



## Bassett Creek Watershed Management Commission

# Agenda

11:30 a.m., Thursday, May 19, 2005

Golden Valley City Hall  
7800 Golden Valley Road

### 1. CALL TO ORDER

### 2. APPROVAL OF AGENDA AND CONSENT AGENDA

Items marked with an asterisk ( \* ) will be enacted on by one motion. There will be no discussion of these items unless a BCWMC commissioner so requests in which event the item will be removed from the general order of business and considered in its normal sequence on the agenda.

### 3. ADMINISTRATION

- A. Presentation of April 21, 2005 minutes \*
- B. Presentation of Financial Statements \*
- C. Presentation of Invoices for Payment Approval
  - i. Kennedy & Graven \*
  - ii. Barr Engineering Company \*
  - iii. Pat Schutrop, Administrative Services \*

### 4. COMMUNICATIONS

- A. Chairman \*
- B. Citizen Input on Non-Agenda Items
- C. Counsel \*
- D. Commissioners
- E. Engineer

### 5. NEW BUSINESS

- A. South Shore Park
- B. Watershed Tour

### 6. OLD BUSINESS

- A. Draft Annual Report
- B. Budget Committee
- C. Administrative Options Subcommittee
- D. Draft Criteria for Use of Demonstration and Public Communications Budget Items
- E. CIP Reserve Fund
- F. Twin Lake Minor Plan Amendment
- G. Lakeview Park Pond

### 7. JUNE MEETING

- A. Budget Committee Report
- B. Administrative Options Subcommittee
- C. League of Minnesota Cities Insurance Trust Invoice

### 8. ADJOURNMENT

# **Bassett Creek Watershed Management Commission**

## **Minutes of the Meeting of April 21, 2005**

### **1. Call to Order**

The Bassett Creek Watershed Management Commission was called to order at 11:30 a.m., Thursday, April 21, 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>	Commissioner Karla Peterson		
<i>St. Louis Park</i>	Commissioner Richard Johnson		

Also present: Elizabeth Thornton, Alternate Commissioner, city of Plymouth  
Lisa Goddard, Alternate Commissioner, city of Minneapolis  
Lee Gustafson, BCWMC Technical Advisory Committee, city of Minnetonka  
Laura Adler, BCWMC Technical Advisory Committee, city of St. Louis Park  
Jeff Oliver, BCWMC Technical Advisory Committee, city of Golden Valley  
Ron Quanbeck, BCWMC Technical Advisory Committee, city of Plymouth  
Jenny Schaust, Hennepin County Environmental Services  
Nancy Azzam, Golden Valley League of Women Voters  
Bryan Ripp, Applied Ecological Services, Inc.

### **2. CONSENT AGENDA**

Chair O'Toole introduced the new agenda format that includes routine items that can be approved with one motion. Because the consent agenda includes the invoices, the motion will need a roll call vote for approval. Chair O'Toole asked if any of the consent agenda items need to be removed for discussion later in the meeting. The following items are removed from the consent agenda: the financial statements and presentation of the March 17, 2005 minutes.

Mayor Loomis moved and Ms. Black seconded the motion to approve the consent agenda. Upon call of the roll, the vote was carried unanimously.

The following items are added to the agenda: the Medicine Lake In-Lake Herbicide Treatment and Parkers Lake improvements contracts. The contracts will be the first item for discussion under Old Business.

### **3. ADMINISTRATION**

A. Presentation of March 17, 2005 Minutes. The following notations are made on the March 17, 2005 minutes:

- Page 4, Mr. Welch asked for clarification concerning the effect of the curlyleaf treatment resulting in resuspending the phosphorus. Mr. Welch thought the treatment of the curlyleaf would not cause an increase in phosphorus levels. Mr. Kremer said the data distributed at the last meeting described the curlyleaf life cycle and the preliminary data shows that the first treatment applied prior to curlyleaf maturing and dying off causes an increase in phosphorus concentration which is released as the plant dies due to the treatment. With future treatments, this temporary increase will be smaller because there are fewer curlyleaf plants. Healthy vegetation will take the place of the curlyleaf. The data collected should show a continuation of the spike in phosphorus reduction. Ms. Black added that other sources in the lake could suspend the phosphorus from the bottom of the lake. Ms. Black receives the minutes from the Aquatic Vegetation Management Group that monitors the treatment of the curlyleaf and will forward them to the commissioners electronically.
- Page 10, No. 3., Mr. Yeager suggested the following change to the first sentence: Mr. Yeager had previously suggested at a prior meeting that the start time be moved up to accommodate more time to get through the agenda from 12:00 Noon to 11:30 a.m.

