



Bassett Creek Water Management Commission

A g e n d a

**Thursday, December 18, 2003
12:00 Noon**

**Golden Valley City Hall
7800 Golden Valley Road**

Call to Order

Presentation of October 7th Special Meeting Minutes and October 16 Meeting Minutes

Presentation of Financial Statements

Presentation of Invoices for Payment Approval

Communications

Chairman

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

Counsel

Commissioners

Engineer

New Business

- **TH 55/Boone Avenue Floodplain Mitigation: Golden Valley**
- **7002 and 7010 36th Avenue Retaining Wall, North Fork, Bassett Creek: Crystal**

Old Business

- **Glenwood Inglewood Waters: Minneapolis**
- **Motion to Establish Separate Maintenance and Construction Funds (long-term maintenance fund, short-term maintenance fund, channel maintenance fund, flood control construction account, and water quality improvement fund)**
- **Request for Time Extension Plan Review**
- **Commission Review Draft Second Generation Plan –Outstanding Comments**
- **Sweeney Lake Flood Level Evaluation**

January 2004 Meeting

- **Website Improvements**
- **Terms Ending – Minneapolis, Minnetonka, and New Hope**

Adjournment

Bassett Creek Water Management Commission

Minutes of the Meeting of October 16, 2003

Call to Order

The Bassett Creek Water Management Commission was called to order at 3:40 p.m., Thursday, October 16, 2003, 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>	Not represented, Treasurer	<i>Engineer:</i> Len Kremer
<i>Medicine Lake</i>	Commissioner John O'Toole, Chair	<i>Recorder:</i> Pat Schutrop
<i>Minneapolis</i>	Alternate Commissioner Ed McRoberts	
<i>Minnetonka</i>	Commissioner Bill Yaeger, Secretary	
<i>New Hope</i>	Commissioner Vince Vander Top	
<i>Plymouth</i>	Commissioner Elizabeth Thornton	
<i>Robbinsdale</i>	Commissioner Karla Peterson	
<i>St. Louis Park</i>	Commissioner Paul (PJ) Andersen	

Also present: Karla Anderson, Alternate Commissioner, city of Plymouth
Mary Gwin-Lenth, Alternate Commissioner, city of New Hope
Tom Mathisen, BCWMC Technical Advisory Committee, city of Crystal
Ron Quanbeck, BCWMC Technical Advisory Committee, city of Plymouth
William Deblon, BCWMC Technical Advisory Committee, city of Robbinsdale
Kelly MacIntyre, BCMWC Technical Advisory Committee, city of Minneapolis
Jeff Oliver, BCWMC Technical Advisory Committee, city of Golden Valley
Jim Vaughan, BCWMC Technical Advisory Committee, city of St. Louis Park
Ginny Black, City Council Member, city of Plymouth
Nancy Azzam, Golden Valley League of Women Voters
David Stack, Friends of Bassett Creek
Terrie Christian, Association of Medicine Lake Area Citizens
John Barten, Three Rivers Park District

Approval and/or Correction of Minutes

The minutes of the September 18, 2003 meeting were presented. Ms. Thornton gave the following correction to the 4th bullet on page 11, concerning Northwest Boulevard Erosion site to read as follows: "...The 2003 budget includes \$50,000 ~~\$15,000~~ for repair of erosion and removal of sediment that is causing problems within the watershed..."

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

Financial Statements

In Mr. Hanson's absence, Chair O'Toole presented the Treasurers Report as of October 16, 2003. The current balances are as follows:

Checking Account Balance	\$261,217.24
TOTAL GENERAL FUND BALANCE	\$261,217.24
Construction Account Balance	\$1,506,373.51
Commercial Paper (due 12/26/03)	99,000.00
Commercial Paper (due 12/26/03)	99,000.00
Commercial Paper (due 12/26/03)	99,000.00
Commercial Paper (due 01/26/04)	99,000.00
Commercial Paper (due 03/17/04)	99,000.00
Commercial Paper (due 03/17/04)	99,000.00
Commercial Paper (due 03/17/04)	99,000.00
Commercial Paper (due 03/17/04)	99,000.00
TOTAL CONSTRUCTION ACCOUNT BALANCE	\$1,848,373.51

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

Presentation of Invoices to be Paid

The following invoice was presented for approval:

1. An invoice was received from Barr Engineering Company for professional services during the period September 6, 2003 through October 3, 2003, in the amount of \$26,590.88.

