

**Bassett Creek Watershed Management Commission
Minutes of the Meeting of April 19, 2012**

1. CALL TO ORDER

The Bassett Creek Watershed Management Commission (BCWMC) was called to order at 11:38 a.m., on Thursday, April 19, 2012, at Golden Valley City Hall by Chair Black. Ms. Herbert called roll.

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

Also present:

- Laura Adler, BCWMC Technical Advisory Committee, City of St. Louis Park
- Virginia (Ginger) Anderson, Golden Valley Resident
- Derek Asche, BCWMC Technical Advisory Committee, City of Plymouth
- Pat Byrne, BCWMC Technical Advisory Committee, City of Minneapolis
- Dave Hanson, Alternate Commissioner, City of Golden Valley
- Linda Loomis, Golden Valley Resident
- Tom Mathisen, BCWMC Technical Advisory Committee, City of Crystal
- Michael Martens, Bryn Mawr Neighborhood Assoc. Land Use Committee
- Richard McCoy, BCWMC Technical Advisory Committee, City of Robbinsdale
- Jeff Oliver, BCWMC Technical Advisory Committee, City of Golden Valley
- Justin Riss, Alternate Commissioner, City of St. Louis Park
- Charlie Simmons, Medicine Lake Resident
- Liz Stout, BCWMC Technical Advisory Committee, City of Minnetonka
- John Turrittin, Turrittin Designs
- Aliya White, Golden Valley Resident
- Brad Wozney, Minnesota Board of Water and Soil Resources

2. APPROVAL OF AGENDA AND CONSENT AGENDA

Chair Black requested the addition to the Old Business agenda as item 6A1 - a discussion of Golden Valley’s plans for a memorial and recognition event for former BCWMC Commissioner from Golden Valley Ed Silberman. Commissioner Hoshal requested the addition to the invoices an invoice from Prairie Moon Nursery in the amount of \$269.33 for the 400 seed packets ordered by the Education Committee. He noted that the funds are to come out of the Education Budget. Acting Commissioner Goddard moved to approve the agenda as amended. Commissioner de Lambert seconded the motion. The motion carried unanimously with seven votes in favor [Cities of Minnetonka and New Hope absent from vote]. Commissioner Hoschka moved to approve the Consent Agenda. Acting Commissioner Goddard seconded the motion. The motion carried unanimously with seven votes in favor [Cities of Minnetonka and New Hope absent from vote].

3. CITIZEN INPUT ON NON-AGENDA ITEMS

Ms. Ginger Anderson, a Golden Valley resident whose property is along Bassett Creek, brought up her concerns about the health of the creek and signs of deteriorating water quality since 2005. She said she is particularly concerned about thick, yellow foam along the creek this spring and noted that the water can be smelly and the creek bed is mucky instead of sandy like it was years ago so she doesn’t want her dogs in the water. Mr. Oliver responded that each year the City does field calls from residents about concerns such as the foam. He explained that the foam is due to decaying vegetation but the City can look into it further if she would contact him directly and he provided her with his contact information.

Mr. Michael Martens of the Bryn Mawr Neighborhood Association Land Use Committee asked a BCWMC representative to come to the Committee’s May 9th meeting to discuss the upcoming Commission project along Bassett Creek in Minneapolis. Chair Black said that there are two Minneapolis representatives on the Commission, Michael Welch and Lisa Goddard and perhaps one of them would attend. She recommended that Mr. Martens find Commissioner Welch’s e-mail on the Commission Web site and e-mail him with the request.

Ms. Aliya White, a Golden Valley Resident, noted that she is a property owner along Bassett Creek and is here to learn more about the BCWMC and its processes.

4. ADMINISTRATION

4A. Presentation of March 15 and March 29, 2012, Meeting Minutes. The meeting minutes were approved as part of the Consent Agenda.

4B. Presentation of Financial Statements. The BCWMC’s April 2012 financial report was approved as part of the Consent Agenda.

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4C. Presentation of Invoices for Payment Approval.

- i. Kennedy & Graven – Legal Services through February 29, 2012 – invoice for the amount of \$1,821.16.
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Commissioner Hoschka moved to approve payment of all of the invoices. Commissioner Hoshal seconded the motion. By call of roll the motion carried unanimously with seven votes in favor [Cities of Minnetonka and New Hope absent from vote].

4D. Reimbursement Request from the City of Plymouth in the amount of \$42,258.09 for costs for work completed on the Plymouth Creek Stream Bank Restoration project. Mr. Asche summarized the reimbursement request, which would take care of the final payment to the contractor. He brought up the question of at what point a municipality closes out a project with the Commission. He noted that at the city level, projects are closed out upon the final payment to the contractor. Mr. Asche noted that in this case permit requirements mean the City of Plymouth must continue wetland monitoring for four more years. He said that the monitoring will mean there are additional costs to the project estimated to be around \$10,000, which will be carried out over the next four years. Mr. Asche noted that there will be funds left in the project budget after this final contractor invoice has been paid and also noted that there would be BCWMC administrative costs to tracking and handling the future reimbursement requests for the wetland monitoring costs. He asked the Commission how it wants to handle these types of permit-related costs of a project after construction has been completed.

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that are substantially closed but have ongoing maintenance or monitoring costs, and leaving the project open and paying for, as they are received, the annual reimbursement requests regarding monitoring costs. Commissioner de Lambert commented that he thinks that the Commission should continue to pay those costs related to the permit requirements. Chair Black said that she is hearing the Commission say that the project should be left open.

Ms. Chandler said that the Commission Engineer reviewed the reimbursement request and recommends payment of the request. She stated that after payment of the invoice there would be \$36,714.89 left in the project budget.

Acting Commissioner Goddard moved to approve the City of Plymouth's reimbursement request in the amount of \$42,258.09. Commissioner de Lambert seconded the motion. The motion carried unanimously with seven votes in favor [Cities of Minnetonka and New Hope absent from vote].

