



Bassett Creek Watershed Management Commission

A g e n d a

Thursday, November 18, 2004

12:00 Noon

Golden Valley City Hall

7800 Golden Valley Road

Call to Order

Presentation of September 16, 2004 Minutes

Presentation of Financial Statements

Presentation of Invoices for Payment Approval

Communications

Chairman

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

Counsel

Commissioners

Engineer

- **Minneapolis Plan - Status**

New Business

- **Water Quality Task Force**
- **2004 Flood Control Project Inspections**
- **Silver King Parking Expansion: Plymouth**

Old Business

- **DNR Permit Application: Wirth Lake Basin Improvements (CIP WTH-1)**
- **2004 Channel Maintenance Fund - Reimbursement**
- **2005 Channel Maintenance Fund**
- **Twin Lake Pond Expansion (CIP TW-1)**
- **Lakeview Park Pond: Golden Valley - 2007 CIP Request**
- **Status – Medicine Lake Ponds: Plymouth**
- **Floodproofing Agreement: Golden Valley**
- **Administrative Options Subcommittee Report**
- **Website Update**

December Meeting

- **Plat Review Procedure**
- **Assessment Invoices to Member Cities**
- **Channel Maintenance Fund Recommendation**

Adjournment

Bassett Creek Watershed Management Commission

Minutes of the Meeting of September 16, 2004

Call to Order

The Bassett Creek Watershed Management Commission was called to order at 12:05 Noon, Thursday, September 16, 2004, 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 Elizabeth Thornton		
<i>Robbinsdale</i>	Commissioner Karla Peterson		
<i>St. Louis Park</i>	Not represented		

Also present: David Hanson, Alternate Commissioner, city of Golden Valley
Vince Vander Top, Alternate Commissioner, city of New Hope
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
Bill Deblon, BCWMC Technical Advisory Committee, city of Robbinsdale
Terrie Christian, Association of Medicine Lake Area Citizens
Nancy Azzam, Golden Valley League of Women Voters

Approval and/or Correction of Minutes

The minutes for the August 19, 2004 meeting were presented. The following corrections are noted:

- Ms. Terrie Christian noted the following correction: Page, 8, 2nd bullet, 2nd paragraph, 2nd line, should read, “proposed for application ~~construction~~ in 2007...”
- Ms. Gwin-Lenth, asked for clarification of the last paragraph on Page 7 discussing proposed signage on all capital improvement projects. Ms. Gwin-Lenth is not sure if the discussion concerned signs for temporary or permanent signage. Chair O'Toole said it was for temporary construction signage and for all future construction projects. Ms. Gwin-Lenth also asked if it was the consensus of the Commission that the language on the signs be consistent. Chair O'Toole said that is correct. The discussion was based on the intent that the BCWMC receive credit for the projects done as well as the cities and that the signage requirement be included as part of any contract the BCWMC enters into with the member communities. Ms. Gwin-Lenth said the sign language in the minutes state, “Paid for by the citizens of Bassett Creek watershed” and asked if that is the consensus of the Commission. Mr. Yaeger suggested the Commission not dictate the specific verbage, but use the language suggested in the minutes as a guideline for cities to follow. The Commission agreed.

Ms. Gwin-Lenth asked that the minutes be corrected to state the discussion concerned “temporary” signage and not “permanent” signage. Mayor Loomis stated the minutes should reflect what actually was discussed and recommends further clarification be discussed later

during today's meeting. Chair O'Toole agreed and deferred continued discussion until later in the meeting.

Ms. Langsdorf moved and Mr. Yaeger seconded the motion to approve the minutes with the correction noted. Carried unanimously.

Ms. Thornton pointed out that the August 19th minutes include the notes and the recommendation of the Legal Review Subcommittee that met prior to the August 19th BCWMC meeting. The subcommittee did discuss qualifications for future reference. For the record, the subcommittee recommended retaining the services of Kennedy & Graven as legal counsel to the Commission for the next two years.