Ms. Thornton moved and Ms. Peterson seconded approval for payment of claims as set forth on the invoice. Upon call of the roll, the vote was unanimously carried.

Communications

Chairman:

No communications.

Citizen Input on Non-Agenda Items:

1. Ms. Terrie Christian, AMLAC, recently attended a Plymouth Environmental Quality Commission meeting where the Nonpoint Education for Municipal Officials (NEMO) gave a presentation. NEMO's focus is on natural resource-based planning that encourages land stewardship. Ms. Christian recommended the Commission consider inviting the group to give a presentation at a future Commission meeting. Chair O'Toole moved discussion on this item under New Business.

Counsel:

No communications.

Commissioners:

1. Ms. Langsdorf discussed an innovative ad that was published in the Pioneer Press and Minneapolis Tribune memorializing a fictitious dead lake called Lake Patricia. This was the media kickoff of the Metro Watershed Partners' nonpoint education program. The point of the obituary was to get the attention of the public. As a result of the ad, a Channel 5 television crew interviewed citizens about taking care of yards to preserve water quality. Another ad will be in the newspapers next week

continuing their public awareness media campaign. A website was also developed as part of the media campaign called www.cleanwatermn.org. The website includes fall clean water tips that may be helpful as handouts for cities. Ms. Langsdorf added this might be a funding consideration for the Commission's education campaign or a resource to direct member cities where to go for information. Ms. Langsdorf said linking the website to the Commission's website would also be a good resource for public information.

2. Ms. Thornton pointed out the latest issue of *The Medicine Lake Connection* publication and the simplicity of pictures used to get people's attention. Chair O'Toole asked the recorder to start collecting educational ideas for future community education efforts and keep the materials in a file for future reference.

Engineer:

1. Mr. Kremer received a call from the Minnesota Department of Transportation responding to the Commission's inquiry for participation with the Commission and the city of Plymouth on the Medicine Lake water quality improvements. Mn/DOT indicated they would participate by removing and dredging materials out of the lake. Mr. Kremer recommended to Mr. Quanbeck that a survey be done of the two sites to verify how much material needed to be removed. Mr. Kremer had reason to believe that Mn/DOT may have \$75,000 or \$80,000 available for additional excavation for funding improvements. The Mn/DOT work will not affect the contract between the city of Plymouth and the Commission.
2. Mr. Kremer received a report developed by the Minnesota Storm Water Advisory Group and will provide a copy to interested commissioners.
3. The University of Minnesota Water Resources Conference is scheduled for Tuesday, October 28. Approximately 30 presentations on a variety of water resources topics are scheduled.
4. The Minnesota Association of Watershed Districts' Annual Meeting will take place on December 4-6. Several presentations will be given on December 5th concerning water quality improvements and on a variety of water resource issues.

New Business

1. 3820 Bassett Creek Drive: Golden Valley. This is an erosion control project proposed by a homeowner along Bassett Creek. The project includes placement of riprap and filter along 150 feet of shoreline. Riprap was placed along a portion of the shoreline during 1981. The project includes improving the existing riprap and extending the limits of the riprap to prevent bank erosion. Filter fabric will be placed beneath the riprap. The Commission is not requested to help fund the project. Mr. Kremer recommends approval contingent on a number of conditions stated in the engineer's memorandum to the Commission.

Ms. Thornton moved and Mr. Yaeger seconded the motion to approve the project contingent on the comments given in the engineer's memo to the Commission. Carried unanimously.

2. Nonpoint Education for Municipal Officials (NEMO). Mr. Christian elaborated on the NEMO presentation at Plymouth's Environmental Quality Commission meeting. NEMO was formed to help educate decision makers. Ms. Christian thought the presentation was relevant to the kinds of decisions the Commission is making and recommends the Commission invite the group to give their presentation at a future meeting. Ms. Langsdorf also viewed the presentation and said it was excellent and the Commission would benefit from it.

The Commission agreed to extend the invitation to NEMO to give a presentation at the Commission's January 2004 meeting.

