

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

1. CALL TO ORDER AND ROLL CALL

The Bassett Creek Watershed Management Commission (BCWMC) was called to order at 11:30 a.m., on Thursday, July 19, 2012, at Golden Valley City Hall by Chair Black.

ROLL CALL

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

**Note: Commissioner Dan Johnson (Crystal) and Alternate Commissioner Lisa Goddard (Minneapolis) arrived after roll call.*

- Also present:**
- Laura Adler, BCWMC Technical Advisory Committee, City of St. Louis Park**
 - Derek Asche, BCWMC Technical Advisory Committee, City of Plymouth**
 - Pat Byrne, BCWMC Technical Advisory Committee, City of Minneapolis**
 - Jeannine Clancy, BCWMC Technical Advisory Committee, Golden Valley**
 - Christopher Gise, Golden Valley resident**
 - Dave Hanson, Alternate Commissioner, City of Golden Valley**
 - Guy Johnson, 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**
 - Nate Mitchell, Contractor**
 - Jeff Oliver, BCWMC Technical Advisory Committee, City of Golden Valley**
 - Roger Peters**
 - Lorna Reichl, Golden Valley resident**
 - Liz Stout, BCWMC Technical Advisory Committee, City of Minnetonka**

2. CITIZEN FORUM ON NON-AGENDA ITEMS

No citizen input.

3. AGENDA

Chair Black requested to move agenda items 6B – Final Feasibility Study for the Four Seasons Mall Wetland Restoration Project - and 7A – Order Cooperative Agreements and Public Hearing for 2013 CIP Projects - to the Consent Agenda. Commissioner Elder moved to approve the agenda as amended. Commissioner de Lambert seconded the motion. The motion carried unanimously with six votes in favor [Cities of Crystal, Minneapolis, and Robbinsdale absent from vote].

[Commissioner Johnson arrives.]

4. CONSENT AGENDA

Commissioner Hoshal moved to approve the Consent Agenda as amended. Commissioner Elder seconded the motion. The motion carried unanimously with seven votes in favor [Cities of Minneapolis and Robbinsdale absent from vote]. [The following items were approved as part of the Consent Agenda: The June 21, 2012, meeting minutes, the July financial report, Legal Counsel Communications, Final Feasibility Study for the Four Seasons Mall Wetland Restoration Project , and Order Cooperative Agreements and Public Hearing for 2013 CIP Projects .]

[Alternate Commissioner Goddard arrives.]

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

Checking Account Balance	\$686,389.66
TOTAL GENERAL FUND BALANCE	\$686,389.66
TOTAL ON-HAND CONSTRUCTION CASH & INVESTMENTS (7/11/12)	\$2,856,555.78
CIP Projects Levied – Budget Remaining	(\$2,780,873.00)
Closed Projects Remaining Balance	\$75,682.78
2012 Anticipated Tax Levy Revenue	\$381,652.69
Anticipated Closed Project Balance	\$457,335.47

5. ADMINISTRATION

5A. Presentation of Invoices for Payment Approval. Chair Black noted that an additional invoice came in for payment after the packet mailed out. She reported that the invoice was from Finance & Commerce in the amount of \$138.87 for the publication of the public meeting notice. She requested the addition of the invoice to the agenda under “Presentation of Invoices for Payment Approval.” The Commission consented.

Commissioner de Lambert moved the approval of payment of all invoices. Commissioner Elder seconded the motion. The motion carried unanimously with eight votes in favor [City of Robbinsdale absent from vote].

- i. Kennedy & Graven – Legal Services through May 31, 2012 – invoice for the amount of \$1,262.15.
- ii. Barr Engineering Company – Engineering Services through June 29, 2012 – invoice for the amount of \$44,903.73.
- iii. Amy Herbert – June Secretarial Services – invoice for the amount of \$2,232.48.
- iv. D’amico - ACE Catering – July BCWMC meeting catering – invoice for the amount of \$188.11.
- v. Finance & Commerce – Public Meeting Notice Publication – invoice for the amount of \$138.87.

