



## **Bassett Creek Watershed Management Commission**

# **A g e n d a**

**Thursday, March 17, 2005**

**12:00 Noon**

**Golden Valley City Hall**

**7800 Golden Valley Road**

### **CALL TO ORDER**

**Presentation of February 17, 2005 Minutes**

**Presentation of Financial Statements**

**Presentation of Invoices for Payment Approval**

- **MACDE Area IV Envirothon**
- **Kennedy & Graven**
- **Barr Engineering Company**
- **Pat Schutrop, Administrative Services**
- **Treasurers Bond**

### **PUBLIC HEARING – CIP projects to be financed with 2006 tax levy**

- **Medicine Lake In-Lake Herbicide Treatment – ML-7**
- **Parkers Lake – PL-6**
- **Westwood Lake – WST-1**

### **COMMUNICATIONS**

**Chairman**

- **Citizen Input on Non-Agenda Items**

**Counsel**

**Commissioners**

**Engineer**

### **NEW BUSINESS**

- **Golden Valley 2005 Pavement Management**

### **OLD BUSINESS**

- **Lakeview Park Pond**
- **Plymouth Yard and Garden Expo**
- **Twin Lake Minor Plan Amendment**
- **Golden Valley Streambank Stabilization Agreement (deferred from February meeting)**

### **APRIL MEETING**

- **NOTE – NEW MEETING START TIME – 11:30 AM**
- **Administrative Options Subcommittee**
- **CIP Reserve Fund**

### **ADJOURNMENT**

# Bassett Creek Watershed Management Commission

## Minutes of the Meeting of February 17, 2005

### Call to Order

The Bassett Creek Watershed Management Commission was called to order at 12:01 p.m., Thursday, February 17, 2005, at the City of Golden Valley City Hall by Chair O'Toole.

### Roll Call

<i>Crystal</i>	Commissioner Pauline Langsdorf	<i>Counsel</i>	Charlie LeFevere
<i>Golden Valley</i>	Commissioner Linda Loomis, Treasurer	<i>Engineer</i>	Len Kremer
<i>Medicine Lake</i>	Commissioner John O'Toole, Chair	<i>Recorder</i>	Pat Schutrop
<i>Minneapolis</i>	Commissioner Michael Welch, Vice Chair		
<i>Minnetonka</i>	Commissioner Bill Yaeger, Secretary		
<i>New Hope</i>	Commissioner Mary Gwin-Lenth		
<i>Plymouth</i>	Commissioner Ginny Black		
<i>Robbinsdale</i>	Alternate Commissioner Erik Hansen		
<i>St. Louis Park</i>	Not represented		

Also present: Liz Thornton, Alternate Commissioner, city of Plymouth  
Tom Mathisen, BCWMC Technical Advisory Committee, city of Crystal  
Lisa Goddard, Alternate Commissioners, city of Minneapolis  
Laura Adler, BCWMC Technical Advisory Committee, city of St. Louis Park  
Al Lundstrom, BCWMC Technical Advisory Committee, city of Golden Valley  
Ron Quanbeck, BCWMC Technical Advisory Committee, city of Plymouth  
Mark Soderberg, city of Minneapolis  
Terrie Christian, Association of Medicine Lake Area Citizens

### Approval and/or Correction of Minutes

The minutes for the January 20, 2005 meeting were presented. Mr. Yaeger moved and Ms. Black seconded the motion to approve the minutes. Carried unanimously.

