

**Bassett Creek Watershed Management Commission  
Minutes of the Meeting of June 21, 2012**

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

The Bassett Creek Watershed Management Commission (BCWMC) was called to order at 11:34 a.m., on Thursday, June 21, 2012, at Golden Valley City Hall by Chair Black.

**ROLL CALL**

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

**Also present:**

- Laura Adler, BCWMC Technical Advisory Committee, City of St. Louis Park**
- Derek Asche, BCWMC Technical Advisory Committee, City of Plymouth**
- Jeannine Clancy, BCWMC Technical Advisory Committee, City of Golden Valley**
- Christopher Gise, Golden Valley resident**
- Dave Hanson, Alternate Commissioner, City of Golden Valley**
- Guy Johnson, BCWMC Technical Advisory Committee, City of New Hope**
- Chris Long, BCWMC Technical Advisory Committee, City of New Hope**
- Linda Loomis, Golden Valley resident**
- Tom Mathisen, BCWMC Technical Advisory Committee, City of Crystal**
- Richard McCoy, BCWMC Technical Advisory Committee, City of Robbinsdale**
- Jeff Oliver, BCWMC Technical Advisory Committee, City of Golden Valley**
- John O’Toole, Alternate Commissioner, City of Medicine Lake**
- Justin Riss, Alternate Commissioner, City of St. Louis Park**

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

Ms. Jeannine Clancy announced the July 19<sup>th</sup> dedication ceremony of the Edward Silberman Memorial. She said that the 2:30 p.m. ceremony will be held in Golden Valley at Schaper Park and will honor the contributions of Ed Silberman to the City of Golden Valley and, as the Golden Valley representative to the BCWMC, to the Bassett Creek Watershed. She invited all to attend and said that a formal invitation will be sent to the Commission.

**3. AGENDA**

Chair Black requested to reverse the order of agenda items 6A and 6B so that the Commission discusses the feasibility report prior to discussing the minor plan amendment. Commissioner Hoshal moved to approve the agenda as amended. Alternate Commissioner Lisa Goddard seconded the motion. The motion carried unanimously with five votes in favor [Cities of Crystal, Minnetonka, New Hope, and Robbinsdale absent from vote].

**4. CONSENT AGENDA**

Mr. LeFevere stated that he had made draft revisions to the BCWMC’s Bylaws per direction of the Chair and that they could be part of the July meeting packet. Chair Black directed the review of the Bylaw revisions to be added to the July meeting agenda.

Commissioner de Lambert moved to approve the Consent Agenda as amended. Alternate Commissioner Goddard seconded the motion. The motion carried unanimously with five votes in favor [Cities of Crystal, Minnetonka, New Hope, and Robbinsdale absent from vote]. [The following items were approved as part of the Consent Agenda: The May 17, 2012, meeting minutes, the June financial report, and the Legal Counsel Communications.

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

Checking Account Balance	\$732,798.60
<b>TOTAL GENERAL FUND BALANCE</b>	<b>\$732,798.60</b>
<b>TOTAL ON-HAND CONSTRUCTION CASH &amp; INVESTMENTS</b>	<b>\$2,479,696.79</b>
CIP Projects Levied – Budget Remaining	(\$3,142,240.42)
Closed Projects Remaining Balance	\$662,543.63
2012 Anticipated Tax Levy Revenue	\$998,000.00
Anticipated Closed Project Balance	\$335,456.37

## 5. ADMINISTRATION

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

- i. Kennedy & Graven – Legal Services through April 30, 2012 – invoice for the amount of \$1,606.30.
- ii. Barr Engineering Company – Engineering Services through June 1, 2012 – invoice for the amount of \$29,916.76.
- iii. Amy Herbert – May Secretarial Services – invoice for the amount of \$2,659.48.
- iv. D’amico - ACE Catering – June BCWMC meeting catering – invoice for the amount of \$189.61.
- v. MMKR – Audit Work – final billing – invoice for the amount of \$950.00.

Alternate Commissioner Goddard moved to approve payment of all of the invoices. Commissioner de Lambert seconded the motion. By call of roll the motion carried unanimously with five votes in favor [Cities of Crystal, Minnetonka, New Hope, and Robbinsdale absent from vote].