Old Business

1. **Northwest Boulevard Erosion Site.** This site is at the north end of Medicine Lake and was brought to the attention of the Commission sometime in 1998 by Hennepin Parks and AMLAC. The total watershed area is 450 to 460 acres. There is an area along the east side of Northwest Boulevard where severe erosion is occurring. Both Hennepin Parks and the city of Plymouth are concerned about the amount of erosion at that site. The Commission viewed the site during one of its recent watershed tours. At one time, the Commission completed a funding application which was to be submitted to the Hennepin Conservation District to help with the repair.

Mr. John Barten, Three Rivers Park District, presented the scope of the problem and proposed solution and interim solution recommended by the Three Rivers Park Board because of a wetland that is being filled downstream by sediment and a walkway under a county road that gets filled with sediment. Mr. Kremer said the erosion site is presented for discussion because the Commission may consider using funds reserved for erosion site repairs as a contribution toward the implementation of the long-term solution. The site is also a concern to the residents around Medicine Lake. The contribution of phosphorus from this site is low and not an area the Medicine Lake watershed management plan focused attention in developing BMPs to reduce phosphorus; however, there is a fair amount of sediment. Chair O'Toole said the budget has \$50,000 to use for projects similar to this and although this is not seen as a Bassett Creek problem, the Commission can be a contributor to the solution.

Mr. Barten began his presentation by informing the Commission that because of a time constraint for construction yet this fall, he will be asking for grading plan approval from the Commission on an interim solution to the erosion. Three Rivers has a major regional trail conduit through the city in this area. Two 9-foot x 9-foot box culverts (east/west direction) are located under County Road 9 where the trail is placed. To the west, the county has a 60-inch reinforced arch pipe that was initially designed to take most of the drainage from the watershed. Because of the erosion in the channel, the arch pipe becomes filled with sediment and the drainage and sediment flow through the box culverts.

The Park District decided they would not use the west box culvert for a trail and will use it to help manage the flows. The east box culvert is used for trail traffic. Virtually every rain event deposits 1 to 6 inches of sediment in the east box culvert deterring the public from using the trail in this area and instead cross County Road 9 at grade. The Park District is concerned about the public hazard this creates and wants to rectify this safety issue. The Park District is dealing with two problems – erosion of the channel and the sedimentation in the box culvert. The arch pipe and box culvert fills up with sediment two to three times a year and cannot function as a conduit. The County, the city, and the Park District have made numerous efforts to keep the culverts cleaned out.

The short-term solution proposed by the Park District is to construct two sedimentation ponds with the intent that the ponds would prevent the backup of water and the sedimentation in these culverts. The velocity, according to county engineers, would be high enough to scour the sediment out of the pipe and transport it to the sedimentation basins where it can settle out. Mr. Barten emphasized that this would be a short-term solution because the sediment will continue to come down the slope. The Park District did have a monitoring station located at this site over the last two to three years, which has been removed because the station gets covered over with sediment buildup. Nevertheless, the data collected did indicate that this area has the second largest sedimentation rate going into Medicine Lake. Plymouth Creek is the only other site that contributes more sediment into Medicine Lake.

The Park District is proposing to build the sedimentation ponds this fall. The Commission previously approved a grading plan for a wetland mitigation site and the Park District is proposing to amend that grading plan to allow deposit of the material coming out. As a result, Mr. Barten said more fill would be added to the mitigation stockpile. The Park District is looking for at least conditional approval from the Commission allowing the Park District to work out the water quality requirements with the Commission's engineering staff. The city of Plymouth has indicated a willingness to grant the Park District a Wetland Conservation Act exemption because there is no net loss of wetlands. The project will be funded by the Hennepin County Public Works Department and constructed by County crews.

In the long term, the Park District will need to do something with the eroded gully that is located immediately adjacent to the shopping center on the east side of Northwest Boulevard. The gully is 1½ feet deep and 2-3 feet wide and, in some places it is 10 to 12 feet deep and 15 to 20 feet wide. In 1998, Hennepin County and the Park District developed a plan to correct the erosion problem in the gully. The cost in 1998 dollars was \$453,477. Part of the cost at the time, however, was for wetland mitigation sites and this area was designed to provide 1½ acres of mitigation area for the construction that was proposed on Northwest Boulevard. The County no longer has to plan for wetland mitigation in this area due to changes in the WCA and the volume of material to be excavated and the overall size can be reduced affecting a significant cost saving. The cost will now be in the range of \$300,000. The city and the county are committed to its design and construction and estimate a year to find funding.