### Financial Statements

1. Mayor Loomis presented the Treasurer's Report as of February 9, 2005. This report is the final financial report for the 2004 fiscal year. Mayor Loomis pointed out that the report would be dated earlier than in the past in order to include the report in the monthly meeting packets. It was also noted that Crystal and Plymouth have not submitted their assessment amounts as of the date of the report. The current balances are as follows:

Checking Account Balance	\$284,176.32
Commercial Paper	0.00
<b><i>TOTAL GENERAL FUND BALANCE</i></b>	<b><i>\$284,176.32</i></b>
Investment Balance	\$115,065.26
Commercial Paper (due 2/14/05)	497,312.50
Commercial Paper (due 3/17/05)	1,494,568.75
<b><i>TOTAL CONSTRUCTION ACCOUNT BALANCE</i></b>	<b><i>\$2,106,946.51</i></b>

At the January 2005 meeting, Mayor Loomis was asked to investigate the benefits of having separate accounts for the CIP funds. Mayor Loomis said one of the reasons for maintaining one account and tracking the projects separately in that account is to avoid additional fees involved with setting up separate accounts. She recommends keeping one account and continuing to track the projects separately. Mr. Yaeger asked about the accrued interest and how the interest will be accounted for with the CIP projects account. Mayor Loomis said that interest would be put back into the CIP reserve account.

The current Treasurer's report represents the year-end report for the Commission and Chair O'Toole asked Mr. Kremer to summarize the budget outcome for 2004. In summary, the engineering budget was over by \$196.67, the planning budget was over by \$419.85, and with the other items included in the budget, the total budget was over by \$25,302.89; largely, due to the Erosion and Sediment line item which included a \$50,000 transfer from the general budget to the capital budget. This occurred because \$25,000 was not transferred in 2004 from the general budget to the capital budget. The budget reserve that is carried forward annually during the budget process will therefore be \$25,000 lower for the 2006 planning process. In 2005, the budget reserve was about \$124,000 leaving the reserve amount carried over into 2006 at about \$99,000. Chair O'Toole pointed out the Commission's ended 2004 on budget and is not going into fiscal year 2005 with a significant negative amount carried forward.

Since the current Treasurer's report only goes through February 9, Ms. Black asked how much more is expected between February 9<sup>th</sup> and February 28<sup>th</sup>. The fiscal year starts on February 1 of each year. Chair O'Toole said the invoices for engineering and administrative services are year-end invoices. Kennedy & Graven invoices the Commission quarterly, which might include additional charges for legal expenses. The Commission could request Kennedy & Graven to submit a year-end invoice to the Commission.

Ms. Black asked that the fiscal year dates be added to the Treasurer's report.

Ms. Gwin-Lenth asked why budget was not included for reviewing municipal plans in 2004. Mr. Kremer said at the time the budget was developed, no municipal plans were expected in 2004. The city of Minneapolis was in the process of phase one of their two-phase process and did not anticipate a review in 2004.

Mr. Welch questioned the overage for secretarial services and should the Commission consider an increase in the budget for secretarial services in 2006. Chair O'Toole said this is for the Commission's recorder duties and Ms. Schutrop discussed the overage with him. The overage is due largely to duties requested by the Chair to help him serve in his capacity more efficiently. Chair O'Toole added that he feels it is a good value for the Commission where assistance has been requested from the recorder for tasks that may have been done by the Commission's engineer in the past. Ms. Black asked if an executive director could carry out some of those duties if the Commission decided to take on that service. Chair O'Toole said some of the tasks requested were reviewing and providing background information requested by the Commission throughout the year, activities for plan preparation, and discussions with the deputy treasurer.

Mr. Yaeger added that after discussing the secretarial budget with Ms. Schutrop prior to the start of today's meeting, much of the overage did include second generation planning, and also her change from subcontracting status where she was still paid through the Commission's engineering company to independent contractor status working directly for the Commission and submitting invoices for payment from the Commission. When the budget was developed for 2005, the committee used the existing budget for secretarial services, but in reality, much of Ms. Schutrop's duties fell within other categories in the engineering budget. With this information in mind, Mr. Yaeger estimates that the secretarial budget was more like \$5,000 over budget.

Mr. LeFevere said the legal invoices have historically been presented quarterly and he would not be opposed to submitting invoices on a monthly basis to allow the Commission time to view the legal activities on a more timely basis. Chair O'Toole is satisfied with the current quarterly invoice submittal, but looked to the Commission for their input. Mr. Yaeger would like to see a monthly invoice because it would be more helpful to review what has occurred over the last month. Mayor Loomis agreed.