Ms. Black moved and Mr. Welch seconded the March 17, 2005 meeting minutes as amended. Carried unanimously.

**B. Financial Statements. The Treasurer’s Report shows the following current general and construction account balances as of April 13, 2005:**

Checking Account Balance	\$427,336.94
<i>TOTAL GENERAL FUND BALANCE</i>	<i>\$427,336.94</i>
Investment Balance	\$117,106.43
Commercial Paper (due 4/21/05)	748,067.71
Commercial Paper (due 5/18/05)	497,383.89
Commercial Paper (due 5/19/05)	746,390.63
<i>TOTAL CONSTRUCTION ACCOUNT BALANCE</i>	<i>\$2,108,948.66</i>

Chair O’Toole directed the commissioners’ attention to the portion on the Treasurer’s Report addressing the BCWMC Second Generation Projects. Footnotes have been added to the “Current” payment column identifying the source of the expense (i.e., engineering, legal, etc.) for reimbursement to the Commission from the ad valorem tax for specific capital projects.

In the section called “Annual Flood Control Projects,” the source of the Flood Control Emergency Maintenance fund (\$500,000) and the Flood Control Long-Term Maintenance fund (\$673,373) are residual funds from the Flood Control Project. As part of the second generation planning process, the Policy Advisory Group (PAG) recommended these two funds be established from the remaining Flood Control Project funds to repair the flood control structures as necessary. The PAG also recommended that there be an annual assessment of \$25,000 to the member cities (to a not-to-exceed fund balance of \$1 million) added to the Flood Control Long-Term Maintenance fund. Mr. LeFevere added that property insurance does not cover underground structures. Ms. Black requested a copy of the maintenance policy.

Ms. Black asked that the funds and the expenditures be separated on the Treasurer’s report. After the budget committee has established the 2006 budget, Chair O’Toole would like to assign the task of examining the financial statements to possibly improve the financial reporting in a way that is more understandable to the commissioners.

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

Mayor Loomis asked the Commission to consider two transfers from the administrative account; a transfer of \$25,000 to the Erosion/Sediment (Channel Maintenance fund) and a transfer of \$25,000 to the Long-Term Maintenance fund.

Mayor Loomis moved and Ms. Black seconded the motion to transfer \$25,000 to the Channel Maintenance Fund and \$25,000 to the Flood Control Long-Term Maintenance fund from the administrative account. Carried unanimously.

- C. **Presentation of Invoices for Payment Approval.** The following invoices were approved for payment under the consent agenda:
- i. Malloy Montague Karnowski Radosevich & Co., P.A.
  - ii. Kennedy & Graven
  - iii. Barr Engineering Company
  - iv. Pat Schutrop, Administrative Services

## 4. Communications

*Chairman:*

- A. **Chairman.** Approved under Consent Agenda.
- B. **Citizen Input on Non-Agenda Items.** No communications.
- C. **Counsel.** No communications
- D. **Commissioners.**
- Ms. Thornton reported that the Plymouth Yard and Garden Expo went very well. One citizen expressed interest in receiving additional information.
  - Ms. Langsdorf represented the Commission at a booth at a similar event at the city of Crystal's annual citizens meeting. Ms. Langsdorf demonstrated how to help reduce polluted runoff. She shared a table with the Shingle Creek Watershed Management Organization and was informed that Shingle Creek WMO is working on a brochure for businesses on lawn maintenance. Ms. Langsdorf requested a copy of the brochure when it is completed. Ms. Gwin-Lenth added the event was cable cast covering a wider audience.
- E. **Engineer.**
- A number of citizens (mostly Plymouth and Golden Valley residents) have contacted the engineer regarding their property floodplain information. About a year ago, the Hennepin County floodplain maps became available electronically allowing mortgage companies to easily access floodplain information. These companies are now requiring residents close to the creek to purchase flood insurance. Chair O'Toole asked if it was appropriate for the citizens to request that information from the Commission engineer. Mr. Kremer said typically the cities are referring the citizens to the engineer to provide the elevations when the city needs assistance interpreting the data. Mr. Jeff Oliver, Golden Valley City Engineer, added that many mortgage companies want floodplain elevations confirmed from the watershed and not from the cities. Mr. LeFevre said the Commission does not become the guarantor by providing this type of information.