Mr. Andersen moved and Ms. Langsdorf seconded the motion to give conditional approval of the interim solution allowing the Park District to build the sedimentation ponds contingent on administrative approval by the Commission's engineer. Carried unanimously.

2. **Medicine Lake Task Force Presentation.** Ms. Ginny Black, city council member for the city of Plymouth, gave a presentation on the process that Plymouth participated in concerning the water quality concerns for Medicine Lake. Ms. Black guided the Commission through the goals and policies of Plymouth's Water Resources Management Plan, the Medicine Lake Watershed Implementation and Management Plan, and the Medicine Lake Aquatic Vegetation Management Plan. The Aquatic Vegetation Management Plan was a byproduct of the Medicine Lake implementation plan. In developing their implementation plan for Medicine Lake, the city gathered as much information as possible, including the Commission's Medicine Lake watershed management plan.

Plymouth's vision was to establish strategies, best management practices, actions, and solutions to ensure/improve the health of Medicine Lake and the watershed for generations. The recommendations of the proposed implementation plan are divided into three areas: external factors, internal factors, and watershed management activities. The proposed plan spans five years, through year 2006, and includes an excavation component in the fourth year. Additional recommendations considered include alum treatment, geese control, new products and technology, and structural best management practices.

As a result of the implementation plan, an Aquatic Vegetation Management (AVM) group was established to "evaluate and implement specific strategies to control exotic and invasive aquatic plant species and promote the growth of native species to promote and improve Medicine Lake's water quality." The AVM group developed the *Medicine Lake Aquatic Vegetation Management Plan* and started implementation of the plan.

The Medicine Lake subcommittee was reactivated with the recent Commission approval of the two ponds to be constructed in the Medicine Lake watershed.

3. **Proposed Agreement with Plymouth for Medicine Lake Projects.** A cooperative agreement for the Medicine Lake improvements has been drafted for the Commission's comment. Mr. LeFevere said the

agreement is the last step in the implementation of the Medicine Lake water quality projects. Mr. Quanbeck said Plymouth's city attorney has reviewed the agreement and the city council will review it at the upcoming council meeting.

Ms. Thornton moved and Ms. Peterson seconded the motion to approve the cooperative agreement for the Medicine Lake improvements and authorize the execution thereof contingent on no objections received from the city of Plymouth city council. Carried unanimously.

4. **Website Improvements Revisited.** In April 2003, the Commission reviewed the possibility of making improvements to its website; however, it was learned that budget would not be available to make improvements at that time. The Commission decided to revisit the topic later in the budget year (October). Mr. Kremer recommended the website improvements be discussed at the January 2004 meeting in view of the expenditures necessary to move ahead with the second generation plan process. The Commission agreed to move the website discussion to the January 2004 meeting.
5. **2003 Maintenance Fund Budget Items.** Chair O'Toole pointed out that although the Commission seemingly has ample administrative budget to spend through the end of the year, it reflects a budget amount for erosion/sediment (maintenance project) (\$50,000) and long-term maintenance (flood control project) (\$25,000) that is not available because those funds are allocated for particular projects over the long term. Chair O'Toole recommends these two line items be removed from the administrative budget and the Commission engineer work with the city of Golden Valley to establish two separate accounts eliminating any false impression with the budget balances. Mr. Kremer pointed out an additional fund (the Flood Control Project Fund) that does not show up on the engineer's breakdown table, but is part of the Construction Account on the Treasurers report. Currently, the Treasurers report shows the Checking Account and the Construction Account balances.

Chair O'Toole directed the Commission engineer to work with the deputy treasurer to set up separate accounts for erosion/sediment maintenance projects, the flood control fund, and long-term maintenance (flood control project).

6. **City of Minneapolis Water Quality Task Force Update.** On behalf of Mr. Welch, Mr. Kremer reported that the city of Minneapolis has not conducted the first meeting of the Water Quality Task Force and expects the meeting to take place in December.
7. **Second Generation Plan October 7th Special Meeting Follow-Up.** The Commission met on October 7th to consider several policy issues that resulted in directing the Commission engineer to prepare a memorandum reflecting the changes and revisions to the policies discussed. A copy of the memorandum was included in the meeting packet. There are additional policy issues for discussion. In particular, the 2-foot of freeboard issue and the phosphorus ban issue.

