



Bassett Creek Watershed Management Commission

AGENDA MEMO

Date: May 7, 2013

To: BCWMC Commissioners

From: Laura Jester, Administrator

RE: Background information on 5/16/13 BCWMC

1. CALL TO ORDER and ROLL CALL
2. CITIZEN FORUM ON NON-AGENDA ITEMS
3. APPROVAL OF AGENDA – ACTION ITEM
4. CONSENT AGENDA
 - A. Approval of April 18, 2013 Meeting Minutes – ACTION ITEM with attachment
 - B. Approval of April Financial Report - ACTION ITEM with attachment
 - C. Approval of Payment of Invoices - ACTION ITEM with attachments
 - i. Keystone Waters, LLC – April 2013 Administrator Services
 - ii. Barr Engineering – Engineering Services
 - iii. Amy Herbert – April 2013 Secretarial Services
 - iv. Kennedy Graven – March 2013 Legal Services
 - v. Wenck – April WOMP Tasks
 - vi. D'amico-ACE Catering – May 2013 Meeting Catering
 - vii. Finance & Commerce, Inc.
 - viii. Lakeshore Weekly News
 - ix. Sun Newspapers
 - x. MMKR
 - xi. Prairie Moon Nursery
 - D. Approval of Reimbursement to City of Golden Valley for 2012 Bassett Creek Reach 1 Restoration Project - ACTION ITEM with attachment

The City of Golden Valley is requesting reimbursement from the BCWMC for the referenced project. The City and BCWMC entered into a cooperative agreement for this project on 10/21/10. Commission Engineers reviewed the documents provided by the City and recommends payment of \$483,848.65 in accordance with the attached letter. Note the following documentation (from Jim Herbert):

BCWMC Reimbursement Summary (per 10/21/10 Cooperative Agreement)

BCWMC CIP Closed Project Account:	\$419,500
BCWMC 2010 Levy collected 2011:	<u>\$160,700</u>
Total Approved Project Budget:	\$580,200
<u>Project Summary (Golden Valley)</u>	
Total completed as of April 8, 2013:	\$483,848.65
Previous Reimbursement from BCWMC:	<u>(\$0.00)</u>
Current BCWMC Reimbursement Request:	\$483,848.65

Project balance

The April 2013 BCWMC financial report (Table A- CIP Projects Levied) indicates a project balance (remaining budget) of \$526,976.55 (not including the current Golden Valley reimbursement request and current BCWMC expenses).

- Construction is substantially completed as of April 8, 2013.
- Current reimbursement includes Professional Services (consulting fees), City Staff Time (salaries, insurance, retirement), Operating Expenses (Public Notices) and Construction.
- A portion of the work north of Westbrook Road was not completed under this contract due to limited access on private properties. The City may request the Commission's assistance to revisit stream restoration opportunities in this area in the future.
- A final reimbursement request will be provided by the City after final completion in the next several weeks.

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- E. Accept and authorize distribution of 2012/2013 Financial Audit -**ACTION ITEM with attachment** *The financial audit for the Commission fiscal year ending January 31, 2013 is complete. Deputy Treasurer Virnig reports that it is a "clean" audit and recommends the Commission accept the audit. The Commission should also authorize distribution of the audit to the BWSR.*
- F. Motion to not waive monetary limits on municipal tort liability- **ACTION ITEM with attachment** *This is a routine, annual task. Commission Counsel LeFevere recommends the Commission take action to not waive monetary limits on municipal tort liability.*
- G. Approve cooperative agreement between BCWMC and City of Golden Valley for feasibility report preparation for Mainstem Channel Restoration Project 2015CR – **ACTION ITEM with attachment** *The at 3/21/13 Commission meeting, there was consensus for the City of Golden Valley to contract with WSB to prepare a feasibility study for Main Stem Restoration Project from 10th Ave to Duluth St. Staff recommends approval of the cooperative agreement between the Commission and Golden Valley.*

5. PUBLIC HEARING

- A. Receive comments from public on Major Plan Amendment and continue hearing to June 20, 2013
On 2/28/13 the Commission requested a Major Plan Amendment to add three projects to the 2004 Watershed Management Plan. Find proposed plan amendment information here:
www.bassettcreekwmo.org/PlanAmendments/PlanAmendmentHome.htm

The public hearing will be opened and the public will be asked for comments on the proposed major plan amendment. All comments will be entered into the public record. The public hearing should remain open until the June 20, 2013 Commission meeting in order to meet the requirements of responding to agency comments received during the 60-day review period.