The floodplain requests and requirements originate from the investors who own the mortgage companies. If the number of requests and the time is significant, Mr. Yeager suggested the Commission charge a flat fee.

Mr. Kremer said there are two levels of service: (a) prepare a letter stating the flood elevation at the location requested and include a copy of the topographic map (about 30 minutes), or (b) the mortgage company may request an elevation certificate which requires a professional land surveyor to go to the property and those requests are deferred back to the homeowner.

Based on who administrates and sets the floodplain levels, Ms. Black thinks the costs would be legitimate costs for the cities to evaluate and not the Commission's responsibility. The Federal Emergency Management Agency (FEMA) does the floodplain mapping. Ms. Adler added that existing homeowners are affected by these requests as well as new buyers. Where the information is not available, homeowners have to convince FEMA they are not located in the floodplain. Mr. Oliver said the city fields about 90 percent of the calls and charges a floodplain search fee of \$25.

Chair O'Toole asked the engineer to track these types of floodplain elevation requests and inform the Commission at the end of the year as to the amount and how much time was associated with those requests.

## 5. New Business

- A. **River Watch Presentation.** Jenny Schaust, Hennepin County Environmental Services, attended the meeting to talk about the River Watch Program and the Wetland Health Evaluation Program (WHEP). Ms. Schaust's duties at the county include water quality education and household hazardous waste education.

The Commission contributes to the River Watch Program. Two sites within the Bassett Creek watershed are monitored. This program focuses on high school students volunteering to do the monitoring. The data can be found on the Hennepin County website at the following link: [http://www.hennepin.us/vgn/portal/internet/hcdetailmaster/0,2300,1273\\_100228763\\_100224789,00.html](http://www.hennepin.us/vgn/portal/internet/hcdetailmaster/0,2300,1273_100228763_100224789,00.html)

The Wetland Health Evaluation Program (WHEP) focuses on volunteer adult monitors with a large emphasis placed on the quality of the data received. WHEP has four main components: (a) biological monitoring, (b) restoration projects, (c) education and outreach, and (d) communicating the data collected back to the local cities. The cities of Plymouth and Minnetonka currently participate in the program.

The data is used for trend analysis, wetland management plans, development impact, buffer widths, wetland improvements project, and water quality education.

Teams are in Plymouth, Minnetonka, and the Minneapolis Park Board. Ms. Schaust suggested the Commission consider developing a team to participate in WHEP. The time commitment is about 20 to 40 hours throughout the summer and most of the monitoring occurs in June. The team leader sets the monitoring schedule. Ms. Black is one of the monitors on the Plymouth team. She thought most of the time commitment is in the training. Ms. Schaust said volunteers are being recruited now and she can be contacted at 612-596-9129 or [jenny.schaust@co.hennepin.mn.us](mailto:jenny.schaust@co.hennepin.mn.us). The cost for monitoring five sites will be about \$4,000.

Today's presentation can be found on the Bassett Creek website.

- B. **Budget Committee.** The budget committee will consist of the following commissioners: Chair O'Toole, Vice Chair Welch, Mayor Loomis, and Ms. Black. The committee will meet and present a draft budget to the Commission at the May meeting. Once the Commission approves the budget, it will be

forwarded to the member cities for comment. The budget will then be adopted in August. The non-committee commissioners would like notification when the meeting is scheduled.