Mr. Kremer said the memo prepared (dated October 9, 2003) is what he understood to be agreed upon by the Commission at the October 7th special meeting. The memo contains revised proposed new policies of the four proposed new policies discussed at the special meeting and a modification to the capital improvements program.

Ms. Langsdorf asked how the acreage was determined for redevelopment (5 acres for commercial and 10 acres for residential) as stated on page 2 of the memo concerning the Level I requirement for regulated stormwater. Mr. Kremer said those definitions are from the Commission's requirements for development and improvement proposals prepared in 1994. As he recalled, the philosophy behind the acreage sizes was that redevelopments would equal two city of Minneapolis blocks in order to implement the water quality best management practices. Mr. Quanbeck added that at the October 7th meeting, Mr. Welch discussed the idea of encouraging redevelopment and investing in city areas versus

urban sprawl. Mr. Vander Top added that because redevelopments fall within these thresholds does not exempt them from meeting requirements in cities' surface water management plans. When redevelopment was over 5 acres, the Level I standard would take place. If the redevelopment is less than 5 acres, the redevelopment must meet the level of the water body the runoff flows into.

From this point on, the Commission continued its October 7th meeting discussion on the following proposed new policies.

- ? Require a 2-foot freeboard above the 10-year flood elevation (see page 12-6 of the draft second generation plan). The Technical Advisory Group established during the second generation planning process recommended that a policy be included in the plan requiring floor elevations to be a minimum of 2 feet above the 100-year floodplain elevation. Currently, most cities have a 1-foot requirement. The city of St. Louis Park questioned if that proposed new policy applied to additions to existing development (e.g., if a someone wanted to add an addition to an existing home where the existing floor elevation was at 1 foot, would the proposed new policy apply to the addition). St. Louis Park recommends that the old policy of 1-foot minimum floor elevation apply to existing structures.

After discussion, the Commission agreed with the comment raised by the city of St. Louis Park and that the policy be revised to allow the 1-foot minimum floor elevation for additions to existing structures and that all new development meet the 2-foot minimum floor elevation.

- ? Phosphorus Ban (see page 4-23, BMP #2 of the plan). Should the BCWMC adopt a policy requiring the cities to adopt an ordinance that implements the statewide phosphorus ban? Most of the lake water management plans include the phosphorus ban recommendation. The city of Plymouth suggests that the current recommendation be changed to a policy banning phosphorus.

Plymouth suggests the wording to be rewritten as follows: "Each city shall adopt an ordinance that enforces the Minnesota State Law limiting the use of lawn fertilizers containing phosphorus. The Bassett Creek WMO shall develop, in conjunction with the cities, an education program that educates residents about the importance of soil testing to determine their lawns' nutrient needs. Education programs should include factual information regarding the effects of phosphorus and nitrogen on the water quality of lakes, wetlands, and streams." Note: State law does not ban phosphorus, but limits its use to lawns that have been soil tested and indicate a need for phosphorus.

Ms. Christian added that the Plymouth policy and the State law are not bans on phosphorus, but a restrictive policy where some exemptions apply.

Chair O'Toole is reluctant to undertake obligations of education without qualification and recommends a statement be added such as "consistent with available resources."

The Commission agrees with Plymouth's recommendation to change the phosphorus recommendation to a policy with the addition of the qualifying statement made by Chair O'Toole.

A number of other comments from different sources have been received and the Commission engineer drafted proposed responses to those comments. If the Commission is in agreement with the proposed responses, Chair O'Toole recommends the changes be made in the draft plan.

Ms. Thornton feels outstanding questions exist concerning comments made and she would not be in favor of moving ahead with revising the draft plan without additional discussion. Since the November meeting does not have any planned agenda items, she suggested that the outstanding concerns be discussed at that time. Ms. Langsdorf found the special meeting to be useful in getting through some of

the issues and asked if another special meeting should be scheduled. Ms. Thornton is not sure how much time will be required, but she would like the opportunity to discuss references made in the memo where no change is recommended. Mr. Andersen believes there will be time to work out these issues during the draft formal review period along with a number of comments that will be received as a result of the first formal review. He is in favor of submitting the revised draft to begin the formal review process. Mr. Yeager agrees with Mr. Andersen and would like to see the process continue by moving the draft plan to the next step, which is the first formal review.

