



## Bassett Creek Watershed Management Commission

### Minutes of the Regular Meeting

May 16, 2013

Golden Valley City Hall, 11:30 a.m.

#### Commissioners and Staff Present:

Crystal	Commissioner Dan Johnson	Robbinsdale	<i>Not represented</i>
Golden Valley	Alternate Commissioner Dave Hanson	St. Louis Park	Commissioner Jim de Lambert, Vice Chair
Medicine Lake	Commissioner Ted Hoshal, Secretary	Administrator	Laura Jester, Keystone Waters LLC
Minneapolis	Alternate Commissioner Lisa Goddard	Attorney	Charlie LeFevere, Kennedy & Graven
Minnetonka	<i>Not represented</i>	Engineer	Karen Chandler, Barr Engineering Co.
New Hope	Alternate Commissioner Pat Crough	Recorder	Amy Herbert
Plymouth	Commissioner Ginny Black, Chair		

#### Technical Advisory Committee (TAC) Members/ Other Attendees Present:

Derek Asche, TAC, City of Plymouth	Jeff Oliver, TAC, City of Golden Valley
Christopher Gise, Resident, City of Golden Valley	John O'Toole, Alternate Commissioner, City of Medicine Lake
Chris Long, TAC, City of New Hope	Gina Purcell, <i>Sun Post</i>
Linda Loomis, BCWMC Next Generation Plan Steering Committee Chair	Liz Stout, TAC, City of Minnetonka
Tom Mathisen, TAC, City of Crystal	Jim Vaughn, TAC, City of St. Louis Park
Richard McCoy, TAC, City of Robbinsdale	Perry Edman, TAC, City of St. Louis Park

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

On Thursday, May 16, 2013, at 11:34 a.m., Chair Black called to order the meeting of the Bassett Creek Watershed Management Commission (BCWMC) and asked for roll call to be taken. The cities of Minnetonka and Robbinsdale were absent from the roll call.

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

No citizen input.

**3. AGENDA**

Alternate Commissioner Goddard moved to approve the agenda. Alternate Commissioner Hanson seconded the motion. The motion carried unanimously 7-0 [Cities of Minnetonka and Robbinsdale absent from vote].

**4. CONSENT AGENDA**

Commissioner Johnson moved to approve the Consent Agenda. Alternate Commissioner Goddard seconded the motion. The motion carried unanimously 7-0 [Cities of Minnetonka and Robbinsdale absent from vote].

[The following items were approved as part of the Consent Agenda: the April 18, 2013, BCWMC meeting minutes, the May Financial Report, payment of the invoices, approval of reimbursement to the City of Golden Valley for 2012 Bassett Creek Reach 1 Restoration Project, acceptance and authorization of distribution of the 2012/2013 financial audit, motion to not waive monetary limits on municipal tort liability, and approval of the cooperative agreement between BCWMC and City of Golden Valley for feasibility report preparation for Main Stem Channel Restoration Project 2015CR.

The general and construction account balances reported in the May 2013 Financial Report are as follows:

Checking Account Balance	\$684,465.29
<b>TOTAL GENERAL FUND BALANCE</b>	<b>\$684,465.29</b>
<b>TOTAL CASH &amp; INVESTMENTS ON-HAND (5/8/13)</b>	<b>\$2,459,423.69</b>
CIP Projects Levied – Budget Remaining	(\$3,037,457.21)
Closed Projects Remaining Balance	(\$578,033.52)
2013 Anticipated Tax Levy Revenue	\$986,000.00
Anticipated Closed Project Balance	\$407,966.48

## 5. PUBLIC HEARING

Ms. Chandler summarized the Major Plan Amendment, explaining that the amendment proposes:

- Adding to the BCWMC's CIP a 2014 project to modify Schaper Pond in Golden Valley;
- Adding to the CIP a 2014 project to construct a water quality treatment pond in the Briarwood/ Dawnview area of Golden Valley; and,
- Adding to the CIP a 2014 project to provide in-lake alum treatment of Twin Lake in Golden Valley.

Chair Black opened the public hearing for comments and announced that the hearing would be continued to the Commission's June 20<sup>th</sup> meeting. Hearing no comments, Chair Black continued the hearing until June 20<sup>th</sup> and said that the Commission will continue to accept comments until the June 20<sup>th</sup> hearing.

## 6. NEW BUSINESS

**A. Review Roles and Responsibilities Document.** Administrator Jester asked for comments about the document. Commissioners and legal counsel provided recommended changes.