It was the consensus of the Commission to ask the attorney to submit invoices to the Commission on a monthly basis.

The Treasurer's report was accepted as presented and ordered to be filed subject to audit.

2. An engagement letter outlining basic services to perform the upcoming audit of the BCWMC was received from Malloy, Montague, Karnowski, Radosevich & Co., P.A.

Ms. Black moved and Ms. Langsdorf seconded the motion to approve the proposal as outlined in the letter received from Malloy, Montague, Karnowski, Radosevich & Co. P.A. Carried unanimously.

Mr. Yaeger asked if the Commission would value a presentation by the auditor at a future meeting. Mayor Loomis said there might be an additional cost to request a presentation. Because this firm already performs the audit for the city of Golden Valley, the cost to the Commission is greatly reduced. Ms. Black said it would be interesting, but to discuss the idea after the Commission knows how much cost would be involved. Mr. Welch added the Commission receives an audit report and after reviewing the report, the Commission can decide if a presentation would be worthwhile.

### ***Presentation of Invoices to be Paid***

The following invoices were presented for approval:

1. An invoice was received from Kennedy & Graven for professional services during the fourth quarter 2004 in the amount of \$2,214.45.

Mr. Welch moved and Mr. Yaeger seconded approval for payment of claims as set forth on the invoices. Upon call of the roll, the vote was carried.

2. An invoice was received from Barr Engineering Company for professional services during the period of January 8, 2005 through January 28, 2005, in the amount of \$11,926.20.

Ms. Langsdorf moved and Ms. Gwin-Lenth seconded approval for payment of claims as set forth on the invoices. Upon call of the roll, the vote was carried.

3. An invoice was received from Pat Schutrop for administrative services during the period of January 8, 2005 through January 28, 2005, in the amount of \$1,675.

Mr. Welch moved and Mr. Yaeger seconded approval for payment of claims as set forth on the invoice. Upon call of the roll, the vote was carried.

### ***Organizational Meeting***

1. The following nomination was accepted for Chair:

Mr. Yaeger moved and Ms. Langsdorf seconded the motion to nominate Mr. O'Toole as Commission Chair. No additional nominations were presented and nominations were closed. Carried unanimously.

**2. The following nomination was accepted for Vice Chair:**

**Mr. Yaeger moved and Ms. Gwin-Lenth seconded the motion to nominate Mr. Welch as Commission Vice Chair. No additional nominations were presented and nominations were closed. Carried unanimously.**

**Mr. Welch noted that he might have to leave the Commission before the year end due to policies involved in a new employment position he will be taking later this year. Mr. Welch asked if the Alternate Commissioner would assume the city's vacant Commissioner position. Mr. LeFevere in the event of an office vacancy, the Commission will elect a successor to that office. The Commission is electing individuals and not cities.**

**Chair O'Toole also noted that his term ends in January 31, 2006, and may not be reappointed as Commissioner for Medicine Lake. Looking at successive planning, Chair O'Toole asked it would be appropriate to have two Vice Chairs. Mr. LeFevere will review the Bylaws for guidance.**

**3. The following nomination was accepted for Secretary:**

**Ms. Black moved and Ms. Gwin-Lenth seconded the motion to nominate Mr. Yeager as Commission Secretary. No additional nominations were presented and nominations were closed. Carried unanimously.**

**4. The following nomination was accepted for Treasurer:**

**Mr. Welch moved and Ms. Black seconded the motion to nominate Mayor Loomis as Commission Treasurer. No additional nominations were presented and nominations were closed. Carried unanimously.**

**5. The following appointment was accepted for Deputy Treasurer:**

**Mayor Loomis moved and Ms. Black seconded the appointment of Sue Virnig, city of Golden Valley Assistant Finance Director, as Deputy Treasurer for the Commission. Carried unanimously.**