5B. Revisions to the BCWMC Bylaws. Chair Black discussed the substantive changes to the Bylaws, including the removal of the section that dictated the order of the agenda of the Commission meetings and of the requirement that claims must be paid by roll call vote. Mr. LeFevere noted that the changes were tracked on the copy of the Bylaws distributed with the meeting packet. Commissioners commented on additional edits that could be made and Mr. LeFevere noted them and said that he would incorporate those revisions into a final draft. He said that the next step is to formally notice the BCWMC Member Cities about the changes to the Bylaws since the Bylaws require that the Member Cities be given seven days notice of the proposed changes to the Bylaws. Mr. LeFevere said that if there are no comments from the Member Cities then the Commission could approve the changes as a Consent Agenda item at the August meeting or if there are comments then the Commission could discuss those comments as a business item on the August meeting agenda.

Commissioner Elder moved to approve Mr. LeFevere creating the final draft of the revised Bylaws based on today’s comments, staff distributing the draft revised Bylaws to the Member Cities for comment, and staff adding the adoption of the revised Bylaws to the August meeting agenda. Alternate Commissioner Goddard seconded the motion. Commissioner Hoshal made a recommendation for an addition to the Definition of Terms section of the Bylaws. Mr. LeFevere said that he would make that addition. Commissioner Elder and Alternate Commissioner Goddard approved the friendly amendment to the Bylaws and the motion. The motion carried unanimously with eight votes in favor [City of Robbinsdale absent from vote].

6. NEW BUSINESS

- A. **Public Meeting on the BCWMC’s Minor Plan Amendment.** Chair Black described the minor plan amendment and then reported that staff had submitted the minor plan amendment to BWSR. She said that BWSR already had communicated back with the message that it agrees that the plan amendment is a minor amendment. She said that BWSR provided a few additional comments. Alternate Commissioner Goddard moved to approve staff sending notice to the Member Cities about the continuation of the public meeting on September 20th and to approve continuing the meeting until September 20th. Commissioner Millner seconded the motion. The motion carried unanimously with eight votes in favor [City of Robbinsdale absent from vote].
- B. **Final Feasibility Study for the Four Seasons Mall Area Water Quality Project.** Feasibility Study approved under agenda item 4 – Consent Agenda. Mr. Asche noted that the final draft contained no major changes from the draft report. He said that the only changes were minor edits to the pounds of phosphorous removal numbers by revising the numbers by a pound or two.

- C. Sweeney Lake Boathouse Replacement: Golden Valley.** Ms. Chandler described the project on a property on the east side of Sweeney Lake. She explained that the project is in front of the Commission because it is work in the floodplain. Ms. Chandler noted that she would have recommended this agenda item to be part of the Consent Agenda. She said that staff recommends approval of the project with no conditions. Commissioner Hoshal asked why the project is in front of the Commission because it seems like the boathouse would be considered a nonconforming property by the City of Golden Valley. Mr. Oliver said the project is a permitted use and is consistent with all of the City of Golden Valley’s shoreline ordinances and zoning ordinances. He said that the project is an existing use that is being rebuilt.

Commissioner Elder moved to approve the project permit. Commissioner Johnson seconded the motion. The motion carried with seven votes in favor [City of Robbinsdale absent from vote] and one vote against [City of Medicine Lake].

- D. BWSR FY2013 Clean Water Fund Grants.** Ms. Chandler said that the application process starts August 1st and the Clean Water Fund Grants applications are due September 15th. Ms. Chandler summarized the memo included in the meeting packet and the Commission Engineer’s suggestions for projects to include in the application for the grants. She said that the suggestions include the Four Season Mall area 2013 water quality treatment project, the Lakeview Park Pond 2013 water quality project, and the Schaper Pond diversion project. She said that the project is not yet included in the Commission’s Plan and it would need to be included before the project could be implemented, but she explained that the project is included in the Commission’s Sweeney Lake TMDL implementation plan. Ms. Chandler noted that in the grant applications the Commission would need to make sure it includes the projects’ costs in terms of how much there is left to spend on the project because any project expenses incurred prior to being awarded a grant is not eligible.