4E. "Greening" BCWMC Meetings. Commissioner Hoschka noted that instead of ordering individual plastic water bottles for lunch the Commission is trying out pitchers of water. She also asked the Commission about its interest in going paperless for its meetings. Chair Black added that the Commission wouldn't be providing electronic devices so commissioners would need to bring their own laptops or other devices. The Commission discussed options. Commissioner Hoschka volunteered to send out an e-mail asking commissioners and alternate commissioners to respond on whether they are interested in having a paper copy of the meeting packet or in going electronic.

4F. Participation in Golden Valley Days. Commissioner Hoschka noted the opportunities for BCWMC participation in Golden Valley Days events, such as having a booth there or being in the parade, on May 19th. The Commission indicated consent for participating. Commissioners Hoschka and Hoshal said they would coordinate with each other and the City. Ms. Linda Loomis indicated interest in volunteering. Commissioner de Lambert volunteered to help staff the booth at the event. Commissioner Hoshal stated that he would include Commissioner Hoschka, Chair Loomis, and Commissioner de Lambert on the e-mails with the event coordinator.

Mr. Michael Martens noted two opportunities for the BCWMC to connect with Bryn Mawr Neighborhood residents: 1. The Bryn Mawr Neighborhood Association's annual meeting on May 9th; and, 2. The Bryn Mawr ice cream social on July 23rd.

4G. Motion to Not Waive Monetary Limits on Municipal Tort Liability. Chair Black moved to not waive the monetary limits on municipal tort liability. Commissioner Hoshal seconded the motion. The motion carried unanimously with seven votes in favor [Cities of Minnetonka and New Hope absent from vote].

4H. MMKR Audit. Chair Black reported that MMKR has delivered to the Commission the final draft of BCWMC's fiscal year 2011 audit. Commissioner Johnson moved to approve the audit. Acting Commissioner Goddard seconded the motion. The motion carried unanimously with seven votes in favor [Cities of Minnetonka and New Hope absent from vote].

5. NEW BUSINESS

A. Discussion with Doug Snyder, Director of the Mississippi Watershed Management Organization. Chair Black announced that Mr. Snyder was not able to make today's meeting and will not be able to make meetings on Thursdays. She asked if the Commission is still interested in meeting with Mr. Snyder and if so then what alternate date would work in lieu of Thursdays. The Commission indicated that it was still interested in meeting with Mr. Snyder. It did not decide on an alternate date for the meeting. Commissioner Hoshal asked how the Commission learned of Mr. Snyder's interest.

Chair Black said that the Administrative Services Committee approached Mr. Snyder about it. Commissioner Hoshal asked if the Commission is entertaining other proposals at this time. Chair Black said no, not at this time. Commissioner de Lambert stated that the Administrative Services Committee has already met one time with Doug Snyder.

Chair Black asked if the Commission is interested in sending out a Request for Proposals as a parallel process with trying to get together to talk with Doug Snyder. Commissioner Johnson said that it sounds like there may be possible synergies with working with the Mississippi Watershed Management Organization and perhaps the Commission should hold off on the RFP until it finds out if it can work with the organization. Several commissioners agreed.

Commissioner Sicora noted the element of the Next Generation Plan timetable and commented that ideally the Commission would have an Administrator in place for the kick off later this year.

Chair Black said that it would be beneficial for the Commission to read the RFP in the meeting packet prior to the Commission meeting with Doug Snyder. Commissioner Goddard asked if it was essentially the same RFP as went out in the process of looking for an Administrator last time. Chair Black said yes it is pretty close to what was put out last time with a few revisions.

- B. 228 Peninsula Road Floodplain Mitigation: Medicine Lake. Ms. Chandler explained that the project is in front of the Commission because it includes work in the floodplain of Medicine Lake. She said the project comprises tearing down the existing home and garage and building a new home and garage. Ms. Chandler noted that there will be an increase in impervious surface but because of the small size of the project no Commission requirements regarding treatment are triggered. She said there are drainage and other water quality requirements under the City's jurisdiction. Ms. Chandler said that the Commission Engineer's memo in the packet recommended approval of the permit with conditions. She said that since that time all of the conditions have been met so the Commission Engineer recommends approval of the project.

Mr. John Turriffin, the landscape architect working with the homeowners on the project, provided more details about the project and the revisions that have been made to the plan. He noted that the project no longer contains a component of adding fill in the flood plain.

Commissioner Hoshal moved to approve the project without further recommendations. Commissioner de Lambert seconded the motion. The motion carried unanimously with seven votes in favor [Cities of Minnetonka and New Hope absent from vote].

6. OLD BUSINESS

A.

- i. Memorial and Recognition of Ed Silberman, former BCWMC Commissioner. Mr. Oliver that Mr. Silberman had been a long-time BCWMC commissioner from Golden Valley and a civil engineering professor at the University of Minnesota who worked at the St. Anthony Falls laboratory in Minneapolis. Mr. Oliver said that Mr. Silberman passed away this past summer at the age of 94 and his contributions to the watershed, water quality, and public participation were way ahead of its time. Mr. Oliver said the city plans a memorial in Schaper Park in Golden Valley including putting in a bench and plaque around the pond. Mr. Oliver said that the plaque will provide education about the water quality pond, the skimming structure, the native vegetation, and will also commemorate Mr. Silberman's contributions. Mr. Oliver said that the recognition event will occur in July and the City will provide more details when they

are ready.

- ii. **City of Medicine Lake Request for Medicine Lake Dam Inspection.** Chair Black stated that the Commission received a letter from the City of Medicine Lake signed by Ted Hoshal, representing the City of Medicine Lake. She said the letter raised questions about a possible leak at the dam, about the riprap in place just downstream of the dam, and the effect of a higher pool below the dam. Chair Black said that she had requested Derek Asche, Water Resources Manager of the City of Plymouth, to take a look at the dam. Mr. Asche said he did go look at the dam but did not see a leak. Mr. Hoshal provided details about what he had seen and what information he had gathered from residents who live near the dam.

Ms. Chandler stated that the dam at the Medicine Lake Outlet had been put in place in 1996 and the new South Shore Bridge was completed in 2010. She said that Commission Engineer Jim Herbert went to inspect the dam after the Commission received Mr. Hoshal's letter. She said that Mr. Herbert did not find evidence of seepage and reported that the dam was in good condition.