**5B. BCWMC’s Draft 2013 Budget and Assessment.** Chair Black presented the recommendations of the BCWMC’s Budget Committee. She went through the budget documents in the meeting packet and presented the recommended changes to the proposed budget. Chair Black spoke in detail about the recommended \$100,000 budget for an Administrator for 2013. The Commission and TAC members asked questions about the proposed Administrator budget and Chair Black provided background information about the previous search for an Administrator, the Administrative Services Committee’s reflections on the role of the Commission’s previous Administrator, and the steps the Committee has taken to reach the recommendation of the \$100,000 budget. Chair Black said that the Commission could delay action on the budget until after the Commission’s discussion of the Administrator services under agenda item 7A.

Chair Black also described in detail the proposed change for the 2013 budget for WOMP (Watershed Outlet Monitoring Program). She explained that the Minneapolis Park and Recreation Board (MPRB) recently notified the Metropolitan Council of Environmental Services (MCES) that it will be terminating its WOMP station contract with the MCES effective June 25, 2012. MCES notified the Commission Engineer of with that information. Chair Black reported that the MCES communicated to the Commission Engineer that the MCES is willing to do the monitoring through the remainder of 2012 and to contribute \$4,000 to \$5,000 to the BCWMC for the monitoring work in 2013.

Chair Black explained that for 2013 the Commission will need to contract with someone to do the monitoring. Chair Black said that the estimate that Barr Engineering Company provided to the Commission to do the monitoring in 2013 would result in the Commission needing to budget \$25,000 for the 2013 WOMP budget. She said that she has asked for a cost estimate for the work from the Mississippi Watershed Management Organization (MWMO) but has not received it. Chair Black asked how the Commission would like to proceed with setting a budget for the 2013 WOMP program given that the exact costs are not yet known. The Commission decided to set the budget at \$25,000 and to reflect in the BCWMC’s budget document the \$5,000 in revenue expected from the MCES.

The Commission discussed other possible entities that would be able to do the monitoring work and that the Commission could contact to request a cost estimate. Chair Black said that the MCES should have a written description of the work involved in carrying out the monitoring and volunteered to try to get that information. She also volunteered to try to contact Minnehaha Watershed District about the work and to ask for a cost estimate.

Alternate Commissioner Goddard moved to revise the proposed 2013 budget to reflect \$25,000 in line 31 for WOMP and to insert \$5,000 as revenue. Commissioner Hoshal seconded the motion. The motion carried unanimously with five votes in favor [Cities of Crystal, Minnetonka, New Hope, and Robbinsdale absent from vote].

Mr. Mathisen voiced his concern about the proposed budget for the Administrator. The Commission had a detailed discussion about the administrative needs of the Commission, the methods used by other metro-area WMOs to fulfill their needs, and concerns about the growing role of administrative services in the BCWMC. Chair Black recommended delaying further discussion of the budget until after the discussion of the Administrator position under agenda item 7A.

## 6. NEW BUSINESS

**A. Draft Feasibility Study for Project NL-2: Four Seasons Mall Water Quality Improvement Project.** Mr. Asche presented the draft feasibility study. He said that it was before the Commission today because the City of Plymouth would like comments and the Commission needs to both initiate the plan amendment process and provide a not-to-exceed amount to Hennepin County for the 2013 tax levy. Mr. Asche said that any comments on the draft report should be given to him and the final report will come back in front of the Commission next month.

Mr. Asche said that the feasibility study looked at different options and came up with two scenarios. He described Scenario One as ponding and stream restoration work, which includes two water quality ponds and stream restoration work and is projected to remove 108 pounds of phosphorous per year. Mr. Asche noted that the goal phosphorous removal is 74 pounds per year. He said that Scenario One appears to meet the project's goals and has an estimated cost of approximately \$939,000. Mr. Asche noted that this scenario includes a pond on the Four Seasons Mall site and would require a cooperative partner. He said those details would be addressed during plan design. He explained that if the pond on the Four Seasons property did not happen then the project would still achieve removal of 85 pounds of phosphorous per year through the one water quality pond and the stream restoration at a cost of approximately \$650,000.

Mr. Asche described Scenario Two as an alum injection system. He said that the projected phosphorous removal is 143 pounds per year but added that this scenario is a more complex system. Mr. Asche said that the cost estimate for this scenario is 1.2 million dollars. He noted that any excess costs not funded by the Commission would need to be funded by the City of Plymouth.