**6. The following appointment was accepted for Official Depository:**

**Mayor Loomis moved and Ms. Black seconded the appointment of Golden Valley Wells Fargo Bank and RBC Dain Rausher as the Official Depositories. Carried unanimously.**

**7. A resolution (2005-01) was presented designating depositories for Bassett Creek Watershed Management Commission. Dain Rausher will be corrected to state the correct name. Ms. Virnig's position will also be corrected to read Assistant Finance Director for the city of Golden Valley and Deputy Treasurer for the Commission.**

**Ms. Black moved and Mr. Yaeger seconded the motion to approve the resolution with minor corrections noted. Carried unanimously.**

**8. Executive Committee: The executive committee consists of the Chair, Vice Chair, and commissioners from the cities of Plymouth, Golden Valley, and Minneapolis.**

**Mayor Loomis moved and Ms. Black seconded the appointment of the Chair and Vice Chair and commissioners from the cities of Plymouth, Golden Valley, and Minneapolis to the Executive Committee. Carried unanimously.**

The makeup of the executive committee was developed by former Chair Peter Enck who appointed members from the largest cities in the Commission, in addition to the Commission Chair and Vice Chair. The executive committee exists in cases where action is necessary between regular Commission meetings.

## **Communications**

### *Chairman:*

1. The Twin Lake Minor Plan Amendment was submitted to Mr. Brad Wozney, Minnesota Board of Water & Soil Resources and other regulatory agencies for comment.
2. A notice was received from the University of Minnesota Extension Service regarding Shoreland Education Workshops.
3. Correspondence was received from Hennepin County Environmental Services regarding Hennepin County 2005 Public Entity Waste Abatement Incentive Grants.
4. Correspondence was received from the Minnehaha Creek Watershed District regarding a minor plan amendment for a Land Conservation Program.
5. An e-mail communication was received from Mr. Ron Struss, University of Minnesota Extension Service, regarding the Metropolitan Council grants for clean water education.
6. Correspondence was received from the Metropolitan Council regarding the Met Council's comments approving the Twin Lake minor plan amendment.
7. A notice was received from the Minnesota Association of Watershed Districts' 2005 Legislative Breakfast and Day at the Capitol scheduled for March 24, 2005.
8. A notice was received from the city of Plymouth concerning its Draft Pond Maintenance Policy, which will be reviewed again at the March 8, 2005 city council meeting.

### *Citizen Input on Non-Agenda Items:*

1. Ms. Terrie Christian, Association of Medicine Lake Area Citizens, commented on Chair O'Toole's question as stated in the January 20, 2005 meeting minutes, concerning Medicine Lake's reimbursement for the city of Medicine Lake's contribution to the in-lake herbicide treatment on Medicine Lake. Ms. Christian asked if it would be appropriate to make some sort of declaration stating that the city of Medicine Lake's contribution will be used for other capital improvement projects on Medicine Lake. Chair O'Toole sees the issue as something to be resolved between the cities of Plymouth and Medicine Lake and not a Commission issue. Ms. Black added she has had discussions with Medicine Lake city council members and the cities are working on how the reimbursement will be administered.

Mr. Welch added that discussions have occurred in the past concerning equity issues and he believes that as a matter of general policy, the Commission needs to make separate transactions for each project for the sake of equity and keeping within the guidelines of the Joint Powers Agreement. Ms. Black agrees and recently attended a meeting where citizens made a request for a project to be done sooner than scheduled on the city of Plymouth's list of priorities and asked if the Commission would help them do the project sooner. The question of prioritizing projects speaks to how excess dollars from capital projects can be used. This request could be made by any city or group of citizens looking to get a project done sooner. The Commission needs to have some clear guidelines as to how to use the excess dollars from a capital project.