Ms. Chandler said that the Commission Engineer looked at the original construction plans. She said the plans called for a bentonite seal, which is an underground seal that expands when wet. She said that possibly due to the dry weather the seal was not expanded and had some cracks in it which may have allowed water to pass through. Ms. Chandler said that after rain like the recent rain, the bentonite should have sealed again to act as a barrier to water flow. Ms. Chandler also pointed out that in the summer evaporation can lower the lake by four to six inches per month. Ms. Chandler fielded questions from Mr. Mathisen about the construction of the dam.

Commissioner Hoshal commented that he thinks the issue is bigger than the bentonite seal issue. He added that he had spoken with a neighbor that lives adjacent to the dam who said that the dam has been leaking for three years and who showed Commissioner Hoshal where he saw water flowing. Commissioner Hoshal said that maybe the driving of the sheet pile for the new bridge caused physical damage to the dam. Mr. Mathisen said that perhaps the sheet pile that is now in place for the bridge blocked off the normal ground water elevation forcing the water to come through the rocks into the pool between the dam and the bridge.

Ms. Chandler noted that there always will be some amount of seepage with a dam and the goal is to control it.

Commissioner de Lambert said that he was out at the dam and there was water flowing from the downstream side, perhaps at a rate of ten gallons or less per minute, which is not alarming but there is something going on there. He said that he would like someone who is qualified to go look at the situation with the pool and the riprap and provide an opinion on whether everything is fine or something else needs to be done.

Chair Black asked the Commission what it would like to do. The Commission discussed some options raised. Mr. Oliver recommended that the Commission Engineer monitor the situation during the monthly erosion control inspection and report back. He said the information could be included in the monthly erosion control report and if the report says further action is needed then the Commission could go from there. Commissioner de Lambert said that he is fine with that approach with regard to the question of the leak but that he would like someone to look at the riprap and investigate if it is in the right place.

Mr. Asche provided some information from the City of Plymouth regarding the placement and elevation of the riprap and how the riprap affects the flow under the new bridge. He summarized that the new bridge provided approximately 30 square feet of additional flow under the bridge and the riprap eliminated that amount of additional flow so that the flow is approximately the same as the flow was under the old bridge.

Ms. Chandler noted that if the riprap is to stay in place then the project needs to be reviewed by the Commission because it is work in the flood plain.

Mr. Asche explained that in 2010 the Metropolitan Council (Met Council) did emergency work on the sewer line in this area. He said that the cover placed over the sewer line by the Metropolitan Council washed away in the spring of 2011. Mr. Asche said that in the fall of 2011 the City saw the exposed pipe and decided it didn't want to leave the pipe exposed during the winter due to the risk of the pipe freezing. He said the City covered up the pipe and the maintenance staff worked off of a plan for the pipe that mentioned using riprap or scour mat. He said that the scour mat was what had washed away. Mr. Asche said that the cover on the pipe is really a Met Council issue and not a City of Plymouth issue and the discussion about the covering of the pipe really needs to happen with the Met Council. He added that last Friday the City of Plymouth e-mailed the Met Council about it and they are prepared to be contacted. Mr. Asche suggested that the Commission contact the Met Council and then the City would be happy to sit in on any conversations and explain the City's actions. He said that he is not sure what the City is supposed to offer in this situation and that he feels that it is the Met Council's decision. Mr. Asche said that the City of Plymouth is reluctant to remove the riprap without knowing what the solution will be.

The Commission directed the Commission Engineer to contact the Met Council about the situation with the exposed sewer pipe that has been covered by riprap by the City of Plymouth. Chair Black asked Ms. Chandler to identify the budget line for the Commission Engineer's work costs on this issue. Ms. Chandler said the Commission Engineer would handle the charges like it does work on a permit review prior to the application and fee being received by the Commission.

- B. TAC Recommendations. The Commission discussed the TAC's recommendation for the inclusion of three projects in the Commission's 2014 Capital Improvement Plan: Schaper Pond Diversion Project in Golden Valley, water quality improvement site in Golden Valley, and Twin Lake in-lake alum treatment, Golden Valley.**

Commissioner Hoshal asked for more details on the water quality improvement site in Golden Valley, which is listed in the TAC memo with an estimated cost of \$200,000. Ms. Chandler provided more details. Chair Black asked about the project listed in the TAC memo as the Twin Lake in-lake alum treatment in Golden Valley. She specifically wondered why the memo lists the project as a one-time alum treatment when the treatment is expected to last for 10 years. Chair Black said it seems that the phosphorous levels would go back to where they were before the treatment. Ms. Chandler said that the levels may not revert to the pre-treatment levels and that the treatment may be enough to disrupt the feedback loop that the phosphorous is in right now. She commented that the CIP lists this as a one-time treatment in order to differentiate it from treatment of inflows coming in to the lake.

Mr. Asche noted that with its CIP recommendations the TAC worked to keep the CIP project costs so that the Commission's levy request would remain steady at approximately one million dollars per year.

Acting Commissioner Goddard moved to adopt the recommended CIP for 2014 – 2018 as shown in the CIP table labeled “Revised per April 5, 2012, TAC Meeting” that was attached to the TAC memo in the meeting packet. Commissioner Johnson seconded the motion. Commissioner Hoshal asked about if a chloride project was considered. Ms. Chandler said that 2014 would be too soon for a chloride project.

The motion carried unanimously with seven votes in favor [Cities of Minnetonka and New Hope absent from vote].

Chair Black asked when the Commission would want to move ahead to order the feasibility studies for the 2014 CIP projects. Mr. Asche replied that the TAC recommends that the Commission move ahead with the feasibility studies and plan amendments two years in advance of the project. Ms. Chandler reminded the Commission that the feasibility report has already been done for the Schaper Pond project.

Chair Black clarified that the Commission needs to move ahead with the feasibility studies for the water quality improvement project in the Main Stem watershed in Golden Valley and for the Twin Lake in-lake alum treatment in Golden Valley. The Commission discussed how it would select who would do the feasibility reports. Ms. Loomis suggested that the Commission leave it up to the City where the project is located to decide which firm from the engineering pool would do the feasibility reports. Mr. Oliver said that the City of Golden Valley hasn't yet had the conversation on how it would like to proceed in terms of who selects the consultant for the feasibility report and the project design. He said that the City would like to be able to have that conversation and then come back to the Commission with how the City would like to approach it.