Mr. Asche said that he is looking for guidance from the Commission in order to finalize the feasibility report. He noted that the recommendation in the report is Scenario One because of the value of the project relative to its cost. He said the Commission also needs to get rolling on the plan amendment process and needs to get the maximum levy amount to Hennepin County. Mr. Asche noted that the Commission will provide the final levy amount to Hennepin County using the project cost reflected in the final feasibility study.

Chair Black asked Mr. Asche to talk about the ongoing maintenance needs. Mr. Asche said that the responsibility for ongoing maintenance is currently unknown but said that for now he will name the City of Plymouth as the responsible party. Commissioner Hoschka asked if the cost of wetland mitigation was included in the cost estimates. Mr. Asche said when the City previously looked at the wetland mitigation costs it was about \$1.50 or 2.00 per square foot or about \$80,000 per acre. He said that the wetland mitigation cost would need to be included in the final feasibility report. Ms. Clancy

asked who would be responsible for the ongoing operating costs of the alum injection system. Mr. Asche said that he does not know yet. Ms. Clancy asked if the cost estimates of the two scenarios include the cost of the feasibility report. Mr. Asche responded that they do not.

The Commission discussed the 2013 maximum levy amount. Ms. Chandler reminded the Commission that for 2013 the Commission has approved the Lakeview Park Pond project, which is to be levied in two phases, one in 2013 and one in 2014. She said that since the Northwood project would go into two years, then it could also be levied over two years. She said there is a little bit of room still in 2014 because the project cost estimates are not yet up to one million. She said if the cost of the feasibility report for the Four Seasons Mall water quality project is added in to the levy amount then there might need to be some numbers moved around for 2014.

Mr. Asche recommended that the Commission set the maximum levy now without adding in the cost of the feasibility study for this project, since the cost of the study is reimbursable through a contract with the Commission anyway.

Commissioner Hoschka moved to recommend Scenario One at the cost of \$940,000. Commissioner de Lambert seconded the motion. Ms. Clancy recommended that the Commission modify its motion to include the cost of the feasibility study. Commissioner Hoschka amended her motion to include the \$50,000 cost of the feasibility study, for a total project cost of \$990,000. Commissioner de Lambert approved the friendly amendment to the motion. Chair Black made the friendly amendment that the motion authorizes the Commission's Engineer to develop a minor plan amendment for Scenario One, which has a cost of \$990,000. Commissioners Hoschka and de Lambert approved the friendly amendment. The motion carried unanimously with five votes in favor [Cities of Crystal, Minnetonka, New Hope, and Robbinsdale absent from vote].

Commissioner Goddard moved that the maximum levy for 2013 is no more than one million dollars. Commissioner Hoschka seconded the motion. The motion carried unanimously with five votes in favor [Cities of Crystal, Minnetonka, New Hope, and Robbinsdale absent from vote].

Chair Black directed Ms. Herbert to notice the July public meeting on the minor plan amendment.

- B. **Minor Plan Amendment, Project NL-2: Four Seasons Mall Water Quality Improvement Project.** See discussion and action under agenda item 6A - Draft Feasibility Study for Project NL-2: Four Seasons Mall Water Quality Improvement Project.
- C. **Canadian Pacific Railway Bridge Replacement: City of Golden Valley.** Ms. Chandler said that the project is in front of the Commission because it comprises work in the flood plain. She said that the project is a bridge replacement. Ms. Chandler discussed the Commission Engineer's recommendations, specifically recommendation number one listed in the June 13, 2012, memo from Barr Engineering and which states: "Applicant must show that the low chord of the bridge provides one foot of freeboard above the floodplain elevation, if possible, or that the lowering of the bridge low chord will not affect Bassett Creek flood elevations."

Ms. Chandler said that the Commission Engineer has gotten plans back from one of the project's consultants that shows the low chord elevation is at 825 feet, which is one foot lower than the one hundred-year flood plain, and the top chord elevation at 828 feet. Ms. Chandler said the Commission Engineer received a letter from the consultant stating that their model shows that the project does not increase the flood level. She said the Commission Engineer needs to review the model to ensure that finding.

Ms. Chandler said that the Commission Engineer recommends approval of the project with the conditions listed in the Engineer's memo. Ms. Clancy asked if the railroad is removing the old piers. Ms. Chandler said yes, they will be taken out. Commissioner de Lambert asked if there should be a contingency added about cutting off the piers below the mud-line in the case that the piers cannot be removed. The Commission agreed.