6. NEW BUSINESS

- A. Review Roles and Responsibilities document - **ACTION ITEM with attachment**
At their meeting on 4/25/13, the Administrative Services Committee reviewed the roles and responsibilities of Commission consultants as well as TAC members, Commissioners, and Commission Committees. Subsequent to that meeting, some additions were proposed by the Commission Engineer – now shown with tracked changes. Staff recommends review, adjustments as needed, and approval of a final document to provide direction to all Commission members and consultants.

B. Review Committee appointments - **DISCUSSION ITEM no attachment**

At the 2/21/13 Commission meeting, the following appointments were made to Commission Committees: Budget Cmte = Commissioners Black (Chair), de Lambert, and Hoshal, Hoschka; Administrative Services Cmte = Commissioners de Lambert (Chair), Hoshal, Black, Hoschka, Welch and Sicora; Education Cmte = Commissioner Hoshal; Next Gen Plan Steering Cmte = Linda Loomis (Chair), Commissioners Black, Welch, Hoshal, de Lambert, Sicora, and Alternate Commissioners Goddard, Riss. There has been a request to review and possibly adjust Committee appointments at this time.

C. Consider reimbursement to Commissioners and volunteers for mileage to special events/meetings –

DISCUSSION ITEM no attachment *At their meeting on 4/22/13 the Administrative Services Committee (at the request of the Administrator) considered developing a policy to reimburse Commission volunteers and Commissioners or Alternates that drive to special meetings (e.g. small group meetings), or events and expos (e.g. Plymouth Yard and Garden Expo, etc). Additional liability insurance would be needed by the Commission at a rate of \$145/year. If appropriate, a policy could be drafted outlining exactly who and for what events volunteers or Commissioners could be reimbursed.*

D. Review proposed 2014 budget - **DISCUSSION ITEM with attachment**

At their meeting on 4/25/13, the Budget Committee considered possible 2014 expenditures, taking into consideration information from Commissioner Hoshal on educational expenses and information from the Commission Engineer, Recording Secretary, Legal Counsel and Administrator about projected expenses in 2014. The Commission should review the proposed budget and decide on next steps. A final recommendation on 2014 assessments on member cities should be made at the June Commission meeting.

E. TAC Recommendations

i. Appoint liaison to June 6th TAC meeting - **ACTION ITEM no attachments**

At the 4/18/13 Commission meeting, it was recommended that a Commissioner be appointed to attend TAC meetings. The Commission should appoint a liaison for the 6/6/13 TAC meeting.

ii. Consider future TAC agenda items - **ACTION ITEM no attachments**

Staff recommends that the following topics be discussed at the June 6th TAC meeting (or future TAC meetings as time allows: 1) Review of technical memos and recommendations resulting from completed XP-SWMM and P8 models; 2) Discussion on developing guidance on appropriate cost per pound pollutant removal for future projects; 3) How and if cities are preparing for emerald ash borer and how loss of ash trees might affect waterbodies. Rainbow Tree Care has offered to give a presentation or otherwise assist cities or the Commission with this issue; and 4) Blue Star Award – A program coordinated by Friends of the Mississippi River that recognizes excellence in community stormwater management.

7. OLD BUSINESS

A. Receive Update on Next Generation Plan Development

- i. Issues identified and results of small group meetings and survey – **INFORMATIONAL ITEM with attachment** – *At their meeting on 4/22/13, the Next Gen Plan Steering Committee reviewed and categorized approximately 200 notecards from 9 small group meetings. These summarized results as well as the results of the online survey through 5/3/13 are attached. This information will be used at the 6/13/13 Watershed Summit where participants will be asked to prioritize issues.*

- ii. Proposed schedule for Commission and TAC prioritizing issues/developing goals –
DISCUSSION ITEM no attachment *At their meeting on 4/22/13, the Next Gen Plan Steering Committee recommended a workshop for Commissioners, Alternates and TAC members to prioritize issues for the Plan after the Watershed Summit. Rather than a separate workshop during the busy summer months, staff recommends the following:*