- C. **Robbinsdale Street Improvement Project 305-05.** Approved under Consent Agenda.
- D. **Crystal 2005 Phase 7 Street Reconstruction.** Approved under Consent Agenda.
- E. **Allianze Life USA Corporate Campus – Phase 2.** This project was removed from the agenda because the project was redesigned so that all runoff will be tributary to a regional pond in Golden Valley and therefore, administrative approval is appropriate.
- F. **Sweeney Lake Traffic Management Area.** The city of Golden Valley is looking at redoing the streets in the immediate watershed of Sweeney Lake. As part of that process, the city will be looking at ways to improve the quality of storm water runoff from those streets. Because Sweeney Lake is an impaired water and scheduled for a total maximum daily load study (TMDL), the city would like to start the TMDL process at the same time. The city of Golden Valley has met with the Minnesota Pollution Control Agency staff to discuss this possibility. Mr. Oliver added as part of the preliminary design and public participation process, the city will be conducting neighborhood meetings and asks the Commission to permit Barr Engineering Company to participate in providing background (at no cost to the Commission) and act as the Commission representative at the meetings. A Sweeney Lake watershed management plan was prepared and Barr would explain aspects of the plan as part of the participation process. Barr would invoice the city of Golden Valley.

Mayor Loomis added that street reconstruction is one of the most intensive projects done in a neighborhood. Golden Valley has an aggressive education component coinciding with its pavement management program and the city will use this as an opportunity to educate the public on water quality issues.

The Commission does not object to Barr Engineering Company representing the Commission at the neighborhood meetings.

- G. **Draft Annual Report.** The annual report is a Minnesota Board of Water & Soil Resources' requirement. Historically, BWSR has not monitored the submittal of annual reports, until recently. The Commission has always complied with this requirement and has received positive comments about the reports. The following edits to the report are recommended:
  - **Page 7, County Tax Levy.** This is a significant change in the operation of the Commission and the Commission would like to include more language concerning the tax levy. It is Chair O'Toole's sense that the tax levy procedure has been well received by the communities and proven to be an effective and valuable source of funding for the BCWMC capital improvement program.

The Plymouth and Golden Valley city councils are still not in favor of the tax levy. Ms. Black recommends neutral language, such as the following: The BCWMC determined that because of its limited ability to raise funding for capital projects, the BCWMC voted to request Hennepin County to levy a special assessment for capital projects and that has been designated as the BCWMC's primary source of capital projects (see Appendix \_\_\_\_\_, Capital Improvements Program).

Mr. Welch agrees not to characterize whether the decision to use the tax levy was right or not, however, it was the reached decision. He would like to see the County Tax Levy as the first item listed in the 2004 Work Plan and linked with adopting the capital improvements projects.

Mr. LeFevere added that the funding mechanism was a difficult decision to make, but it was part of the larger context, which is the implementation of water quality projects to improve water quality in the watershed.

Also consider including similar language in the report's Introduction.

- Page 9, concerning inspections, Ms. Goddard asked if the watershed inspections are submitted to the cities in a timely manner. Mr. Kremer said the reports are submitted to the communities immediately after the inspections are conducted. Ms. Black added that with the MPCA's MS4 permitting changes, there may be more emphasis on erosion control and storm water management, which will change the inspection process in the future. Part of the TMDL process for Shingle Creek WMO is indicating that the relationships between the cities and the WMOs will change.

A revised draft annual report will be submitted for Commission review at the May 19, 2005 meeting.

## 6. Old Business

**NOTE:** In the future, Mr. Welch requested the engineer to include the gain or loss of imperious surface on projects presented for reviewed by the Commission.

- A. Plymouth Agreements [addition to the agenda]. The Commission approved ordering of the CIP projects for 2005 and 2006. The projects include the Parkers Lake Improvements and the Medicine Lake Herbicide Project. Mr. LeFevere provided the agreements with the Commission that need Commission approval.

Ms. Black moved and Ms. Peterson seconded the motion to approve the cooperative agreements for the Parkers Lake improvements and the Medicine Lake Herbicide project. Carried unanimously.