Commissioner de Lambert moved to approve the project contingent on the Engineer's recommendations and the addition of the recommendation that the old piers are removed or in the case that they cannot be removed then they get cut off below the mud line. Commissioner Hoshal seconded the motion. The motion carried unanimously with five votes in favor [Cities of Crystal, Minnetonka, New Hope, and Robbinsdale absent from vote].

## 7. OLD BUSINESS

- A. **Update on Administrator Selection Process.** Chair Black provided an historical overview of the Commission's process of creating and filling the previous Administrator role and the process for creating a position and a search process for the position since the previous Administrator left. She summarized the meetings with Doug Snyder of the Mississippi Watershed Memorial Organization (MWMO) and the three scenarios that Mr. Snyder provided to the Commission as possible structures that the MWMO could use to provide Administrator services to the BCWMC. Chair Black said that one of today's handouts is a list of costs that Mr. Snyder assembled to show the BCWMC what Administrator-type services cost the MWMO. Chair Black asked for input on whether the Commission wants to pursue hiring an Administrator, whether it wants to pursue sending out an RFP for services, or whether there is a dual process that the Commission could follow.

Mr. Mathisen commented that work expands to fill a position and said that he does not feel that the Administrator role is a 40-hour a week position. He said that at least going through the MWMO there would be oversight of the position. Ms. Clancy said that she is curious about how the BCWMC's mission would meld with the MWMO's mission and how the Commission would buy services from them. Chair Black said that the two organizations' missions are the same but the structures are different. Ms. Clancy asked if the MWMO does flood control work and said she feels that it is important that the Commission hire services from an organization that has a similar vision and flood control is a huge issue. Mr. Asche said that he thinks the Administrative work is a full-time job and commented that the Shingle Creek Watershed Management Commission's 2011 budget for Administrative Services was \$85,000.

The Commission continued with a lengthy discussion of the Administrator services needs. Ms. Clancy said that she attended yesterday's Administrative Services Committee meeting as an observer and said that it would be good if there could be a discussion among the TAC members about what kind of skill set would be beneficial in an Administrator. She said that she thinks there may be some misconceptions about what worked and what didn't work with the previous Administrator services.

Chair Black said that the Administrative Services Committee will set up a meeting and will invite the TAC to come and offer comments and this topic will come back to the Commission at the July meeting. Commissioner Hoschka moved that the Commission and the TAC work to finalize the RFP for administrator services and put the RFP out so that the Commission has more options to discuss instead of just the one MWMO option. Alternate Commissioner Goddard seconded the motion.

Chair Black asked who would do the work to put the RFP out there because last time she did it and she

isn't going to take it on this time. Commissioner Hoschka said she thinks that getting the RFP out there will keep the process going. Commissioner de Lambert said that the time has passed for sending out an RFP. Commissioner Hoschka asked why the Commission didn't put out the RFP already. Chair Black said that the Commission was very disappointed last time in the number, four, and quality of applicants that responded to the RFP. She said that the process took at least eight months and the results just weren't worth it. Chair Black said that looking back through the applicant pool the MWMO was the only one really qualified. Commissioner Hoschka said that earlier the Commission was discussing putting out an RFP for a \$25,000 budget item and the Administrator budget is possibly \$100,000.

Chair Black said that if people need more information from the MWMO then they should call up Doug Snyder and sit down with him to discuss any concerns.

Alternate Commissioner Goddard suggested that the Commission table the motion because of the time and the fact that the Commission must approve a budget at this meeting. Chair Black directed Ms. Herbert to coordinate a meeting of the Administrative Services Committee and to invite the TAC to participate and provide any comments on the Administrator services.

Commissioner Hoschka moved to approve the proposed 2013 budget. Commissioner de Lambert seconded the motion. The motion carried unanimously with five votes in favor [Cities of Crystal, Minnetonka, New Hope, and Robbinsdale absent from vote].

**8. COMMUNICATIONS**

**Chair: No Chair Communications.**

**Commissioners: No Commissioner Communications.**

**Committees: No Committee Communications.**

**Counsel Communications: No Counsel Communications.**

**Engineer Communications: No Engineer Communications.**

**9. ADJOURNMENT**

**The meeting adjourned at 2:05 p.m.**

_____	_____	_____	_____
Chair	Date	Amy Herbert, Recorder	Date

_____	_____
Secretary	Date