Commissioner de Lambert moved to direct the City of Golden Valley to come back to the Commission with a recommendation on how to conduct the feasibility study process for the two 2014 CIP projects that still need feasibility reports. Commissioner Johnson seconded the motion. **The motion carried unanimously with seven votes in favor [Cities of Minnetonka and New Hope absent from vote].**

The Commission deferred until its next meeting the discussion about member-cities' post-construction best management practices requirements and review triggers and potential changes to water quality policies pertaining to nutrient loading increases and a water quality banking/trading program.

The TAC noted that it didn't schedule a meeting for May since it doesn't have any pressing issues to discuss.

- C. Next Generation Watershed Management Plan. Chair Black reported that she, Commissioner Sicora, Commissioner de Lambert, and Ms. Chandler met on April 13th to discuss the Next Generation Plan planning process. She said that Commissioner Sicora had prepared the draft proposed schedule for the process being handed out. Chair Black said that the proposed schedule was based on the process that Shingle Creek is using. Mr. Sicora said that Shingle Creek is about one year ahead of the Commission in its own watershed management plan revision process and that the Commission can benefit from the lessons learned by Shingle Creek.

Mr. Sicora walked the Commission through the proposed schedule, starting with the end point of the process – the Commission adopting the final plan at its August 2014 meeting - and working back to the Commission's kick off of the plan revision process in August of 2012. He explained that the proposed schedule actually begins with pre-kickoff work that would need to be done prior to August 2012. Mr. Sicora emphasized that the schedule is a working document and recommended that the Commission

finalize the planning process schedule in the next couple of months.

Chair Black introduced Mr. Wozney of the Minnesota Board of Water and Soil Resources (BWSR) and said that he is here to answer questions. She said that one of her ideas is that the Commission holds a meeting on the first Thursday of each month to work exclusively on the Next Generation Plan. Chair Black reminded the Commission that it has \$40,000 in its 2012 budget dedicated to the Next Generation Plan.

The Commission asked Mr. Wozney for his thoughts on the draft proposed schedule in the handout. Mr. Wozney replied that the Commission's draft proposed schedule comprises a very reasonable set of steps and he thought that only the citizen advisory component needs fine tuning. He noted that some steps in the process will be eliminated due to the new statutes that will be coming out. Mr. Wozney said that the Commission will want to address the citizen component early on in the process. He stated that if the Commission chooses to not use a traditional citizen advisory committee then the Commission should propose something else to BWSR. Mr. Wozney said that BWSR's idea is to front-end load the input process and to get all of the issues gathered in the beginning of the process, which is what the Commission should strive to do with its citizen input.

Chair Black said that the small group that had met to discuss the proposed plan process and schedule had discussed the idea of creating a Steering Committee for the Next Generation Plan. She said the Steering Committee would be a smaller group that would meet to set agendas for the upcoming monthly plan meeting and would pull together documentation for commissioners to review prior to the monthly meetings. The Commission discussed the idea and discussed possible convenient times to meet as a small group and as the full Commission. The Commission agreed to create a Steering Committee composed of Chair Black, Commissioner de Lambert, Commissioner Sicora, and Ms. Chandler. Alternate Commissioner Goddard agreed to be part of the Committee if the meetings would be handled via WebEx over the lunch hour. Chair Black said that the Committee may need Ms. Herbert to take part in the meetings. Commissioner Sicora recommended that the Committee review the information prepared by Commissioner Sicora and be prepared to work on the draft proposed schedule at the next Committee meeting.

Chair Black agreed and asked the Commission to review the draft proposed schedule and to provide any comments to her, Commissioner Sicora, or Commissioner de Lambert so the comments can be part of the discussion at the Steering Committee's next meeting, which the Committee will schedule.

- D. 2011 Water Quality Monitoring Activities. Deferred to May BCWMC meeting.
- E. Task Cost Estimates for Activities Discussed at the March BCWMC Meeting. Deferred to May BCWMC meeting.
- F. Policy Manual Revisions Presented in January 2012. Deferred to May BCWMC meeting.
- G. Capstone Project. Deferred.

7. COMMUNICATIONS

Chair: None

Commissioners:

1. Commissioner Hoshal informed the Commission about the death of Ferdousi Gramling, BCWMC TAC Member from Medicine Lake, due to cancer.

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Commissioner de Lambert said that he was out at the dam and there was water flowing from the downstream side, perhaps at a rate of ten gallons or less per minute, which is not alarming but there is something going on there. He said that he would like someone who is qualified to go look at the situation with the pool and the riprap and provide an opinion on whether everything is fine or something else needs to be done.

Chair Black asked the Commission what it would like to do. The Commission discussed some options raised. Mr. Oliver recommended that the Commission Engineer monitor the situation during the monthly erosion control inspection and report back. He said the information could be included in the monthly erosion control report and if the report says further action is needed then the Commission could go from there. Commissioner de Lambert said that he is fine with that approach with regard to the question of the leak but that he would like someone to look at the riprap and investigate if it is in the right place.

Mr. Asche provided some information from the City of Plymouth regarding the placement and elevation of the riprap and how the riprap affects the flow under the new bridge. He summarized that the new bridge provided approximately 30 square feet of additional flow under the bridge and the riprap eliminated that amount of additional flow so that the flow is approximately the same as the flow was under the old bridge.

Ms. Chandler noted that if the riprap is to stay in place then the project needs to be reviewed by the Commission because it is work in the flood plain.

Mr. Asche explained that in 2010 the Metropolitan Council (Met Council) did emergency work on the sewer line in this area. He said that the cover placed over the sewer line by the Metropolitan Council washed away in the spring of 2011. Mr. Asche said that in the fall of 2011 the City saw the exposed pipe and decided it didn't want to leave the pipe exposed during the winter due to the risk of the pipe freezing. He said the City covered up the pipe and the maintenance staff worked off of a plan for the pipe that mentioned using riprap or scour mat. He said that the scour mat was what had washed away. Mr. Asche said that the cover on the pipe is really a Met Council issue and not a City of Plymouth issue and the discussion about the covering of the pipe really needs to happen with the Met Council. He added that last Friday the City of Plymouth e-mailed the Met Council about it and they are prepared to be contacted. Mr. Asche suggested that the Commission contact the Met Council and then the City would be happy to sit in on any conversations and explain the City's actions. He said that he is not sure what the City is supposed to offer in this situation and that he feels that it is the Met Council's decision. Mr. Asche said that the City of Plymouth is reluctant to remove the riprap without knowing what the solution will be.