Ms. Black would like reassurance from the Commission that the city of Plymouth's plans and comments submitted would be considered by the Commission in an effort to resolve issues brought up by Plymouth. Although the Commission cannot ignore comments submitted, Mr. Vander Top recommends the Commission get the formality of submitting the draft plan to begin the 60-day first formal review started and continue the ongoing discussion of outstanding issues. Ms. Langsdorf recommends the comments outstanding be discussed at the November meeting. Mr. Andersen recommended a memo be prepared prior to the November meeting that lists comments addressed and changed and comments pending that will be reviewed within the next 60 days.

Mr. Andersen moved and Mr. Yeager seconded the motion to revise the draft second generation plan to reflect the policy revisions agreed on to date and general revisions stated in the engineer's memo to the Commission dated October 3, 2003; as well as various comments from the member cities pointing out errors and submit the draft plan to the member cities, regulatory agencies, and Hennepin County to begin the first formal review process (60-day). Copies of the comments received to the draft plan will be included with the draft submittal. Upon call of the roll, the motion carried with five members voting yes (Medicine Lake, Minneapolis, Minnetonka, New Hope, and St. Louis Park) and three voting no (Crystal, Plymouth, and Robbinsdale).

The Commission also discussed the form and nature of distribution of the draft plan and the associated costs. The cost of plans reproduced in paper copy is about \$50 each. At the October 7th meeting, the Commission discussed distributing two hard copies and one electronic version (CD-ROM) to the member cities, one copy to the member city libraries, and on the website. Mr. Kremer said the following is a list of likely recipients of the plan: the commissioners (9), the alternate commissioners (7), the member cities (9), the Minnesota Department of Natural Resources (1), the Minnesota Pollution Control Agency (1), Hennepin County (1), MN Department of Health (1), MN Department of Agriculture (1), Metropolitan Council (hard copy plus CD), MN Board of Water & Soil Resources (hard copy plus CD), and Hennepin Conservation District (1).

Mr. Kremer said it would take about three weeks to revise the draft plan and prepare it for submittal. The target date for distribution is November 7th.

Mr. LeFevere outlined the following steps in the plan process once the draft plan has been submitted for the 60-day formal review:

- ? The plan is submitted for the 60-day formal review.
- ? The Commission has 30 days to respond to comments resulting from the 60-day review.
- ? The Commission will conduct a public hearing 30-45 days after the 60-day review.
- ? The draft plan, amendments, written comments received, a record of its hearing, and a summary of all changes incorporated as a result of that review process will be submitted again to the Met Council, BWSR, and state agencies for final review.
- ? BWSR has 90 days to review for statutory compliance and approve or disapprove parts of the plan.
- ? The Commission has 120 days from final BWSR review to adopt and implement the plan.

Chair O'Toole said in fairness to the commissioners who suggest the draft plan needs more study, after the 60-day review and formal comments are received, the Commission should make a commitment to also consider the informal comments in conjunction with the formal comments at that time.

8. **Guidelines for Allocation of Funds from Streambank Maintenance Fund.** In the past, the Commission discussed setting up a meeting with the BCWMC Technical Advisory Committee (TAC) and asking the TAC and the Commission engineer to develop guidelines or recommendations for the Commission to review. The TAC is made up of the Commission's member cities' staff. Mr. Kremer asked for clarification from the Commission referencing an earlier comment made by the mayor of Golden Valley where she expressed concern about additional burden put on the cities' staff to develop that policy. Mr. Kremer recalled the direction of the Commission was to request the TAC to draft the streambank maintenance fund guidelines and the Commission agreed to be cautious about assigning tasks to the TAC without prior permission or discussion from the member cities in the future.

The consensus of the Commission was to assign the task to the TAC and the Commission engineer to meet and develop guidelines or recommendations for allocating funds from the streambank maintenance fund.