Alternate Commissioner Goddard asked if the grant program has requirements of follow-up reporting, which would mean other budget considerations for the Commission. Ms. Chandler said yes that starting with last year’s grants there is one report per year, compared to the previous two reports per year requirement. Chair Black asked if the grants are for one year or for two years. Ms. Chandler said that she thinks two years with the possibility of an extension.

Commissioner de Lambert moved to approve staff applying for the grant for all three described projects. Commissioner Elder seconded the motion. The motion carried unanimously with eight votes in favor [City of Robbinsdale absent from vote].

7. OLD BUSINESS

- A. Order Cooperative Agreements and Public Hearing for 2013 CIP Projects: NL-2 (Four Seasons Mall Wetland Restoration Project) and ML-8 (Lakeview Park Pond Project).** Cooperative Agreements and Public Hearing for 2013 CIP Projects were ordered under agenda item 4 – Consent Agenda.
- B. WOMP Station Management.** Chair Black described the work involved in the WOMP station management, the way the work had been accomplished in previous years, and what needs to be accomplished in 2012 and in future years. Chair Black explained that she had asked Barr Engineering for an estimate of costs if Barr did all of the WOMP tasks and that Barr provided a cost estimate of \$25,000 for the annual work.

Chair Black added that the Metropolitan Council has recently communicated that it will provide \$5,000 to the Commission towards the WOMP costs. She said that she went to the Commission’s

engineer pool and asked Wenck and WSB each for a quote on the WOMP station work. She said that those two firms talked to the Met Council about the work in order to get an understanding of the tasks involved. Chair Black reported that Wenck's bid came in at \$10,320 without budgeting for a final report and \$13,296 including budget for a report and WSB's quote came in at \$10,800 without budgeting for a final report.

Commissioner de Lambert asked if Barr and WSB and Wenck were all providing quotes on the same work. Chair Black said that they each provided quotes according to their understanding of the work involved. Alternate Commissioner Goddard asked if the cost of the rating curve work performed by Barr Engineering would need to be budgeted for on top of the costs quoted by WSB and Wenck. Chair Black said yes, on top of WSB's and Wenck's quotes, \$4,000- \$6,000 would need to be budgeted for the rating curve work and data management work performed annually by Barr Engineering.

Chair Black said that she did talk to the Mississippi WMO about providing a quote to the Commission to perform the WOMP station management work but it proved to be too complicated to try to get it sorted out since the MWMO wanted to meet with the Met Council and the MWMO wouldn't provide a quote until it met with the Met Council.

Mr. Byrne asked if the three consulting firms that provided quotes were told that this was a competitive bidding process. Mr. Asche said no, he just requested quotes. Chair Black asked if it makes a difference. Mr. Byrne said it does sometimes because he has seen firms who are trying to get introduced to a group submit lowball bids. Mr. Asche said that each of the consultants, not counting Barr Engineering, met with the Met Council and based their quotes on the standard operating procedures for the WOMP. He said that WSB visited the site and took pictures and that he feels that everyone has a pretty good handle on the tasks.

Ms. Loomis asked if there is a possibility that the Met Council could take over the work especially since it is doing the work for the WOMP station on Minnehaha Creek. She added that if the MPCA is using the data for the Lake Pepin TMDL then why is the BCWMC paying for the work to supply that data.

Mr. Asche said that ultimately the WOMP stations are the Met Council's responsibility, but since the Met Council doesn't have the staff to run all of the stations it actively seeks out cooperative arrangements to get the work done. Mr. Asche said that the watershed isn't obligated to do the work. Ms. Loomis said that maybe the Met Council should contribute more than \$5,000 for the work. Ms. Loomis suggested that the Met Council contract with someone directly to do the WOMP work. Ms. Clancy suggested that the Commission could inform the Met Council that this is the final year that the Commission will conduct the work and that the Met Council should adjust its budget accordingly.