The Commission directed the Commission Engineer to contact the Met Council about the situation with the exposed sewer pipe that has been covered by riprap by the City of Plymouth. Chair Black asked Ms. Chandler to identify the budget line for the Commission Engineer's work costs on this issue. Ms. Chandler said the Commission Engineer would handle the charges like it does work on a permit review prior to the application and fee being received by the Commission.

- B. TAC Recommendations. The Commission discussed the TAC's recommendation for the inclusion of three projects in the Commission's 2014 Capital Improvement Plan: Schaper Pond Diversion Project in Golden Valley, water quality improvement site in Golden Valley, and Twin Lake in-lake alum treatment, Golden Valley.**

Commissioner Hoshal asked for more details on the water quality improvement site in Golden Valley, which is listed in the TAC memo with an estimated cost of \$200,000. Ms. Chandler provided more details. Chair Black asked about the project listed in the TAC memo as the Twin Lake in-lake alum treatment in Golden Valley. She specifically wondered why the memo lists the project as a one-time alum treatment when the treatment is expected to last for 10 years. Chair Black said it seems that the phosphorous levels would go back to where they were before the treatment. Ms. Chandler said that the levels may not revert to the pre-treatment levels and that the treatment may be enough to disrupt the feedback loop that the phosphorous is in right now. She commented that the CIP lists this as a one-time treatment in order to differentiate it from treatment of inflows coming in to the lake.

Mr. Asche noted that with its CIP recommendations the TAC worked to keep the CIP project costs so that the Commission's levy request would remain steady at approximately one million dollars per year.

Acting Commissioner Goddard moved to adopt the recommended CIP for 2014 – 2018 as shown in the CIP table labeled “Revised per April 5, 2012, TAC Meeting” that was attached to the TAC memo in the meeting packet. Commissioner Johnson seconded the motion. Commissioner Hoshal asked about if a chloride project was considered. Ms. Chandler said that 2014 would be too soon for a chloride project.

The motion carried unanimously with seven votes in favor [Cities of Minnetonka and New Hope absent from vote].

Chair Black asked when the Commission would want to move ahead to order the feasibility studies for the 2014 CIP projects. Mr. Asche replied that the TAC recommends that the Commission move ahead with the feasibility studies and plan amendments two years in advance of the project. Ms. Chandler reminded the Commission that the feasibility report has already been done for the Schaper Pond project.

Chair Black clarified that the Commission needs to move ahead with the feasibility studies for the water quality improvement project in the Main Stem watershed in Golden Valley and for the Twin Lake in-lake alum treatment in Golden Valley. The Commission discussed how it would select who would do the feasibility reports. Ms. Loomis suggested that the Commission leave it up to the City where the project is located to decide which firm from the engineering pool would do the feasibility reports. Mr. Oliver said that the City of Golden Valley hasn't yet had the conversation on how it would like to proceed in terms of who selects the consultant for the feasibility report and the project design. He said that the City would like to be able to have that conversation and then come back to the Commission with how the City would like to approach it.

Commissioner de Lambert moved to direct the City of Golden Valley to come back to the Commission with a recommendation on how to conduct the feasibility study process for the two 2014 CIP projects that still need feasibility reports. Commissioner Johnson seconded the motion. The motion carried unanimously with seven votes in favor [Cities of Minnetonka and New Hope absent from vote].

The Commission deferred until its next meeting the discussion about member-cities' post-construction best management practices requirements and review triggers and potential changes to water quality policies pertaining to nutrient loading increases and a water quality banking/trading program.

The TAC noted that it didn't schedule a meeting for May since it doesn't have any pressing issues to discuss.

- C. Next Generation Watershed Management Plan. Chair Black reported that she, Commissioner Sicora, Commissioner de Lambert, and Ms. Chandler met on April 13th to discuss the Next Generation Plan planning process. She said that Commissioner Sicora had prepared the draft proposed schedule for the process being handed out. Chair Black said that the proposed schedule was based on the process that Shingle Creek is using. Mr. Sicora said that Shingle Creek is about one year ahead of the Commission in its own watershed management plan revision process and that the Commission can benefit from the lessons learned by Shingle Creek.

Mr. Sicora walked the Commission through the proposed schedule, starting with the end point of the process – the Commission adopting the final plan at its August 2014 meeting - and working back to the Commission's kick off of the plan revision process in August of 2012. He explained that the proposed schedule actually begins with pre-kickoff work that would need to be done prior to August 2012. Mr. Sicora emphasized that the schedule is a working document and recommended that the Commission

finalize the planning process schedule in the next couple of months.

Chair Black introduced Mr. Wozney of the Minnesota Board of Water and Soil Resources (BWSR) and said that he is here to answer questions. She said that one of her ideas is that the Commission holds a meeting on the first Thursday of each month to work exclusively on the Next Generation Plan. Chair Black reminded the Commission that it has \$40,000 in its 2012 budget dedicated to the Next Generation Plan.

The Commission asked Mr. Wozney for his thoughts on the draft proposed schedule in the handout. Mr. Wozney replied that the Commission's draft proposed schedule comprises a very reasonable set of steps and he thought that only the citizen advisory component needs fine tuning. He noted that some steps in the process will be eliminated due to the new statutes that will be coming out. Mr. Wozney said that the Commission will want to address the citizen component early on in the process. He stated that if the Commission chooses to not use a traditional citizen advisory committee then the Commission should propose something else to BWSR. Mr. Wozney said that BWSR's idea is to front-end load the input process and to get all of the issues gathered in the beginning of the process, which is what the Commission should strive to do with its citizen input.