*Counsel:*

1. Mr. LeFevere noted that the Minnesota Board of Water and Soil Resources has moved its office effective immediately to 520 Lafayette Road North, St. Paul, MN 55155.
2. Mr. LeFevere also noted that the Mississippi Watershed Management Organization has changed its address to 2520 Larpentuer Ave W Lauderdale, MN 55113.

*Commissioners:*

1. Ms. Langsdorf prepared comments to the Metropolitan Council recommending the Metro Environment Partnership Grants (MEP) program or a program similar to MEP be part of the Metropolitan Council's 2030 Water Resources Plan. In the past several years, MEP has provided funding for many beneficial demonstration and educational projects in the region. MEP funding was crucial to having these projects implemented, and the region has benefited through information shared about these projects and programs. Ms. Langsdorf added that Watershed Partners (an organization receiving contributions from the Commission) has been a recipient of these types of grants in the past.

Mr. Kremer said the grants became available as a result of a court case and settlement between the states of Wisconsin and Minnesota for contamination of the Mississippi River. The Metropolitan Council established a fund for phosphorus reduction grants. That fund is now nearly depleted. Mr. Kremer said it is appropriate for the Commission to request that funding be continued by the Metropolitan Council.

The deadline to receive comment on the Met Council 2030 Water Resources Plan is at 4:00 p.m., on Friday, February 18, 2005.

Ms. Langsdorf moved and Ms. Black seconded the motion to authorize Commission legal counsel to draft a letter to the Metropolitan Council encouraging the continuation of the Metro Environment Partnership Grants. Carried unanimously.

2. Ms. Langsdorf was asked by the Commission to find out what would be required for a commissioner to attend WaterShed Partners meetings. Watershed Partners requested participation on their Minnesota Water – Let's Keep it Clean 2005 media campaign. Ms. Langsdorf was unable to attend the February 10<sup>th</sup> meeting; however, she did talk with the campaign chair and received the meeting minutes. The minutes state what the Watershed Partners is planning in 2005. The meeting minutes will be included in the March 17<sup>th</sup> meeting packet. Ms. Langsdorf will not be able to attend the next meeting, but will again contact the campaign chair and ask for an update of the meeting.
3. Ms. Black received an acknowledgement that the city of Plymouth is conducting its fifth annual Yard and Garden Expo on April 9<sup>th</sup>. The Commission has had a booth in the past and the city is asking if the Commission would like to participate again. The cost of the booth is \$35. The flyer will be included in the March 17<sup>th</sup> meeting packet for the Commission to consider and discuss at the March meeting. Ms. Thornton manned the booth at last year's expo and is willing to set up and attend the booth at this year's expo. Printed materials (through Watershed Partners, etc.) will be helpful as handouts in the booth. The Commission recorder will work with Ms. Thornton and Ms. Langsdorf to put together information as handouts. Mr. Kremer said the Commission has historic information, including dated newsletters, and materials that were part of the start of the second generation plan preparation process that may also be appropriate to use. Chair O'Toole reminded the Commission that if, after reviewing the historic information, it may be appropriate to put together some type of newsletter, a cost will be involved (approximately 2 to 3 hours time).

As a side note, Chair O'Toole recommended preparation of newsletters might be a duty for the Executive Director to carry out.

Mr. Kremer said the public communications line item has funds (\$3,000) available to cover costs associated with the expo. Mr. Welch added it would be valuable to collect names and e-mail addresses of citizens interested in the activities of the Commission.

*[Alternate Commissioner Thornton sat in for Commissioner Black who left the meeting at this time.]*

4. An e-mail request was received from Jenny Schaust, Hennepin County Environmental Services, concerning sponsoring the Envirothon program. Mr. Welch said the Envirothon is an environmental competition among school students. The request is to support two schools (the Hmong Academy and Benilde St. Margaret) for \$60 each to match Hennepin Conservation District's sponsorship of two teams.

Mr. Welch moved and Mr. Yaeger seconded the motion to support the Envirothon program in the amount of \$120 coming from the Public Communications line item in the budget. Carried unanimously.