Financial Statements

Mayor Loomis presented the Treasurers Report as of September 16, 2004. The current balances are as follows:

Checking Account Balance	\$203,694.30
<i>TOTAL GENERAL FUND BALANCE</i>	<i>\$203,694.30</i>
Construction Account Balance	\$463,765.76
Commercial Paper (due 10/18/04)	498,725.00
Commercial Paper (due 10/19/04)	1,497,696.87
<i>TOTAL CONSTRUCTION ACCOUNT BALANCE</i>	<i>\$2,460,187.63</i>

Mr. Yaeger requested Mayor Loomis to identify the interest earned and how it is invested at the Commission's October meeting.

The Treasurers report was accepted as presented and ordered to be filed subject to audit.

Presentation of Invoices to be Paid

The following invoices were presented for approval:

1. An invoice was received from Barr Engineering Company for professional services during the period August 7, 2004 through September 3, 2004, in the amount of \$17,460.64.

Ms. Langsdorf asked about remaining budgets for WOMP and WaterShed Partners and when those funds are dispersed. Mr. Kremer said when invoices are received.

Ms. Thornton 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 with the city of St. Louis Park noted as absent.

2. An invoice was received from Pat Schutrop for administrative services during the period of August 7, 2004 through September 3, 2004, in the amount of \$2,345.00

Ms. Langsdorf moved and Mr. Welch seconded approval for payment of claims as set forth on the invoice. Upon call of the roll, the vote was carried with the city of St. Louis Park noted absent.

Public Hearing

Mr. LeFevere described the procedure for the public hearing. A public hearing is held to fulfill requirements for ordering capital projects under the Joint Powers Agreement (JPA). Proper notice was given in accordance with the JPA. In addition, the hearing is held in accordance with the legal

requirement where the Commission is considering projects and proposing to use a county tax levy to finance the project. Mr. LeFevere therefore recommends the projects first be introduced and described by the engineering staff, allow the commissioners an opportunity to ask for further clarification, and then open to hear public comment. After public comment is heard, the public hearing is closed. Subsequent to the Commission approving the second generation plan, action items resulting from the hearing are set for the Commission to consider later in the meeting.

Chair O'Toole called the public hearing to order at 12:15 p.m.

Mr. Kremer presented the two projects being considered for county tax funding in 2005, Northwood Lake and Wirth Lake. The Northwood Lake project is one of the features proposed in the Northwood Lake management plan and the Wirth Lake project includes all of the improvement features proposed in the Wirth Lake management plan.

Northwood Lake

Project Description: construction of a treatment pond east of 35th Avenue North and Ensign Avenue, pond NB36A, option 5 in the Northwood Lake Plan.

The above project is one of four Northwood Lake projects included on the BCWMC Capital Improvements Program (CIP). The three remaining projects are scheduled for construction in 2009, 2012, and 2014.

The proposed project was identified by the Commission in its Northwood Lake Lake Management Plan completed in 1996. That plan was prepared with input from the city of New Hope. The city identified locations throughout the watershed where water quality improvements could be made. There are a total of four projects in the current CIP for Northwood Lake and an additional three projects in the long-term BCWMC plan. There is a water quality goal of 45 ppm phosphorus for Northwood Lake. The proposed water quality project is a small part of the total project needed to achieve that goal. Northwood Lake watershed has a total of 1,500 acres.

This project will treat approximately 67 acres of watershed. It would have a phosphorus removal efficiency rate of about 60% amounting to about 35 pounds of phosphorus removed annually and about a 75% total suspended solids removal rate from tributary areas to this watershed.

The cost included in the CIP for this feature was about \$141,000. The feasibility study completed by the city of New Hope currently estimates the project to be \$182,700, including contingencies, legal and administrative costs.

The plan is consistent with the proposed plan and the CIP, the BCWMC's lake management plan, and does provide part of the phosphorus removal that is needed to meet the water quality goals for Northwood Lake. Mr. Kremer recommends approval of the project.

Mr. Vander Top added that the city is looking at immediate construction of this project. The New Hope city council met recently and authorized preparation of plans and specifications and anticipates releasing the project for bid and awarding a contract at the council's October meeting. It is the intent to construct this pond in conjunction with a neighboring development, Hillside Terrace.