Chair Black said that the small group that had met to discuss the proposed plan process and schedule had discussed the idea of creating a Steering Committee for the Next Generation Plan. She said the Steering Committee would be a smaller group that would meet to set agendas for the upcoming monthly plan meeting and would pull together documentation for commissioners to review prior to the monthly meetings. The Commission discussed the idea and discussed possible convenient times to meet as a small group and as the full Commission. The Commission agreed to create a Steering Committee composed of Chair Black, Commissioner de Lambert, Commissioner Sicora, and Ms. Chandler. Alternate Commissioner Goddard agreed to be part of the Committee if the meetings would be handled via WebEx over the lunch hour. Chair Black said that the Committee may need Ms. Herbert to take part in the meetings. Commissioner Sicora recommended that the Committee review the information prepared by Commissioner Sicora and be prepared to work on the draft proposed schedule at the next Committee meeting.

Chair Black agreed and asked the Commission to review the draft proposed schedule and to provide any comments to her, Commissioner Sicora, or Commissioner de Lambert so the comments can be part of the discussion at the Steering Committee's next meeting, which the Committee will schedule.

- D. 2011 Water Quality Monitoring Activities. Deferred to May BCWMC meeting.
- E. Task Cost Estimates for Activities Discussed at the March BCWMC Meeting. Deferred to May BCWMC meeting.
- F. Policy Manual Revisions Presented in January 2012. Deferred to May BCWMC meeting.
- G. Capstone Project. Deferred.

7. COMMUNICATIONS

Chair: None

Commissioners:

1. Commissioner Hoshal informed the Commission about the death of Ferdousi Gramling, BCWMC TAC Member from Medicine Lake, due to cancer.

Bassett Creek Watershed Management Commission

Minutes of the Meeting of April 19, 2012

1. CALL TO ORDER

The Bassett Creek Watershed Management Commission (BCWMC) was called to order at 11:38 a.m., on Thursday, April 19, 2012, at Golden Valley City Hall by Chair Black. Ms. Herbert called roll.

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

Also present:

- Laura Adler, BCWMC Technical Advisory Committee, City of St. Louis Park**
- Virginia (Ginger) Anderson, Golden Valley Resident**
- Derek Asche, BCWMC Technical Advisory Committee, City of Plymouth**
- Pat Byrne, BCWMC Technical Advisory Committee, City of Minneapolis**
- Dave Hanson, Alternate Commissioner, City of Golden Valley**
- Linda Loomis, Golden Valley Resident**
- Tom Mathisen, BCWMC Technical Advisory Committee, City of Crystal**
- Michael Martens, Bryn Mawr Neighborhood Assoc. Land Use Committee**
- Richard McCoy, BCWMC Technical Advisory Committee, City of Robbinsdale**
- Jeff Oliver, BCWMC Technical Advisory Committee, City of Golden Valley**
- Justin Riss, Alternate Commissioner, City of St. Louis Park**
- Charlie Simmons, Medicine Lake Resident**
- Liz Stout, BCWMC Technical Advisory Committee, City of Minnetonka**
- John Turrittin, Turrittin Designs**
- Aliya White, Golden Valley Resident**
- Brad Wozney, Minnesota Board of Water and Soil Resources**

2. APPROVAL OF AGENDA AND CONSENT AGENDA

Chair Black requested the addition to the Old Business agenda as item 6A1 - a discussion of Golden Valley’s plans for a memorial and recognition event for former BCWMC Commissioner from Golden Valley Ed Silberman. Commissioner Hoshal requested the addition to the invoices an invoice from Prairie Moon Nursery in the amount of \$269.33 for the 400 seed packets ordered by the Education Committee. He noted that the funds are to come out of the Education Budget. Acting Commissioner Goddard moved to approve the agenda as amended. Commissioner de Lambert seconded the motion. The motion carried unanimously with seven votes in favor [Cities of Minnetonka and New Hope absent from vote]. Commissioner Hoschka moved to approve the Consent Agenda. Acting Commissioner Goddard seconded the motion. The motion carried unanimously with seven votes in favor [Cities of Minnetonka and New Hope absent from vote].

3. CITIZEN INPUT ON NON-AGENDA ITEMS

Ms. Ginger Anderson, a Golden Valley resident whose property is along Bassett Creek, brought up her concerns about the health of the creek and signs of deteriorating water quality since 2005. She said she is particularly concerned about thick, yellow foam along the creek this spring and noted that the water can be smelly and the creek bed is mucky instead of sandy like it was years ago so she doesn’t want her dogs in the water. Mr. Oliver responded that each year the City does field calls from residents about concerns such as the foam. He explained that the foam is due to decaying vegetation but the City can look into it further if she would contact him directly and he provided her with his contact information.

Mr. Michael Martens of the Bryn Mawr Neighborhood Association Land Use Committee asked a BCWMC representative to come to the Committee’s May 9th meeting to discuss the upcoming Commission project along Bassett Creek in Minneapolis. Chair Black said that there are two Minneapolis representatives on the Commission, Michael Welch and Lisa Goddard and perhaps one of them would attend. She recommended that Mr. Martens find Commissioner Welch’s e-mail on the Commission Web site and e-mail him with the request.

Ms. Aliya White, a Golden Valley Resident, noted that she is a property owner along Bassett Creek and is here to learn more about the BCWMC and its processes.

4. ADMINISTRATION

4A. Presentation of March 15 and March 29, 2012, Meeting Minutes. The meeting minutes were approved as part of the Consent Agenda.

4B. Presentation of Financial Statements. The BCWMC’s April 2012 financial report was approved as part of the Consent Agenda.

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

Checking Account Balance	\$786,142.80
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TOTAL GENERAL FUND BALANCE	\$786,142.80
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TOTAL CONSTRUCTION CASH &	\$1,918,757.87
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INVESTMENTS	
Revenue	(\$504,961.81)
Current Expenses	(\$49,920.74)
TOTAL ON-HAND CONSTRUCTION CASH & INVESTMENTS	\$2,373,798.94
CIP Projects Levied – Budget Remaining	(\$3,145,202.42)
Closed Projects Remaining Balance	\$771,403.48
2011 Anticipated Tax Levy Revenue	\$998,000.00
Anticipated Closed Project Balance	\$226,596.52

4C. Presentation of Invoices for Payment Approval.