Mr. Ashe raised the topic of erosion control inspections, which is listed in the document as an Engineer responsibility. He described the City of Plymouth's erosion inspection process and noted that the City conducts weekly inspections. Mr. Ashe said that the efforts of the Commission seem duplicative of what the City is doing. TAC members from Minnetonka, St. Louis Park, and Golden Valley commented that their cities also conduct weekly inspections as part of the MS4 requirements. Mr. Mathisen added that the City of Crystal conducts erosion inspections as part of the MS4 permit requirement.

There was a discussion about the inspection requirements placed on the cities as part of the MS4 permit, the interest of the Commission in conducting its own inspection of Commission projects including non-City projects such as county and state projects, and whether a new process could be put in place in which the cities provide their inspection reports to the Commission for its TMDL reporting. Commissioner Hoshal noted the City of Medicine Lake does not perform inspections.

Chair Black requested that the Roles and Responsibilities document maintain that task in the Engineer section for now and after future Commission discussion about the inspection process, the Commission could remove it as necessary. Administrator Jester asked if the Commission could add "as needed" onto that task. The Commission agreed. Chair Black requested that the TAC review the document at its June meeting and directed staff to make the changes as discussed at this meeting and to put the item on the June meeting agenda as a consent item.

**B. Review Committee Appointments.** The Commission updated Committee rosters:

- i. Budget Committee: Ginny Black, Jim de Lambert, Ted Hoshal, Stacy Hoschka
- ii. Administrative Services Committee: Ginny Black, Jim de Lambert, Ted Hoshal, Wayne Sicora
- iii. Education Committee: Ted Hoshal (Jim de Lambert offered to help with education events). Lisa Goddard and Dan Johnson indicated they would like to help with the committee but indicated their availability for meetings was limited.
- iv. Next Generation Plan Steering Committee: Linda Loomis, Michael Welch, Ted Hoshal, Wayne

Sicora, Lisa Goddard, Justin Riss, Laura Jester, and Karen Chandler.

**C. Consider Reimbursement to Commissioners and Volunteers for Mileage to Special Events/ Meetings.** The Commission discussed the proposal and decided that due to the amount of paperwork needed that it was not practical to pursue further at this time. It was also noted that volunteers can write off mileage on their annual tax returns.

**D. Review Proposed 2014 Budget.** Chair Black walked the group through each line item in the budget and took comments. The Commission discussed line 8 – Surveys and Studies. Chair Black said that the Commission may consider a possible reduction to this line's budget and go back to the 2012 budget number.

There was a discussion about how to plan for contingencies and whether the Commission should have a policy discussion about whether it should use its fund balance to pay for contingencies. Chair Black directed staff to add that policy discussion to a future agenda.

Ms. Chandler presented options for 2014 water quality monitoring. The Commission directed the TAC to discuss the monitoring tasks planned, identify any holes, and come back to the Commission in June with a recommendation on that budget item and how the Commission can keep its data contiguous.

The Commission talked about the erosion inspections tasks and budget. Commissioner Hoshal raised the idea of inspections of salt storage facilities. Chair Black suggested this topic be discussed as part of the Plan revision process. The Commission directed the TAC to discuss the erosion inspection budget line item and to bring a budget recommendation to the Commission at its June meeting. The Commission directed the Commission Engineer to provide the TAC with information on the amount of time the engineering staff spent on doing the inspections and the amount of time spent doing the administrative tasks such as writing the reports. Chair Black said that it could make sense to look at the project lists of the county and state to see if there are projects slated in the watershed for 2014.

Commissioner Hoshal requested that a footnote be added for line item 23 – Administrator - explaining the increase. Commissioner de Lambert voiced his support of using the 2012 unspent Administrator budget. Chair Black said she would support that action. There was discussion on how it could be reflected in the 2014 budget table. Chair Black said that the Budget Committee will schedule a meeting to be held sometime after the TAC's June meeting.

Mr. Ashe told the Commission that Plymouth's city council will not be expecting to see a BCWMC proposed budget that has a second year of double-digit increases. He requested that the TAC discuss the budget and indicated the Commission should look closely at where its money is going. Chair Black said that the TAC can review the budget and can make a recommendation on any line item. There was a discussion about items in the 2014 budget that will not be annual expenses and about using the fund balance for some of the 2014 expenses. Ms. Loomis cautioned the Commission against using the fund balance as a onetime fix for a long-term budget imbalance.

**E. TAC Updates.** Jim de Lambert volunteered to be the TAC liaison at the June 6<sup>th</sup> TAC meeting. Chair Black and Alternate Commissioner Crough said they would try to attend. The Commission reviewed the list of TAC agenda items for the June 6<sup>th</sup> meeting and for future TAC meetings including XP SWMM and P8 model findings, developing annualized cost per pound of phosphorus removal for projects, emerald ash borer preparations in cities, the Blue Star Award Program, creek crossing signage, 2014 water monitoring program, roles and responsibilities document, road salt storage facility inspections, and watershed inspections .