Discussion followed. Mr. Welch asked if the 60% phosphorus removal is relative to the input to the watershed area. Mr. Kremer said it was and close to the maximum efficiency rate that can be obtained. The design of the pond is to provide dead storage so that it stores the stormwater temporarily and allows the sediment to settle out allowing the phosphorus to attach to the sediment. Mr. Vander Top added this pond is one of a series of ponds proposed benefiting removal efficiency for the watershed.

Mr. Kremer said the purpose of the tall plantings proposed around the pond is to treat the water immediately tributary to the pond itself and prevent geese from using the pond shoreline for feeding.

Mr. Vander Top said there is a detailed restoration plan included in the feasibility report consistent with the city of New Hope's surface water management plan.

Ms. Loomis asked if long-term agreements will be in place for the project. Mr. Kremer said the Commission historically has not entered into agreements for the maintenance of these types of ponds. Typically in the design of a pond like this, there will be a forecast of sediment volume (5 to 10 year) and the design will provide additional storage volume to accumulate the sediment in conjunction with the city maintenance schedule. Mr. Vander Top added the city does not have a specific rotation schedule for maintaining ponds, but the ponds have to be inspected annually in compliance with the NPDES requirements. Depending on the need, the ponds would be cleaned as much as annually, but generally on a 10-year average. The city of New Hope acknowledges its responsibility for the maintenance of the pond.

Mr. LeFevere asked for clarification of the cost. The county tax notice states \$184,000 and the feasibility report states \$182,700. Mr. Kremer said that the \$184,000 was a rounded number, but the actual cost is \$182,700 and is the number to be used which also includes Commission costs.

Ms. Loomis said the CIP cost was \$141,100 and asked if a plan amendment is needed because of the cost difference. Mr. LeFevere said the plan itself provides the limits for plan amendments in the case of cost increases. The first cost increase that the plan provides for is inflationary costs for construction record index and that has been calculated with 2003 numbers. The plan further states that a plan amendment is not required unless the actual cost exceeds that estimated cost by more than 20%. The \$182,700 amount is within those guidelines.

Public Testimony: None received.

Wirth Lake

Project Description: The water quality projects identified in the CIP include construction of water quality improvement projects for Wirth Lake in the city of Golden Valley described as:

- Dredging pond between Wirth Lake and France Avenue (subwatershed FR-5 detention pond, option 2 in Wirth Lake Plan)
- Highway 55 detention pond south of Highway 55 and west of Wirth Lake (option 3 in Wirth Lake Plan)
- In-lake alum treatment (option 1 in Wirth Lake Plan)

Wirth Lake has a watershed area of approximately 350 acres. The proposed projects will treat about 141 of those tributary acres. The total load of phosphorus to Wirth Lake is about 150 pounds/year and 75 pounds are from bottom sediments and 75 pounds from the tributary watershed area. Two of the three projects are proposed to treat the watershed area and provide additional dead storage to the area. That improvement will remove about 13% of the phosphorus and about 20% of the total suspended solids (TSS) removal in addition to what is currently provided. The Highway 55 drainage area proposed is almost entirely highway surface area and contributes about 28% of the total external load to this watershed area (38 acres in size). This new ponding area would remove about 48% of that total load and about 60% of the TSS equating to about 10 pounds phosphorus per year and about 8 pounds of TSS per year.

In addition, alum treatment of the lake sediment is proposed. The city of Minneapolis has used alum successfully to treat many of its lakes (e.g., Lake Calhoun, Lake Harriet, Cedar Lake). The alum treatment will remove 67 pounds of the load. Alum treatment lasts approximately 10 to 15 years.

The total cost listed on the CIP is \$237,000 and the current estimated cost is \$254,000. Mr. Jeff Lee, Limnologist with Barr Engineering Company, is of the opinion that with these improvements, Wirth Lake will meet its water quality goals (30 ppm for total phosphorus, and a Secchi disc at 2.2 meters) the majority of the time.