- i. Kennedy & Graven – Legal Services through February 29, 2012 – invoice for the amount of \$1,821.16.
- ii. Barr Engineering Company – Engineering Services through March 30, 2012 – invoice for the amount of \$34,582.24.
- iii. Amy Herbert – March Secretarial Services – invoice for the amount of \$2,403.48.
- iv. D’amico - ACE Catering – April BCWMC meeting catering – invoice for the amount of \$329.66.
- v. MMKR – Audit Work through February 29, 2012 – invoice for the amount of \$2,850.
- vi. Prairie Moon Nursery – 400 seed packets for education – invoice for the amount of \$269.33.

Commissioner Hoschka moved to approve payment of all of the invoices. Commissioner Hoshal seconded the motion. By call of roll the motion carried unanimously with seven votes in favor [Cities of Minnetonka and New Hope absent from vote].

4D. Reimbursement Request from the City of Plymouth in the amount of \$42,258.09 for costs for work completed on the Plymouth Creek Stream Bank Restoration project. Mr. Asche summarized the reimbursement request, which would take care of the final payment to the contractor. He brought up the question of at what point a municipality closes out a project with the Commission. He noted that at the city level, projects are closed out upon the final payment to the contractor. Mr. Asche noted that in this case permit requirements mean the City of Plymouth must continue wetland monitoring for four more years. He said that the monitoring will mean there are additional costs to the project estimated to be around \$10,000, which will be carried out over the next four years. Mr. Asche noted that there will be funds left in the project budget after this final contractor invoice has been paid and also noted that there would be BCWMC administrative costs to tracking and handling the future reimbursement requests for the wetland monitoring costs. He asked the Commission how it wants to handle these types of permit-related costs of a project after construction has been completed.

The Commission discussed options including closing out the project, creating a new category of projects

that are substantially closed but have ongoing maintenance or monitoring costs, and leaving the project open and paying for, as they are received, the annual reimbursement requests regarding monitoring costs. Commissioner de Lambert commented that he thinks that the Commission should continue to pay those costs related to the permit requirements. Chair Black said that she is hearing the Commission say that the project should be left open.

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Commissioner Hoshal commented that he thinks the issue is bigger than the bentonite seal issue. He added that he had spoken with a neighbor that lives adjacent to the dam who said that the dam has been leaking for three years and who showed Commissioner Hoshal where he saw water flowing. Commissioner Hoshal said that maybe the driving of the sheet pile for the new bridge caused physical damage to the dam. Mr. Mathisen said that perhaps the sheet pile that is now in place for the bridge blocked off the normal ground water elevation forcing the water to come through the rocks into the pool between the dam and the bridge.

Ms. Chandler noted that there always will be some amount of seepage with a dam and the goal is to control it.

Commissioner de Lambert said that he was out at the dam and there was water flowing from the downstream side, perhaps at a rate of ten gallons or less per minute, which is not alarming but there is something going on there. He said that he would like someone who is qualified to go look at the situation with the pool and the riprap and provide an opinion on whether everything is fine or something else needs to be done.

Chair Black asked the Commission what it would like to do. The Commission discussed some options raised. Mr. Oliver recommended that the Commission Engineer monitor the situation during the monthly erosion control inspection and report back. He said the information could be included in the monthly erosion control report and if the report says further action is needed then the Commission could go from there. Commissioner de Lambert said that he is fine with that approach with regard to the question of the leak but that he would like someone to look at the riprap and investigate if it is in the right place.

Mr. Asche provided some information from the City of Plymouth regarding the placement and elevation of the riprap and how the riprap affects the flow under the new bridge. He summarized that the new bridge provided approximately 30 square feet of additional flow under the bridge and the riprap eliminated that amount of additional flow so that the flow is approximately the same as the flow was under the old bridge.

Ms. Chandler noted that if the riprap is to stay in place then the project needs to be reviewed by the Commission because it is work in the flood plain.

Mr. Asche explained that in 2010 the Metropolitan Council (Met Council) did emergency work on the sewer line in this area. He said that the cover placed over the sewer line by the Metropolitan Council washed away in the spring of 2011. Mr. Asche said that in the fall of 2011 the City saw the exposed pipe and decided it didn't want to leave the pipe exposed during the winter due to the risk of the pipe freezing. He said the City covered up the pipe and the maintenance staff worked off of a plan for the pipe that mentioned using riprap or scour mat. He said that the scour mat was what had washed away. Mr. Asche said that the cover on the pipe is really a Met Council issue and not a City of Plymouth issue and the discussion about the covering of the pipe really needs to happen with the Met Council. He added that last Friday the City of Plymouth e-mailed the Met Council about it and they are prepared to be contacted. Mr. Asche suggested that the Commission contact the Met Council and then the City would be happy to sit in on any conversations and explain the City's actions. He said that he is not sure what the City is supposed to offer in this situation and that he feels that it is the Met Council's decision. Mr. Asche said that the City of Plymouth is reluctant to remove the riprap without knowing what the solution will be.

The Commission directed the Commission Engineer to contact the Met Council about the situation with the exposed sewer pipe that has been covered by riprap by the City of Plymouth. Chair Black asked Ms. Chandler to identify the budget line for the Commission Engineer's work costs on this issue. Ms. Chandler said the Commission Engineer would handle the charges like it does work on a permit review prior to the application and fee being received by the Commission.

- B. TAC Recommendations. The Commission discussed the TAC's recommendation for the inclusion of three projects in the Commission's 2014 Capital Improvement Plan: Schaper Pond Diversion Project in Golden Valley, water quality improvement site in Golden Valley, and Twin Lake in-lake alum treatment, Golden Valley.**

Commissioner Hoshal asked for more details on the water quality improvement site in Golden Valley, which is listed in the TAC memo with an estimated cost of \$200,000. Ms. Chandler provided more details. Chair Black asked about the project listed in the TAC memo as the Twin Lake in-lake alum treatment in Golden Valley. She specifically wondered why the memo lists the project as a one-time alum treatment when the treatment is expected to last for 10 years. Chair Black said it seems that the phosphorous levels would go back to where they were before the treatment. Ms. Chandler said that the levels may not revert to the pre-treatment levels and that the treatment may be enough to disrupt the feedback loop that the phosphorous is in right now. She commented that the CIP lists this as a one-time treatment in order to differentiate it from treatment of inflows coming in to the lake.