5. A communication was received from the Minneapolis Blooms Program describing workshops they are conducting to promote the use of rain gardens and native planting for homeowners. This is an educational outreach offering \$50 native plant grants as an incentive for people to use the rain garden knowledge learned in the workshops. The Mississippi Watershed Management Organization has donated \$7,000 toward the grant program for MWMO area residents only. The Blooms Program is contacting the Commission to see if the Commission would like to provide funds for native plant grants for people living in the Bassett Creek watershed.

Chair O'Toole said, although the Commission is not a grant-making authority, a small amount (\$250) for demonstration purposes may be appropriate.

Discussion followed. Mr. Welch pointed out this would directly support rain gardens that minimize nutrients to the Bassett Creek.

Mr. Welch moved and Ms. Langsdorf seconded the motion to provide \$250 from the Demonstration budget line item to the Minneapolis Blooms Program for citizens living within the Bassett Creek watershed area.

Further discussion followed. Mr. Quanbeck added the Plymouth has similar grant programs for citizens. Chair O'Toole expressed concern as to the possibility of similar requests coming from other member cities. Mayor Loomis was concerned about what are the Commission guidelines in meeting these types of requests. She noted that most soils in Golden Valley are not suitable for rain gardens, but the city offers other programs addressing buckthorn, etc.

Mr. Yaeger is not in favor of financially supporting the Blooms Program because the Commission recently authorized sending staff to the Minneapolis Water Quality Task Force at the request of Minneapolis and is concerned about the value received by the Commission when the value more for the benefit of Minneapolis. Mr. Welch suggests judging the two issues separately and would be in favor of considering similar requests for rain gardens that are considered demonstration projects from other cities. Mr. Gwin-Lenth agrees with the \$250 amount if it is administered to people in the Bassett Creek watershed and a small amount to promote the education of rain gardens.

Mr. LeFevere asked how the \$250 will be administered and suggested that the Commission may want to consider having a grant agreement stating the expectations of providing the grant money. Mr. Welch understands this to be \$50 increment grants by potential homeowners in the watershed to purchase rain garden plants and a simple grant agreement would be appropriate.

Mayor Loomis said before the Commission makes a decision, a policy should be in place stating what the criteria are for participating in these types of programs for accountability to the taxpayers of the watershed. Mr. Welch agrees with developing a policy for how to use the Demonstration line item budget amount and withdraws his motion and Ms. Langsdorf agrees.

Mr. Welch will draft, for the Commission's review, criteria for using the Public Communications and Demonstration Projects budget line items to help evaluate these types of projects.

*Engineer:*

1. Mr. Kremer had a brief conversation with Tom O'Keefe, Minnesota Department of Transportation, regarding the Commission's request for a contribution for the Wirth Lake project. Mn/DOT would provide some funding and will give the funding details to Mr. Kremer at a later date.
2. Mr. Kremer received comments from Hennepin County and the Minnesota Board of Water & Soil Resources concerning the Twin Lake minor plan amendment and a letter of approval for the minor plan amendment will be forthcoming.
3. A notice was received from the Minnesota Board of Water & Soil Resources for the \$1 million Challenge Grant program offered for WMOs to help implement watershed management plans. The grant maximum is \$25,000. Mr. Kremer requested authorization from the Commission to submit the previously prepared grant application for Wirth Lake, amended for the Challenge Grant application.

Mayor Loomis moved and Ms. Gwin-Lenth seconded the motion to authorize the Commission recorder to convert the LCMR Wirth Lake grant application to the Challenge Grant application. Carried unanimously.

## ***New Business***

### **1. Water Quality Monitoring**

- Detailed Lake Monitoring of Northwood, Sweeney and Twin lakes (4-year cycle) (Budgeted cost: \$25,000). The Commission engineering staff would work with Three Rivers Park District to collect the samples and do the analysis of the samples. The data is valuable. For example, data has been collected on Medicine Lake since the 1960s and will be valuable for the city of Plymouth as part of the MS4 storm water permit, non-degradation process. The stream data collected historically also demonstrates no significant degradation.