Public Testimony:

The proposal to construct the Wirth Lake projects is with the city of Minneapolis and the city may chose to contract with the Minneapolis Park Board. Ms. Jeannine Clancy, Director of Public Works, city of Golden Valley, asked if there would be a separate contract with Golden Valley and the city of Minneapolis that would be separate from the contract with the city of Minneapolis and the Minneapolis Park Board. Mr. LeFevere said that is the expectation.

With no additional public testimony or comment given, Chair O'Toole closed the public hearing at 12:40 p.m.

Communications

Chairman:

1. A meeting notice for the city of Plymouth Environmental Quality Board meeting was received. The meeting took place on Wednesday, September 8, 2004.
2. A public hearing notice from the city of Minneapolis was received. The purpose of the public hearing is to consider a proposed amendment to the Minneapolis Code of Ordinances relating to zoning codes.
3. Correspondence and a feasibility report for the Lakeview Park Pond were received from the city of Golden Valley.
4. Correspondence was prepared and sent to Mr. Joel Settles, Hennepin County, concerning the ad valorem tax request for 2005 capital improvements.

Citizen Input on Non-Agenda Items:

1. Ms. Terrie Christian, Association of Medicine Lake Area Citizens, distributed copies of the *AMLAC Newsletter*. The newsletter contains an interview with Steve McComas on the success of the curly leaf pondweed treatment in Medicine Lake. Also included is an article written by John Barton, Three Rivers Park District, concerning the Target gorge erosion problem located at the northeast corner of the County Road 9-Northwest Boulevard intersection. AMLAC is going to approach the local businesses to help fund the solution to the problem, which is estimated to be about \$500,000.
2. Ms. Christian pointed out that AMLAC has an erosion policy where developers cannot remove vegetation completely on certain sites; however, the policy does not pertain to homeowners. There are some sites on Medicine Lake where citizens have removed all the vegetation down to the lake and those sites are eroding. Ms. Christian also pointed out a site in Golden Valley (at Boone and Plymouth Road) where a homeowner removed all the vegetation and where soil is eroding. In the past, Ms. Christian discussed this topic with the Commission to consider the possibility of having an erosion policy for homeowners, and at that time, there appeared to be some support from the Commission.
3. Ms. Christian expressed interest in participating on a TMDL (Total Maximum Daily Loads) subcommittee if one is formed by the BCWMC in response to addressing future Minnesota Pollution Control Agency's TMDL activities.

Counsel:

No communications.

Commissioners:

1. In the near future, Mr. Welch said a TMDL Workshop will be held at various locations in the metro area addressing basics of TMDLs. Mr. Welch will forward the information to the Commission recorder for distribution.

Engineer:

1. Mr. Kremer pointed out that a series of five identical one-day workshops for counties, soil and water conservation districts, and watershed districts on Impaired Waters will be held at various locations on September 21, 22, 24, 29, and 30.
2. Chair O'Toole requested Mr. Kremer to attend a recent Medicine Lake city council meeting. Medicine Lake is considering a new floodplain ordinance. Because of the interest and some apprehension about the roles of the city of Medicine Lake and the BCWMC and associated policies, Mr. Kremer addressed those concerns.

New Business

1. **1600 Constance Avenue: Golden Valley.** The city of Golden Valley requested review of a streambank erosion protection plan along the Main Stem of Bassett Creek located upstream of St. Croix Avenue along the northwest side of the creek. The project includes placement of riprap and filter along 120 feet of shoreline. Mr. Kremer recommends conditional approval.

Ms. Langsdorf moved and Ms. Thornton seconded the motion to approve the project contingent on the conditions stated in the engineer's memorandum to the Commission. Carried unanimously.

2. **2155 Vale Crest Road: Golden Valley.** The city of Golden Valley requested review of a residential streambank protection plan along the Main Stem of Bassett Creek in Golden Valley. The project includes placement of riprap and filter along 95 feet of shoreline. Mr. Kremer recommends conditional approval.

Ms. Loomis moved and Mr. Welch seconded the motion to approve the project contingent on the conditions stated in the engineer's memorandum to the Commission. Carried unanimously.