Mr. Asche noted that with its CIP recommendations the TAC worked to keep the CIP project costs so that the Commission's levy request would remain steady at approximately one million dollars per year.

Acting Commissioner Goddard moved to adopt the recommended CIP for 2014 – 2018 as shown in the CIP table labeled “Revised per April 5, 2012, TAC Meeting” that was attached to the TAC memo in the meeting packet. Commissioner Johnson seconded the motion. Commissioner Hoshal asked about if a chloride project was considered. Ms. Chandler said that 2014 would be too soon for a chloride project.

The motion carried unanimously with seven votes in favor [Cities of Minnetonka and New Hope absent from vote].

Chair Black asked when the Commission would want to move ahead to order the feasibility studies for the 2014 CIP projects. Mr. Ashe replied that the TAC recommends that the Commission move ahead with the feasibility studies and plan amendments two years in advance of the project. Ms. Chandler reminded the Commission that the feasibility report has already been done for the Schaper Pond project.

Chair Black clarified that the Commission needs to move ahead with the feasibility studies for the water quality improvement project in the Main Stem watershed in Golden Valley and for the Twin Lake in-lake alum treatment in Golden Valley. The Commission discussed how it would select who would do the feasibility reports. Ms. Loomis suggested that the Commission leave it up to the City where the project is located to decide which firm from the engineering pool would do the feasibility reports. Mr. Oliver said that the City of Golden Valley hasn't yet had the conversation on how it would like to proceed in terms of who selects the consultant for the feasibility report and the project design. He said that the City would like to be able to have that conversation and then come back to the Commission with how the City would like to approach it.

Commissioner de Lambert moved to direct the City of Golden Valley to come back to the Commission with a recommendation on how to conduct the feasibility study process for the two 2014 CIP projects that still need feasibility reports. Commissioner Johnson seconded the motion. **The motion carried unanimously with seven votes in favor [Cities of Minnetonka and New Hope absent from vote].**

The Commission deferred until its next meeting the discussion about member-cities' post-construction best management practices requirements and review triggers and potential changes to water quality policies pertaining to nutrient loading increases and a water quality banking/trading program.

The TAC noted that it didn't schedule a meeting for May since it doesn't have any pressing issues to discuss.

- C. Next Generation Watershed Management Plan. Chair Black reported that she, Commissioner Sicora, Commissioner de Lambert, and Ms. Chandler met on April 13th to discuss the Next Generation Plan planning process. She said that Commissioner Sicora had prepared the draft proposed schedule for the process being handed out. Chair Black said that the proposed schedule was based on the process that Shingle Creek is using. Mr. Sicora said that Shingle Creek is about one year ahead of the Commission in its own watershed management plan revision process and that the Commission can benefit from the lessons learned by Shingle Creek.

Mr. Sicora walked the Commission through the proposed schedule, starting with the end point of the process – the Commission adopting the final plan at its August 2014 meeting - and working back to the Commission's kick off of the plan revision process in August of 2012. He explained that the proposed schedule actually begins with pre-kickoff work that would need to be done prior to August 2012. Mr. Sicora emphasized that the schedule is a working document and recommended that the Commission

finalize the planning process schedule in the next couple of months.

Chair Black introduced Mr. Wozney of the Minnesota Board of Water and Soil Resources (BWSR) and said that he is here to answer questions. She said that one of her ideas is that the Commission holds a meeting on the first Thursday of each month to work exclusively on the Next Generation Plan. Chair Black reminded the Commission that it has \$40,000 in its 2012 budget dedicated to the Next Generation Plan.

The Commission asked Mr. Wozney for his thoughts on the draft proposed schedule in the handout. Mr. Wozney replied that the Commission's draft proposed schedule comprises a very reasonable set of steps and he thought that only the citizen advisory component needs fine tuning. He noted that some steps in the process will be eliminated due to the new statutes that will be coming out. Mr. Wozney said that the Commission will want to address the citizen component early on in the process. He stated that if the Commission chooses to not use a traditional citizen advisory committee then the Commission should propose something else to BWSR. Mr. Wozney said that BWSR's idea is to front-end load the input process and to get all of the issues gathered in the beginning of the process, which is what the Commission should strive to do with its citizen input.

Chair Black said that the small group that had met to discuss the proposed plan process and schedule had discussed the idea of creating a Steering Committee for the Next Generation Plan. She said the Steering Committee would be a smaller group that would meet to set agendas for the upcoming monthly plan meeting and would pull together documentation for commissioners to review prior to the monthly meetings. The Commission discussed the idea and discussed possible convenient times to meet as a small group and as the full Commission. The Commission agreed to create a Steering Committee composed of Chair Black, Commissioner de Lambert, Commissioner Sicora, and Ms. Chandler. Alternate Commissioner Goddard agreed to be part of the Committee if the meetings would be handled via WebEx over the lunch hour. Chair Black said that the Committee may need Ms. Herbert to take part in the meetings. Commissioner Sicora recommended that the Committee review the information prepared by Commissioner Sicora and be prepared to work on the draft proposed schedule at the next Committee meeting.

Chair Black agreed and asked the Commission to review the draft proposed schedule and to provide any comments to her, Commissioner Sicora, or Commissioner de Lambert so the comments can be part of the discussion at the Steering Committee's next meeting, which the Committee will schedule.

- D. 2011 Water Quality Monitoring Activities. Deferred to May BCWMC meeting.
- E. Task Cost Estimates for Activities Discussed at the March BCWMC Meeting. Deferred to May BCWMC meeting.
- F. Policy Manual Revisions Presented in January 2012. Deferred to May BCWMC meeting.
- G. Capstone Project. Deferred.

7. COMMUNICATIONS

Chair: None

Commissioners:

1. Commissioner Hoshal informed the Commission about the death of Ferdousi Gramling, BCWMC TAC Member from Medicine Lake, due to cancer.

