that she is very interested in this project and asked the Commission if it is comfortable with her representing the Commission in this project.

Mr. LeFevere said that one of the items on the County's list of possible fixes to watershed management is legislation to allow joint powers WMOs to have taxing authority. He said that he doesn't know if the Commission has a position on that issue but if Commissioner Black is going to represent the Commission in the county's research project then she should know the Commission's position and be able to represent it. Commissioner Welch said that he thinks Commissioner Black should participate and let the project team know that she is representing herself.

Ms. Chandler added that Len Kremer had suggested that if this project is of concern to the Joint Powers WMOs then perhaps a meeting of the WMOs could be coordinated to facilitate discussion. She said that the West Metro Watershed Alliance (WMWA) includes all of the local WMOs except for the Mississippi WMO.

Commissioner Black said that she is taking it as Commission direction that she will make it clear to the group that while she is on the BCWMC she is representing herself at the project meetings. She said that any feedback that commissioners have about this project can be given to her. She said that one of the first items that she will bring up at the meeting is the need for a Web site for the group to post meeting minutes and then Commission could link to that Web site. The Commission indicated agreement.

Administrator Nash asked if the Commission wanted to make a decision about coordinating a meeting of the WMOs. Chair Loomis said that the Commission seems to indicate that there isn't enough information known yet to hold a joint WMO meeting.

2. Commissioner Hoshal reported that he took a series of photos of the BCWMC's June 22<sup>nd</sup> watershed tour and had sent a link to archived photos to Administrator Nash and Ms. Herbert. He asked if others would like to see them. Commissioner Black indicated that she would and asked if they could be posted on the BCWMC's Web site. Commissioner Welch commented that if Commissioner Hoshal gives the photos to the Commission then the photos become public data. Ms. Thornton said that the photos could be useful for commissioners to use with the education display. Commissioner Welch said that he thought it would be better if Administrator Nash would pick a selection of the photos to be displayed on the Commission's Web site. The Commission indicated agreement with that staff direction.
3. Commissioner Hoshal displayed an 1874 atlas of the state of Minnesota that shows Bassett Creek and its meander at that time. The Commission indicated interest in having a copy made of that map and posting it on the BCWMC's Web site.
4. Chair Loomis asked Ms. Herbert to report on the communications that the Commission has received from the Association of Medicine Lake Area Citizens regarding coordinating a meeting of

stakeholders on the issue of aquatic invasive species. Ms. Herbert reported that the Commission has been invited to attend a meeting to discuss aquatic invasive species and specifically zebra mussels and actions that could be taken to keep them out of west metro area waterbodies. She said that AMLAC is asking Minnesota Waters to moderate the meeting and has asked the Three Rivers Park District and other government entities to participate. She said that right now the date selected for the meeting is August 17<sup>th</sup> and other meeting details are still being worked out. Ms. Herbert said that the Commission could decide to communicate back regarding the invitation or could just file the communications in the BCWMC's correspondence file. Ms. Black commented that she is planning to attend as a representative of the City of Plymouth. She noted that the Commission's policy manual doesn't have a policy on aquatic invasive species but said that maybe one should be developed. Chair Loomis said that anyone who goes to the meeting should report back to the Commission. Commissioners Welch and Hoshal requested a copy of the e-mail with the meeting details.

**Committees:**

**Education Committee**

1. Commissioner Langsdorf said that the two line items under the education and outreach budget have been combined in the financial report and she asked that they be separated back into two lines. She asked if she could work it out with Administrator Nash. The Commission indicated yes.
2. Commissioner Langsdorf said that she received comments on the BCWMC's education display after it was on display at the Golden Valley Farmers' Market and that the Mayor of New Hope would like the display to be up at its farmers' market. Chair Loomis said she had the display up for one day at the Golden Valley Farmers' Market and had a lot of people stop by the display. She said that she passed out a lot of packets.
3. Commissioner Langsdorf said that the Education Committee has money for another newspaper article and the Commission recommends that it be about fall leaf care. She said that the Committee needs to talk to Administrator Nash about it since the article goes out under his byline.

**Counsel: No Communications.**

**Engineer:**

1. Ms. Chandler noted that Clean Water Legacy grant applications are due September 15, 2011. She said that the City of Minneapolis has indicated interest in pursuing grant money for the Main Stem restoration project in Minneapolis. She recommended that the Commission authorize staff to develop at least that grant application. She said that Chair Loomis had brought up in a discussion the idea of pursuing grant funds for retrofitting in the fully developed watershed. Commissioner Welch said that he would like to be in any e-mail loop with BWSR about the Main Stem project in Minneapolis. Commissioner Welch moved to have staff communicate with BWSR and try to nail down the criteria and the emphasis of the grants and if staff gets a green light about the Main Stem restoration project in Minneapolis then Administrator Nash should lead the effort to prepare a grant proposal about that project. Commissioner Black seconded the motion. The motion carried unanimously with eight votes in favor [City of Minnetonka absent from vote]. Commissioner Black clarified that any costs for administering the grant can be part of the grant. Administrator Nash said yes, up to 5%. Chair Loomis directed staff to flesh out the idea for the retrofitting as a possible grant submission and to bring it back to the Commission.

**9. INFORMATION ONLY**

**Bassett Creek Erosion Control Inspections, July 8 – 11, 2011**

**10. CLOSED MEETING**

Chair Loomis adjourned the meeting for a brief recess at 2:09 p.m. after which the meeting was to resume as a closed session, per the request of Administrator Nash, for a performance evaluation of the Administrator.

---

**Linda Loomis, Chair**

**Date**

---

**Amy Herbert, Recorder**

**Date**

---

**Jim de Lambert, Secretary**

**Date**