## 7. OLD BUSINESS

- A. Receive Updates on Next Generation Plan Development.** Administrator Jester summarized the findings from the small group meetings and the results to-date of the online survey. She said that at the June 13<sup>th</sup> Watershed Summit, the public will be prioritizing the identified issues. Administrator Jester recommended that the Commission schedule time to conduct its own prioritization of the issues. The Commission decided to meet immediately after the June 24<sup>th</sup> watershed tour and also to schedule a longer July meeting in order to discuss the identified issues. The Commission scheduled its July 18<sup>th</sup> meeting for 8:30 a.m. to noon.

Ms. Chandler gave an overview of tables 5-4 and 5-5 included in the meeting packet and asked for feedback. The commission provided comments including a suggestion to rename Table 5-5 for more clarity and to add a column showing cost of CIP projects and pollutant removals for projects

- B. Review Draft Response to Comments for Major Plan Amendment.** Ms. Chandler explained the information contained in the comment letter from the Minnesota Department of Natural Resources (DNR). There was discussion about the draft response letter. Mr. Oliver asked that on page 2 a comment be added that explains that the pond was excavated for the purpose of using that pond for water quality treatment. Ms. Chandler said that she would also add information on why the Commission selected that project for its CIP. She told the Commission that she would add the CC list to the letter and would include Brooke Asleson and Chris Zadak on that list. Chair Black indicated she would be attending the Hennepin County Committee meeting where the Plan amendment may be discussed. Administrator Jester, Engineer Chandler and Golden Valley staff plan to attend as well.

Commissioner Johnson moved to approve the response to comments, as amended and distribute to review agencies. Alternate Commissioner Crough seconded the motion. The motion carried unanimously 7-0 [Cities of Minnetonka and Robbinsdale absent from vote].

*[Alternate Commissioner Goddard departs the meeting]*

- C. Consider Additional Expenditures for Wirth Lake Outlet Structure.** Ms. Chandler described the letter from Golden Valley requesting \$20,000 to complete the Wirth Lake Outlet Structure project. She provided project details and raised the point that the Commission will incur project administrative costs estimated at \$2,500 for items such as grant administration and reporting. She said that the Commission Engineer's recommendation is that the Commission approve the request and that the funds come from the Commission's Closed Project Account.

Alternate Commissioner Hanson moved approval in the amount of \$22,500. Commissioner Johnson seconded the motion. The motion carried unanimously 6-0 [Cities of Minneapolis, Minnetonka and Robbinsdale absent from vote].

- D. Update on Watershed Tour.** Administrator Jester gave an update on the tour and recommended that the Commission add to its tour a stop at the Wirth Lake Outlet Structure. The Commission decided to replace the Sweeney Lake tour stop with the Wirth Lake Outlet Structure tour stop. Administrator Jester noted she had sent an invitation to the Watershed Summit and Watershed Tour to City Managers to pass along to city council and commission members. And, that although the invitation indicated the tour was "by invitation only" that, in fact, the tour is open to anyone as it will be noted as a public meeting with a quorum of Commissioners.

**E. Update on JPA Amendment.** Administrator Jester reported that the cities of Minnetonka, New Hope, and St. Louis Park have communicated to the Commission that they have no problems with the proposed Joint Powers Agreement (JPA) amendment.

**8. COMMUNICATIONS**

**A. Administrator**

- i. Administrator Jester brought up the potential project of creating a commissioner handbook and asked for feedback. Some Commissioners acknowledged that it would be a helpful document. There was consensus that an online version of the handbook be developed and printed for those who request it.
- ii. Administrator Jester reported that the Commission is 25% of the way through its annual budget cycle and has spent approximately 20% of its budget.

**B. Chair:**

- i. Chair Black provided an update on the location of the Commission’s official files at Plymouth City Hall.

**C. Commissioners:** No communications

**D. Committees:**

- i. Education Committee: Commissioner Hoshal noted that the Commission will be represented this weekend at Golden Valley Days. He announced that the Education Committee will be staffing the Commission’s education display and will be providing watershed education at the Zachary Lane Environmental Fair in Plymouth.

**E. Legal Counsel:** No Legal Communications

**F. Engineer:**

- i. Ms. Chandler pointed out that the meeting packet includes a memo regarding the precipitation depths published by the National Weather Services in Atlas 14. Now that the numbers are final, they will start to get used, which will have implications on storm water systems, especially on flood levels of ponds and lakes.

**9. ADJOURNMENT**

The meeting adjourned at 2:43 p.m.

---

Amy Herbert, Recorder Date

---

Secretary Date