Ms. Thornton moved and Ms. Gwin-Lenth seconded the motion to direct the Commission engineering staff to work with the Three Rivers Park District in collecting data for Northwood, Sweeney, and Twin lakes. Funding has been allocated in the 2005 budget for these sampling activities. Carried unanimously.

- General Water Quality Activities (Budgeted cost: \$5,000). The task includes reviewing the 2003 monitoring data received from the Metropolitan Council and reporting on the Bassett Creek lakes during a later meeting. Mr. Kremer requested a timelier reporting of data by the Metropolitan Council for the Commission to review.

It was the consensus of the Commission to direct the Commission engineer to review the 2003 stream monitoring and assessment report prepared by the Metropolitan Council and report back to the Commission at a later meeting.

2. **2005 CAMP.** The Metropolitan Council has been overseeing a citizen-assisted lake monitoring program (CAMP) since 1993. Volunteers for Northwood Lake, Parkers Lake, South Rice Lake, Sweeney Lake, and Westwood Lake will participate in the 2005 CAMP. The cost to the Commission for this educational and public program is \$700 per lake (\$550 for repeat lakes if the sampling equipment is not needed). Funding for participation in this program was included in the Commission's 2005 budget.

Ms. Langsdorf moved and Mr. Welch seconded the motion to direct the Commission engineer to prepare a letter to the Metropolitan Council indicating the Commission's participation in the 2005 CAMP. Carried unanimously.

4. **Comment on Draft Notice of General Permit for Municipal Storm Sewer Discharge.** Mr. Kremer attended a meeting with the Minnesota Pollution Control Agency staff responsible for the TMDL program and new MS4 storm water program for small cities. There is some draft language stating that the 30 fastest growing cities will need to submit a non-degradation plan. At the meeting, Mr. Kremer discussed how the non-degradation plan fits with other work being done in water quality improvement (i.e., Clean Lakes program, the 319 program, the TMDL program, programs implemented under the 8410 second generation planning process, etc.). Mr. Kremer suggested that communities should not have to go through the expense of preparing non-degradation plans if the communities can demonstrate that if existing programs are in place that equal or exceed the pollutant load reductions achieved through the non-degradation plans. The MPCA agreed. The storm water program general permit will be noticed on February 28<sup>th</sup> and Mr. Kremer requested authorization to draft a letter to the MPCA commenting on the general permit notice that includes language stating that if cities can demonstrate that they have programs that equal or exceed required loading reductions, a non-degradation plan will not have to be prepared.

Mr. Yaeger moved and Mr. Welch seconded the motion authorizing the Commission engineer to prepare and send a letter to the Minnesota Pollution Control Agency commenting on the MS4 general permit notice, including language stated above. Carried unanimously.

In addition, Mr. Kremer stated that Faye Sleeper, one of the individuals in charge of the MPCA TMDL program, indicated that 319 implementation funding would be available during the spring 2005 and encouraged the Commission to submit applications for that funding. Applicable lakes include future projects on Medicine Lake, Twin Lake, and Westwood Lake. Mr. Welch added it makes sense for the Commission to demonstrate an ability and readiness to start the TMDL program.

The Commission agrees that it would be beneficial for Mr. Kremer to inquire again with the MPCA in June concerning TMDL funding possibilities.

