

# **Bassett Creek Watershed Management Commission**

## **Minutes of the Special Meeting of June 2, 2005**

### ***Call to Order***

The Bassett Creek Watershed Management Commission was called to order at 11:30 a.m., Thursday, June 2, 2005, at the Golden Valley City Hall by Chair O'Toole.

### ***Roll Call***

<i>Crystal</i>	Not represented	<i>Counsel:</i> Charlie LeFevere
<i>Golden Valley</i>	Alternate Commissioner David Hanson	<i>Engineer:</i> Not present
<i>Medicine Lake</i>	Commissioner John O'Toole, Chair	<i>Recorder:</i> Pat Schutrop
<i>Minneapolis</i>	Not represented	
<i>Minnetonka</i>	Commissioner Bill Yaeger, Secretary	
<i>New Hope</i>	Commissioner Mary Gwin-Lenth	
<i>Plymouth</i>	Commissioner Ginny Black	
<i>Robbinsdale</i>	Commissioner Karla Peterson	
<i>St. Louis Park</i>	Commissioner Richard Johnson	

Also present: Elizabeth Thornton, Alternate Commissioner, city of Plymouth  
Ron Quanbeck, BCWMC Technical Advisory Committee, city of Plymouth  
Bryan Ripp, Applied Ecological Services, Inc.

### ***Special Meeting Agenda***

The purpose of the special meeting is to review and discuss the Administrative Options Subcommittee's recommendation to the Commission for selection for the Commission Recording Secretary position.

### ***Special Meeting Discussion***

Ms. Black, Administrative Options Subcommittee Chair, reported that two candidates were interviewed for the Recording Secretary position. Commissioners present included Chair O'Toole, Mayor Loomis, Ms. Langsdorf, Ms. Black, and Alternate Commissioner Ms. Thornton. Interviews of both candidates went well and both were clearly qualified. The two candidates were Janet Kramer and Amy Herbert, both independent contractors. The decision to recommend Amy Herbert to the Commission for approval was unanimous among the group present at the committee meeting.

Amy has a strong interest in the environmental field and Ms. Thornton thought it would be easier for her to step right in to the job. Because Amy is the wife of Jim Herbert, a Barr Engineering Company employee and often a backup for Len Kremer, the subcommittee discussed the potential for conflict with Amy. The subcommittee was satisfied that would not be a problem. Chair O'Toole noted that in the future there might be potential for Amy to carry out the Executive Director duties.

Ms. Black moved and Mr. Hanson seconded the motion to offer the Recording Secretary position to Amy Herbert.

Discussion followed. The rate was not discussed at the time of the interview, but Ms. Black considers that will be part of the discussion when the offer is presented.

Currently, Pat charges \$50 an hour and offices at Barr Engineering. Expenses (i.e., copying packet, etc.) are invoiced through Barr. Amy would also office at Barr. Ms. Thornton suggested asking Barr to provide a specific breakout of expenses on Barr's invoice associated with the Recording Secretary expenses to determine how much overhead is built into Barr's costs and compare copying fees with a commercial printing company.

Mr. LeFevere said in an effort to avoid delaying the process, the contract with Amy can state that copying charges are to be invoiced through Barr, if available, reimbursed from commercial printing companies, or provided through another vendor or a city at the Commission's discretion. The Commission can make that decision later.

Providing compensation on a straight hourly rate is the simplest way. The Commission needs to decide about travel and mileage, etc. Will the hourly compensation include travel time?

If the Commission agrees on paying \$50 an hour, that does not include benefits and self-employment tax, etc. One suggestion was because there will be a learning curve, the Commission could initially offer \$40 to \$45 an hour and evaluate and increase the rate later. The position was not advertised at a certain rate.

Mr. Yaeger moved and Ms. Black seconded the motion to offer compensation to the Recording Secretary at a rate of \$50 an hour to be reviewed at the end of the fiscal year (January 31, 2006) and annually thereafter, and that expenses are to be billed separately through Barr (if available) or provided separately as the Commission directs.