- B. Administrative Options Subcommittee. Chair O'Toole announced the resignation of Pat Schutrop, Commission recorder since 1994. Pat will be finished in June. Chair O'Toole requested the Administrative Options Subcommittee to consider the options for the Commission. Suggestions include:

- Barr could provide an interim person filling in until the Commission makes a decision on a replacement.
- Hire a service that provides administrative services (e.g., Judie Anderson Administrative Services).
- Hire a paralegal.

Coinciding with this, the Commission needs to determine what direction this will take with the addition of an executive director and what that position would look like. Chair O'Toole speculates that the budget proposed for 2006 may not be materially greater than in the past therefore restricting the amount of dollars available. The Commission speaks through its minutes, and Chair O'Toole would like that level of recording to be an expertise of the recorder.

Ms. Black, who is now the Administrative Options Subcommittee chair, received the list of duties from Pat and pared the duties down and prioritized them to help the interim person. A draft letter to use for requesting proposals was given to the Commission to comment. Chair O'Toole added the Commission would be looking for a subcontractor and not an employee. Chair O'Toole estimates the recorder duties currently take about 80 hours a month. Mr. Welch asked if it would be appropriate to ask the Administrative Options Subcommittee to pursue it more fully, especially with the possibility of an executive director being added. However, the need is immediate and Chair O'Toole would be in favor of adding an interim person from Barr or the services of Judie Anderson who has experience in this area until the Commission makes a long-term decision.

Ms. Black said some of the current recorder duties might be duties to be done by an executive director. The Administrative Options Subcommittee will meet again on Wednesday, May 4<sup>th</sup> at 5:30 p.m. at the Golden Valley City Hall. Mr. Yaeger suggests moving the deadline to receive proposals to mid-May. Ms. Black talked briefly with Judie Anderson and she is interested, but currently going through some personnel changes. Plan A is the right person is found within the timeframe and Plan B would be to assign the recorder duties to a Barr staff person in the interim. Barr would also submit a proposal for the Plan A scenario.

Mr. Welch is concerned about the expense of too many transitions. Mr. Yaeger added that the person recommended by Barr is someone who Pat relates to closely and could be the smoothest transition. He also knows of another person who might be interested that charges \$25 an hour.

Mr. Yaeger would like to move ahead with sending out the request for proposals with a deadline to receive responses and if the responses received are not adequate for the Administrative Options Subcommittee to recommend to the Commission by the subcommittee's June 6<sup>th</sup> meeting, the subcommittee will recommend the Commission to implement Plan B.

Mr. Kremer said Barr would be willing to provide a response to the letter to the Administrative Options Subcommittee prior to the May 4<sup>th</sup> meeting.

Responses will be submitted by May 16, 2005. The subcommittee could meet before the May 19<sup>th</sup> Commission meeting to bring a recommendation to the Commission. The request for proposals will be circulated to the commissioners, the Technical Advisory Committee, and the member cities. Applicants will submit proposals with rates to Ginny Black at the city of Plymouth address.

Ms. Thornton reminded the Commission to review the list of Executive Director duties.

Chair O'Toole requested Pat to develop an operations manual outlining details of her duties for the new recorder to use.

- C. **Draft Criteria for Use of Demonstration and Public Communications Budget Items.** Mr. Welch asked the commissioners to review the draft criteria and send comments to him electronically for discussion at the May meeting.
- D. **CIP Reserve Account.** Deferred to May meeting.
- E. **Twin Lake Minor Plan Amendment.** Deferred to May meeting.
- F. **Lakeview Park Pond.** Deferred to May meeting.
- G. **Steering Committee – Second Generation Plan – After Action Plan.** Chair O'Toole will discuss this topic at a later date.

## **7. May Meeting**

The following agenda items are currently scheduled for the Commission's May 19 meeting:

- A. **Budget Committee Report**
- B. **Draft Annual Report**
- C. **Administrative Options Subcommittee**
- D. **Draft Criteria for Use of Demonstration and Public Communications Budget Items**
- E. **CIP Reserve Fund**

## 8. Adjournment

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

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John O'Toole, Chair

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Pat Schutrop, Recorder

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

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

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