3. **4820 & 4840 Markay Ridge: Golden Valley.** The city of Golden Valley requested review of a residential streambank protection plan along the Main Stem of Bassett Creek in Golden Valley. The project includes placement of riprap and filter along two erosion sites. These erosion sites are identified in Golden Valley's creek inventory. The applicant along with the city of Golden Valley will request partial funding of the cost of the channel maintenance from the Commission. The request should be received by the first of October. Mr. Kremer recommends conditional approval.

Ms. Loomis moved and Ms. Peterson seconded the motion to approve the project contingent on the conditions stated in the engineer's memorandum to the Commission. Carried unanimously.

The Commission will expect to receive a channel maintenance fund application by the October 1 deadline.

Old Business

1. **Bassett Creek Floodproofing Plan.** At the last Commission meeting, copies of floodproofing plans were distributed for three homes in the city of Golden Valley proposed to be floodproofed. In addition to those three homes, several additional homes are included in the list to be floodproofed and the city of Golden Valley has completed floodproofing plans for those homes. The homes are located along

Regent Avenue and Scott Avenue. Eleven homes will benefit from this current floodproofing project. The homes along Scott Avenue are split-entry homes set on piles and the original plans called for raising some of those homes. Because floodproofing of these homes is difficult, the city is proposing to construct a dike to protect about eight of the homes on Scott Avenue. This is the best solution identified by the city of Golden Valley for this area.

Mr. Jeff Oliver, City Engineer for the city of Golden Valley, estimates the project to cost about \$1 million. The fund set up by the Commission for floodproofing the homes was \$700,000. In addition, the city is working with the homeowners to contribute toward the project.

Mr. Welch asked if the dike would affect the stream flow rate? Mr. Kremer said the rate will not change. There may be some detention in the area that stores the stormwater and might delay the flow, but it would be insignificant.

2. **Twin Lake CIP Project.** The Twin Lake CIP project was scheduled for consideration at today's public hearing; however, the scope and cost of the Twin Lake project increased significantly exceeding the cost shown on the CIP by more than 20%. A minor plan amendment is therefore necessary in order to request funding of the project. Mr. LeFevere said the CIP states the project cost to be \$52,000 and that number is now refined since the CIP was developed and the cost is now about \$140,000. The original project estimate plus the cost of living adjustments and the 20% will not bring the project cost to the level it is now estimated. Since the project is in the CIP, it is not necessary to go through a major plan amendment. The minor plan amendment process will take about six months.

If the Commission would like to start the minor plan amendment process, the Commission will need to direct staff to prepare the minor plan amendment notices to start the process going. Mr. LeFevere said after discussions with Mr. Kremer today, the city of Golden Valley may request an addition to the CIP for a project not currently listed on the CIP. If that is the case, that project would require a major plan amendment because it is not on the current CIP. It is possible to include both projects in the same plan amendment to reduce the time and administrative overhead. If the major plan amendment process begins now, the process should be complete by mid-summer in 2005. Mr. Oliver anticipates the project will be ready for discussion by the Commission at its October meeting. Ms. Loomis pointed out that the additional information concerning this project (Lakeview Park Pond) was provided for the Commission to review at this meeting.

Ms. Peterson asked what contributed to the project cost increase. Mr. Kremer said construction of a water quality pond identified in the Twin Lake plan is located just south of the railroad track. The original plan was to modify a pipe with some kind of inlet to provide dead storage in a depression area by the railroad. In the past, working with the railroad proved difficult and time-consuming in getting approval. The city therefore decided to move the pond further south to avoid being located on railroad right-of-way. The additional excavation and control structure increased the costs.

3. **Action on Waiver of Liability Limits.** Mr. LeFevere said Minnesota public bodies like the Commission are subject to suit for their torts and the state sets a cap for how much someone can sue the Commission for. The cap is \$200,000 for an individual and \$1 million for a number of claims arising from the same occurrence. The amount of insurance the Commission holds with the League of Minnesota Cities is consistent with that cap. The Commission can waive the protection given to the Commission and the LMCIT asks if the Commission wants to waive the individual limits so that it comes to the aggregate limits. There is a modest premium increase in waiving the limits. Historically, the Commission has not waived the limit.