Mr. LeFevere asked for clarification for travel time and mileage. Pat charged travel time and mileage when filling a specific request (i.e., file search at the official files, Plymouth Creek Center prior to the special meeting held in July 2004, etc.). Although Pat's office was located at Barr, she only charged travel time to the monthly meetings. The consensus was to allow travel time to the monthly or special meetings and allow mileage reimbursement for special kinds of travel, but not regular meetings.

In addition, the recorder will provide recording devices, audiotape, email availability, personal computer, etc. Ms. Thornton added the Administrative Options group discussed the extent of the minutes and with the idea that the minutes might be less detailed and keeping the audiotapes on file for a certain length of time for those wanting to hear the entire meeting. In that case, the Commission should provide the recording devices and tapes.

The contract will include the duties listed in the request for proposal letter. Further contract details include the following:

- Terms of termination at will – terminated by the Commission at any time for any reasons and by her on 90-day notice.
- In the event that Amy cannot provide services, she would provide a substitute on approval by the Commission
- Invoice monthly to the Commission
- Comply with Data Practices Act
- Files related to the Commission are the property of the Commission and at the time of termination, files will be turned over to the Commission (electronic and paper files) or access provided to the files
- Rights of creative works or work products become the property of the Commission

Mr. Yaeger asked if the motion should state that all files, physical and electronic, are the property of the Commission. Ms. Black accepts the amendment.

The amended motion states: Mr. Yaeger moved and Ms. Black seconded the motion to offer compensation to the Recording Secretary at a rate of \$50 an hour to be reviewed at the end of the fiscal

year (January 31, 2006) and annually thereafter; that expenses are to be billed separately through Barr (if available) or provided separately as the Commission directs; and all files, physical and electronic, are the property of the Commission. Carried unanimously.

The Commission would like Amy to start as soon as possible and attend the June 16<sup>th</sup> meeting. Amy could start prior to acceptance of the employment contract at the hourly rate of \$50. Ms. Black will present the offer to Amy and give her four days to consider the offer. In the event Amy turns down the offer or counters the offer, Chair O'Toole will consider the counter offer. If the counter offer is not workable, the Commission agreed to present the offer to Janet Kramer. Ms. Black recalled that Janet Kramer would not be available to attend the June meeting.

Ms. Black moved and Ms. Gwin-Lenth seconded the motion that if Ms. Herbert rejected the Commission's offer by not accepting the terms outlined, the Chair has the option either to delay the decision to the next Commission meeting, or if the counter offer is substantially different than what the Commission agreed to, to present the offer to Janet Kramer. Carried unanimously.

Chair O'Toole directed Ms. Black to contact Ms. Herbert and present the offer and Mr. LeFevere will draw up the contract and cover letter for signature. The draft contract will be emailed to Ms. Black and Chair O'Toole for comment.

Confirmation of acceptance or decline of the offer will be emailed to the Commission.

#### Official Commission Files

The official file location has been at the city of Golden Valley and will be moved to the city of Plymouth. Another file cabinet has been ordered on approval of the Chair. The new location of the files will be at the Public Safety building in the city of Plymouth. People wanting access to the files will need an escort because it is a secured building. Golden Valley will transfer the files to Plymouth. Mr. LeFevere said the Bylaws may need to be amended stating the official site of the files.

Ms. Black would like record keeping and the record retention schedule put on a future agenda for discussion by the Commission. In an effort to be efficient with the Commission's meeting time, Mr. LeFevere suggested that could be a future task for the executive director or a task carried out by a Commission committee.

## ***Adjournment***

It was moved by Mr. Hanson and seconded by Ms. Black to adjourn the meeting. Chair O'Toole adjourned the meeting at 12:40 p.m.

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John O'Toole, Chair

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Pat Schutrop, Recorder

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Bill Yaeger, Secretary

Date: \_\_\_\_\_

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