Chair Black said that she didn't think that the Commission has seen the quotes from Barr Engineering, WSB, and Wenck and that the information could go out to the Commission and the item could be added to next month's agenda for the Commission to decide what to do. She said that she would like to get the Commission's 2013 budget adjusted for the WOMP budget prior to sending the final 2013 budget out to the member cities.

- C. Update on Administrator Selection Process. Chair Black reported that prior to today's Commission meeting Commissioner de Lambert chaired a meeting of the Administrative Services Committee at which many members of the TAC and the Commission provided input about the Commission's Administrator services. Commissioner de Lambert said that no concise conclusion came out of the meeting but that was not the goal of the discussion. He said the TAC's input was helpful and said the things that really stuck with him include that the Commission needs to be careful but also needs to

move forward. Commissioner de Lambert said that the next steps are for the Committee to organize the notes from the meeting and for another meeting to get scheduled for the first part of August so that something more concise can be discussed at the August BCWMC meeting. Chair Black said that she thinks that the Commission should also consider the Administrator budget item for 2013 in light that it may be extremely unlikely that the Commission will hire someone as an Administrator for 2013. She said that she thinks that the Commission should rethink the \$100,000 budget for the Administrator for 2013.

Ms. Clancy stated that the TAC recommended that the Commission utilize the Commission's existing staff and increase the duties of some of the contractors so that the burden can be lessened for the BCWMC officers. Commissioner de Lambert suggested that the Commission look at its 2012 Administrator budget and reallocate it to cover existing work needs, which then may be a basis for the 2013 budget. The members of the Administrative Services Committee discussed meeting dates and Chair Black suggested setting a meeting for Wednesday, August 1st at 8:00 a.m. and for the meeting space to be coordinated and communicated to the Committee members and the Commission and TAC members since the meeting is an open meeting.

- D. **Next Generation Watershed Management Plan.** Chair Black announced that the BCWMC's Plan Steering Committee will meet on Monday, July 23rd at 4:30 p.m. in the Medicine Lake room at Golden Valley City Hall. She added that it is a standing monthly meeting held at 4:30 p.m. on the Monday after the Commission's monthly meeting. She said that at Monday's meeting the Committee will be trying to finalize the steps in the Plan process and finalize the public input steps of the process.

Commissioner Hoshal said that since the Commission may not have an Administrator on board as the Commission begins its plan process that perhaps the Commission would want to use a consulting facilitator to bring the Commission through the process. He said the MPCA used such a facilitator, CR Planning, for the Medicine Lake TMDL plan. Chair Black said this could definitely be a discussion topic. Ms. Loomis stated that part of the reason that she has brought up the City of Golden Valley's Envision process is because it was a public stakeholder process facilitated by volunteers.

- E. **Follow Up Report on Riprap in Channel Below Medicine Lake Outlet.** Ms. Chandler said that the Commission Engineer is still in discussion with the Met Council and the Met Council is trying to decide if it wants to remove the riprap or study its impact. Commissioner Hoshal noted that the riprap is migrating downstream.

8. COMMUNICATIONS

Chair: No Chair Communications.

Ms. Loomis provided an update on Upper Mississippi River Bacteria TMDL.

Commissioners:

1. Commissioner Hoshka asked for an update about the communication from Hennepin County Commissioner Jeff Johnson about the legislation he is helping to draft regarding reorganizing WMOs and watershed districts in Hennepin County. The Commission discussed Commissioner Johnson's efforts to draft bill language that would consolidate the WMOs and watershed districts in the County into three watershed organizations.

Committees:

1. **Commissioner Hoshal reported that the next West Metro Water Alliance (WMWA) meeting will be in the fall and he will announce the date once it is set.**

Counsel Communications: No Counsel Communications.

Engineer Communications: No Engineer Communications.

9. ADJOURNMENT

The meeting adjourned at 1:05 p.m.

Chair

Date

Amy Herbert, Recorder

Date

Secretary

Date