Ms. Gwin-Lenth moved and Ms. Loomis seconded the motion to not waive the liability limits and maintain the protection the statute allows. Carried unanimously.

4. **Channel Maintenance Fund Applications – Due October 1.** For the Commission's information, Chair O'Toole drafted a letter to send out to the member cities reminding them of the October 1 deadline

for submitting applications for the channel maintenance fund. Chair O'Toole asked how the Commission felt about a standard application form created to simplify the application process for the member cities. Mr. Yeager suggested not requiring another form to be filled out by the cities and feels the letter reminding the cities is sufficient. Mr. Welch does find a form useful and would add consistency to the information requested. The form could be downloadable from the website. Mr. Oliver feels that since the applications are submitted twice a year, it may not be cost-effective to develop a form. The consensus of the Commission is to not develop a form.

5. **Engineering Review Subcommittee.** Ms. Peterson, Chair for the Engineering Review, thanked the commissioners and Technical Advisory Committee (TAC) members that attended the meeting on September 8. Meeting minutes were distributed at today's meeting. The subcommittee recommends retaining the services of Barr Engineering Company for now. The subcommittee recommends that the Administrative Options Subcommittee finish their analysis of the administrative needs and separate the engineering and administrative duties. At that time, the TAC can develop an RFP for those engineering responsibilities. The subcommittee also suggested if an administrator is hired by the Commission that technical expertise be one of the requirements for that position. The subcommittee also recommended that all future engineering contracts and RFPs use language from similar RFPs, including a description of technical expertise, cost of services, capability, specialty work done, past work with other WMOs, working relationships with cities, and past references.

In the future, in addition to publishing the RFP in the *State Register*, a copy of the RFP should be sent to all qualified engineering firms with sufficient information to provide a thorough proposal. It was also suggested that a pre-proposal meeting be arranged and a formal interview process for those firms chosen by the Commission. Some of the TAC members also suggested that some member cities may have staff time and/or capability of taking on some of the engineering work. The subcommittee recommends the Commission discuss this option and how the work and costs would be allocated to those cities. Looking at several firms doing different types of work (i.e., TMDLs, etc.) was also discussed. The subcommittee also drafted a letter to send to the companies that submitted proposals.

The subcommittee requests the Commission take action on sending the letter to the engineering companies and the Administrative Options Subcommittee continue with the task of differentiating the engineering and the administrative work in their final report and assigning the TAC the task of developing an RFP. At the same time, the Commission may want to discuss how to allocate engineering work to those cities expressing interest.

Chair O'Toole noted that the August meeting minutes state that the recorder was directed to prepare a response letter to the engineering companies submitting proposals acknowledging receipt of their proposals and indicating that the Commission will be reviewing the proposals in the near future.

Mr. Gustafson asked if subcommittee meetings are open meetings because one of the engineering firms attended and it was awkward discussing the firm while it was present. Mr. LeFevre said the Open Meeting Law applies to subcommittee meetings. Ms. Peterson asked at what point are meetings closed. Mr. LeFevre said in cases of labor relations the meeting would be closed, but not for selection of a consultant. Mr. Gustafson added if that is the case, the Commission may want to consider notifying all the companies submitting proposals that a meeting is schedule and their proposal will be discussed. Mr. Kremer added it is a common practice for the chair of those meetings to ask the other consultants to leave the room for a period of time so that the committee can have a private discussion. Mr. Welch added that the meeting of the engineering review subcommittee resulted in an improvement to the former selection process.

6. **Administrative Options Subcommittee.** Mr. Yeager reported that the subcommittee meeting was canceled and rescheduled for Monday, October 18, 2004, at 6:00 p.m. at the city of Golden Valley city hall.