## ***Old Business***

1. **Administrative Options Subcommittee.** Mr. Yeager reported the Administrative Options Subcommittee met on Monday, February 14<sup>th</sup>. The subcommittee created a starting list of responsibilities for an Executive Director. Mr. Yaeger requested the commissioners to look over the list for discussion at the April 21<sup>st</sup> meeting. The Administrative Options Subcommittee will meet on Monday, April 18, 2005, at 5:00 p.m. at the Golden Valley City Hall.
2. **Plymouth Streambank Stabilization Agreement.** Mr. LeFevere has not received comments from the city of Plymouth concerning the streambank stabilization agreements. The agreement is similar to what the Commission has used in the past, except for the language concerning eligibility for later reimbursement for approval. Deferred to the March meeting (possibly as a consent agenda item).
3. **Golden Valley Streambank Stabilization Agreement.** Mr. LeFevere has not received comments from the city of Golden Valley concerning the streambank stabilization agreements. The agreement is

similar to what the Commission has used in the past, except for the language concerning eligibility for later reimbursement for approved projects. Deferred to the March meeting (possibly as a consent agenda item).

4. **Minneapolis Flood Control Project Maintenance Agreement.** Mr. LeFevere has drafted an agreement with the city of Minneapolis for the repairs on the tunnel. Minneapolis' estimate is at \$21,000 for the work. Mr. Kremer requests the Commission authorize Mr. LeFevere to draft the agreement to include a not-to-exceed amount of \$22,500 for the work.

Mr. Welch moved and Mr. Yaeger seconded the motion to authorize the Commission legal counsel to prepare an agreement with the city of Minneapolis for the repairs to the tunnel at a not-to-exceed amount of \$22,500. Carried unanimously.

5. Mr. LeFevere recommended the following three agenda items be referred to the Technical Advisory Committee for consideration and recommendation to the Commission:

- Plat Review Procedure
- Requirements for Improvements and Development Proposals
- LGU Reviews as Part of Wetland Conservation Act Issues

Mr. Kremer added that the original policy referred to by the materials for these three items was drafted by a technical advisory committee and supports Mr. LeFevere's recommendation.

Mr. Welch moved and Chair O'Toole seconded the motion to refer the Plat Review Procedure, Requirements for Improvements and Development Proposals, and the LGU Reviews as Part of Wetland Conservation Act Issues to the BCWMC Technical Advisory Committee. Carried unanimously.

6. Website Update. Deferred.

## **Miscellaneous**

1. The March 17, 2005 public hearing was noticed to the member city clerks on January 27, 2005 complying with the 45-day prior notice of the hearing. Notices will also be prepared for publication and mailing before February 27, 2005.
2. Mr. Yaeger noted that it has been necessary to carry over several agenda items to the next Commission meeting due to insufficient time. Mr. Yeager would like to suggest either extending today's meeting or he recommends extending the March 17<sup>th</sup> meeting. Chair O'Toole is reluctant to truncate discussion of the agenda items, but future meetings could be conducted 30 minutes earlier or later. Mr. Yaeger would be in favor of extending future meetings by 30 minutes through the remainder of the year.

Mr. Welch also noted in addition, the Commission could use the option of a consent agenda items list, which is used by many city councils for items not needing much discussion. Chair O'Toole will discuss the consent agenda with the Commission recorder and recommends starting the April meeting 30 minutes early.

The Commission agreed with starting the April 21 meeting and all future meetings thereafter at 11:30. Mr. Yaeger reminds the Commission that an early start may cost the Commission more because of staff time involved. Chair O'Toole would not be in favor of a meeting taking more than 2½ hours.

Mr. Yaeger moved and Ms. Gwin-Lenth seconded the motion to start the April 21 meeting and all future meetings thereafter at 11:30 a.m. and end at 2:00 p.m. Carried unanimously.

### ***March Meeting***

The following agenda items are currently scheduled for the Commission's March 17<sup>th</sup> meeting:

- Payment of Treasurer's Bond
- Public Hearing – CIP projects to be financed through 2006 tax levy (Medicine Lake, Parkers Lake, & Westwood Lake)

### ***Adjournment***

It was moved by Mr. Welch and seconded by Ms. Thornton to adjourn the meeting. Chair O'Toole adjourned the meeting at 2:00 p.m.

\_\_\_\_\_  
John O'Toole, Chair

\_\_\_\_\_  
Pat Schutrop, Recorder

\_\_\_\_\_  
William Yaeger, Secretary

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

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