5/20 Plan Steering Cmte Meeting: *Continue discussion on Plan layout; discuss process to develop goals; work with GTS (who will be in attendance) to plan for Summit*

6/13 Watershed Summit: *The public and other attending partners prioritize issues;*

Commissioners, Alternates and city staff do not participate in prioritizing during this meeting

6/20 Commission Meeting: *Whole group prioritization of issues in lieu of separate workshop*

6/24 Plan Steering Cmte Meeting: *Begin goal setting (or brainstorming exercise that leads to draft goals)*

7/18 Commission Meeting: *Whole group discussion of draft goals, begin to finalize goals which may be continued to August meeting*

- iii. Review Tables 5-4 and 5-5 of Draft Plan – **INFORMATION ITEM with attachments (2)**
Although the table numbers may change, these tables will be included in the Next Generation Watershed Management Plan. They list the Capital Improvements since the completion of the 2004 Watershed Management Plan and the non-CIP accomplishments of the Commission since the 2004 Plan. Staff is seeking comments from the Commission or city staff on the tables.

- iv. Update on preparation for watershed summit – **INFORMATION ITEM no attachment**
I will update the group on preparations for the watershed Summit including correspondence with GTS.

- B. Review draft Response to Comments for Major Plan Amendment – **ACTION ITEM with attachment** *On 2/28/13 the Commission requested a Major Plan Amendment to add three projects to the 2004 Watershed Management Plan. Find proposed plan amendment information here: www.bassettcreekwmo.org/PlanAmendments/PlanAmendmentHome.htm A 60-day review period ended on 4/30/13. The Commission received comments from DNR and letters with no substantive comments from BWSR, Met Council and MN Department of Agriculture. All 4 letters and draft responses to the DNR comments are attached. The Commission must take action to submit responses to comments to the review agencies in order to complete the Public Hearing on June 20, 2013 and move forward with the plan amendment process.*
- C. Consider additional expenditures for Wirth Lake Outlet Structure – **ACTION ITEM with attachment** *The City of Golden Valley is requesting additional funding to complete the Wirth Lake Outlet Project as outlined in the attached letter. Staff recommends approval of these expenses due to the use of project funds for the feasibility study and grant administration. (These types of costs are now included in CIP project expenses.)*
- D. Update on Watershed Tour – **INFORMATION ITEM no attachment**
Staff has invited elected officials to the Watershed Tour (along with an invitation the Watershed Summit). Staff recommends reconsidering including the Wirth Lake Outlet Structure on the tour. Staff can arrange to have the gates open and working and believes would make a good project to showcase.
- E. Update on JPA Amendment – **INFORMATION ITEM no attachment**
To date, the cities of Minnetonka, New Hope and St. Louis Park have reviewed the proposed amendment to extend the JPA to January 1, 2025. None of these cities have any comments on the JPA or the proposed extension.

8. COMMUNICATIONS – **INFORMATIONAL ITEM with attachments**

- A. Administrator’s Report – *attached*
- B. Chair
- C. Commissioners
- D. Committees
 - i. Budget Committee Meeting Notes - *attached*
 - ii. Administrative Services Committee Meeting Notes - *attached*
- E. Legal Counsel
- F. Engineer
 - i. Atlas 14 Memo and figures - *attached*

9. INFORMATION ONLY - **INFORMATION ITEMS with documents online**

- A. Upcoming Events and Notices
- B. Links to Water Related News Articles
- C. Grant Tracking Summary and Spreadsheet
- D. Met Council Storm Water Reuse Workshops
- E. Comments received by MPCA on Upper Mississippi River Bacteria TMDL

10. ADJOURNMENT

Upcoming Meetings

- **Monday, May 20th** – Next Generation Plan Steering Committee Meeting – 4:30 at Golden Valley City Hall
- **Tuesday, June 4th** – Hennepin County Environment, Energy and Natural Resources Committee Meeting – 1:30 at Hennepin County Government Center
- **Thursday, June 6th** – TAC meeting, 1:30 p.m. – 3:00 p.m. at Golden Valley City Hall
- **Thursday, June 13th** – **Bassett Creek Watershed Summit** – 7:00 p.m.-Plymouth City Hall
- **Monday June 24th** - **Bassett Creek Watershed Tour** – 1:00 p.m. –leaving from Golden Valley City Hall