7. **BCWMC Second Generation Plan Update.** Mr. LeFevere said since the Minnesota Board of Water and Soil Resources has approved the Watershed Management Plan, the next step is for the Commission to formally adopt a resolution adopting the plan. The following resolutions were presented for approval:

- **Resolution Approving Watershed Plan.** Mr. Welch noted that the resolution states Bassett Creek Watershed Management Commission versus Bassett Creek Water Management Commission and asked if that needs to be corrected. Mr. LeFevere is not sure when the confusion started, but clarified that both the Joint Powers Agreement (JPA) and the Bylaws address the Commission as the “Bassett Creek Watershed Management Commission.” All future reference to the Commission will be “Bassett Creek Watershed Management Commission” as stated in the JPA and the Bylaws for consistency with those documents.

Mr. Welch moved and Ms. Thornton seconded the motion to approve the resolution adopting the BCWMC Second Generation *Watershed Management Plan*. Carried unanimously.

- **Resolution Amending Capital Improvement Program.** The *Watershed Management Plan* provides that the CIP can be amended by changing the year of a project from one year to another without going through a plan amendment process. The Northwood Lake project was slated for construction in 2005 and New Hope has requested that project be constructed this year (2004) and was included as part of the public hearing process held today.

Ms. Gwin-Lenth moved and Ms. Langsdorf seconded the motion to approve the adoption of the resolution amending the capital improvement program. Carried unanimously.

- **Resolution Ordering 2004 and 2005 Improvements Designating Members Responsible for Construction, and Making Findings and Certifying Costs to Hennepin County Pursuant to Minnesota Statutes, Section 103B.251.** This is a resolution required to meet the JPA requirements for capital projects and the state law requirement where a project is to be paid by an ad valorem tax. The JPA and the state law relating to certification of levies require a public hearing, which took place at the beginning of this meeting. Mr. LeFevere explained the contents of the resolution. He noted No. 2 stating the project cost will need to be corrected from \$184,000 to \$182,700 and the 2004/2005 total project cost will need to be corrected to \$436,700. The total 2004/2005 project costs will also need to be corrected in Item No. 3. Mr. LeFevere recommends a roll call vote so that the certification going to the county for this resolution will be shown on the resolution.

Ms. Loomis asked about the statement in Item No. 5 stating, “Additional costs may be paid by the cities in which the projects are constructed, but no costs will be charged to other members of the Commission.” Ms. Loomis said if the projects are identified by the Commission and not by the cities, she is not sure it is fair for the cities to bear cost overruns. Mr. LeFevere said most of these CIP projects are city projects and the cities will undertake the projects with that in mind. The reason for this statement in this resolution is to meet a JPA requirement that the costs allocated to the cities be specified so that they know what those costs will be and that there will not be a levy against the cities at a later time. There will be a later step for that project that includes a cooperative agreement with the member city. Mr. Welch noted that the statement states “may” signifying the cities are not required and that can be negotiated later.

Ms. Thornton moved and Ms. Gwin-Lenth seconded the motion to approve the Resolution Ordering 2004 and 2005 Improvements Designating Members Responsible for Construction, and Making Findings and Certifying Costs to Hennepin County Pursuant to Minnesota Statutes, Section 103B.251, with the corrected costs in item Nos. 2 and 3. Upon call of the roll, the vote was carried with the city of St. Louis Park noted as absent.

- **Cooperative Agreement for Northwood Lake Improvements between the city of New Hope and the BCWMC.**

Ms. Gwin-Lenth moved and Ms. Langsdorf seconded the motion to approve the cooperative agreement for the Northwood Lake Improvements between the city of New Hope and the BCWMC with the dollar amount corrected to read \$182,700. Carried unanimously.

- **Cooperative Agreement for the Wirth Lake Improvements between the city of Minneapolis and the BCWMC. Mr. LeFevere said according to staff discussions with the city of Minneapolis, the city will most likely approve the Wirth Lake cooperative agreement; however, the city has not reviewed this agreement in advance or reviewed by their legal counsel and it may be possible that the agreement will come back to the BCWMC. Mr. LeFevere recommends the Commission approve the execution of the agreement with the city of Minneapolis and if the city is ready to act on the Wirth Lake project, approval of the contract at later time will not hold up construction.**

Mr. Welch moved and Ms. Gwin-Lenth seconded the motion to approve the Cooperative Agreement for the Wirth Lake Improvements between the city of Minneapolis and the BCWMC. Carried unanimously.

Ms. Loomis pointed out that item #6 in the Wirth Lake agreement does the city “shall” accept costs borne. Mr. LeFevere said it might be a technicality between the city and the Minneapolis Park Board.

- **Mr. LeFevere said the contracts contain specific language for construction signs, but from the earlier discussion at the start of the meeting, it appears it is now the consensus of the Commission not to dictate the exact language. Mr. LeFevere suggested the language in the contracts to be changed to read, “the city shall display signage acknowledging participating in the project by the BCWMC” so that the cities can decide how they want to acknowledge participation by the Commission. That was the consensus of the Commission.**
- **Plan Distribution. There are some housekeeping decisions necessary for the Commission to make in the final distribution of the second generation Watershed Management Plan (i.e., 3-ring binder, CDs, cover selection, etc.). The cost per plan copy is about \$100. Ms. Christian asked that the CD copies be saved in .pdf format. There is room on a CD to save it in more than one format allowing access to a variety of users. The recorder recommended a transmittal letter be prepared announcing the plan approval and that it can be found on the website. A CD copy could accompany the memo along with a note that paper copies can be requested.**

Ms. Thornton thinks that the member cities would want a paper copy to be stored at the city halls. Mr. Welch agrees with sending out the transmittal letter to the plan mailing list and adding a deadline to respond (e.g., November 1).

It is noted that Minnetonka (Lee Gustafson) requests 2 paper copies, Golden Valley (Jeff Oliver) request 3 paper copies, and Robbinsdale (Bill Deblon) requests 2 paper copies.

Mr. LeFevere recommends that each city be provided one paper copy (or whatever requested) and additional copies can be requested at a cost.

Chair O’Toole asked the commissioners to let Ms. Schutrop know if they would like a paper or CD copy of the plan. Chair O’Toole suggested that the letter to the member cities include a statement indicating that two copies will be forwarded to the city hall unless otherwise communicated by the deadline date.

Chair O'Toole said because the second generation plan is the principal working document used by the Commission over the next 10 years, it may be beneficial to include supplemental information on the CD version (i.e., streambank maintenance funding guidelines, orientation, Joint Powers Agreement, Bylaws, etc.) and possibly some type of index. Mr. Yaeger suggested the commissioners think about what they would like to include on the CD and make their recommendations at the next Commission meeting. Mr. Welch recommended including a statement in the transmittal letter to the cities for input as to what additional information they would value added to the CD.

A sampling of plan covers (numbered 1 through 6) was included in the meeting packet for discussion by the Commission.

Mr. Yeager moved and Mr. Welch seconded the motion to accept cover sample #6.

Discussion followed. Ms. Thornton said although #6 is a good depiction of the stream, #3 (depicting downtown Minneapolis) identifies the BCWMC at a place.

Mr. Deblon suggests splitting the cover using #6 and #3.

Ms. Thornton offered an amendment recommending using #6 and #3 and Ms. Gwin-Lenth seconded the amendment. Mr. Yaeger accepts the motion as amended. Carried unanimously.

8. Minneapolis Plan. The Minneapolis Plan was deferred to the October meeting.

October Meeting

Chair O'Toole will not be in attendance at the October and November meetings. Vice Chair Welch will chair the meetings in his place. In the event both the Chair and Vice Chair cannot attend a meeting, Mr. LeFevere said because the Bylaws do not provide a succession beyond the Vice Chair chairing the meeting, a presiding officer would be appointed as chair. The following agenda items are currently scheduled for the Commission's October meeting:

- Minneapolis Plan
- Consider Channel Maintenance Fund Applications
- Website Improvements
- Plat Review Procedure
- Responses to the Plan Transmittal Letter

Adjournment

It was moved by Mr. Welch and seconded by Ms. Thornton to adjourn the meeting. Chair O'Toole adjourned the meeting at 2:05 p.m.

John O'Toole, Chair

Pat Schutrop, Recorder

William Yaeger, Secretary

Date: _____