9. **Metro Clean Water Campaign Update.** The Metro Watershed Partners received an \$110,000 grant from the Met Council, MPCA, and OEA to develop and implement a metro-wide campaign to assist Phase II cities and other organizations in developing and communicating water quality messages through various media outlets. Mr. Jeff Lee, Barr Engineering Company, prepared a memorandum (included in the meeting packet) outlining the Metro Watershed Partners efforts that will be available for cities and groups like BCWMC in the future.
10. **Discussion of November Meeting Time.** Chair O'Toole will not be at the November meeting and Vice Chair Welch cannot attend if the meeting takes place at 3:30 p.m. Chair O'Toole asked Mr. LeFevere how a meeting is convened if the Chair or Vice Chair cannot attend. Mr. LeFevere said the bylaws do not provide succession past vice chair and would recommend the Commission agree on a commissioner to act as chair for that meeting. Chair O'Toole said the other alternative to assigning the meeting to an acting chair, would be to move the meeting time back to 12:00 noon allowing Mr. Welch to attend.

Ms. Langsdorf said it would be her suggestion to move the meeting back to the 12:00 meeting time. The focus for changing the meeting time to 3:30 p.m. for the October meeting was to make it convenient for more participation by the public; however, Ms. Langsdorf said she has not seen additional public in attendance as a result of the change. Chair O'Toole said although it is important to make the meeting time convenient for the public to attend, his first priority is to accommodate commissioners that have been appointed to serve on the Commission. In the past, Chair O'Toole has expressed concern about establishing a regular meeting time that is inconvenient to commissioners, especially an officer of the Commission.

Ms. Thornton said the Commission needs to meet several times at a specific time before making a judgment whether the time is workable and would recommend leaving the meeting time at 3:30 p.m. for the remainder of the year and discuss the topic again at the Commission's organizational meeting in February 2004. Ms. Thornton also pointed out that the agenda for the November meeting appears to be open and could be canceled.

Chair O'Toole proposes the November meeting time be at 12:00 noon so that the Vice Chair can convene the meeting, if the Commission meeting takes place as scheduled. Mr. Yaeger added that the 3:30 p.m. meeting time is more convenient for him to attend; however, if a sitting commissioner cannot attend at a specific time of day, he is not in favor of changing the meeting time.

Ms. Christian recommends the Commission consider all options available. Alternate commissioners are appointed for the purpose of representing the member city when the commissioner cannot attend and also that another commissioner could be assigned to chair a meeting if the chair and vice chair cannot attend. Ms. Christian added making the meeting time convenient for potential commissioners is another option to consider.

Chair O’Toole acknowledged the points made, but proposes the November meeting be at 12:00 Noon so the vice chair can chair the meeting. Ms. Thornton suggested that in case the Commission meeting does not take place in November for lack of agenda items that the Commission consider two months out. Mr. Ed McRoberts recommended staying at the noontime slot because the practice has been implemented in people’s schedules. Ms. Thornton said three commissioners’ terms will end in February 2004, and if those commissioners do not seek reappointment, would a different meeting time be a point of consideration for someone wanting to volunteer as a commissioner? Chair O’Toole said the February meeting is the annual organizational meeting and the meeting time can be discussed at that meeting keeping in mind Mr. McRoberts’ recommendation to consider setting the time over a year to establish a practice in people’s schedules.

Mr. Vander Top moved and Ms. Peterson seconded the motion to move the meeting time of the November 20th meeting to 12:00 Noon to accommodate attendance by the Vice Chair and move the meeting to 3:30 p.m. for December, January, and February meetings and to discuss the topic at its organizational meeting in February 2004. Upon call of the roll, the motion failed (4 yes and 4 no).

Chair O’Toole asked about conference calls to commissioners not in attendance and can the commissioner(s) vote if they are not attending in person. Mr. LeFevere will look into the open meeting law for what requirements are in place and report back to the Commission at the November meeting. Mr. Yaeger stated that an unfavorable precedent is being set for establishing a meeting time when a standing commissioner cannot attend.

Mr. Andersen moved and Mr. Yaeger seconded the motion to move the meeting time to 12:00 noon for the future meetings and discuss the topic again at the Commission’s organizational meeting in February 2004. Upon call of the roll, the vote was unanimously carried.

November Meeting

No agenda items are currently scheduled for the Commission’s November meeting.

Adjournment

It was moved by Mr. Andersen and seconded by Ms. Thornton to adjourn the meeting. Chair O’Toole adjourned the meeting at 5:40 p.m.

John O’Toole, Chair

Pat Schutrop, Recorder

Bill Yaeger, Secretary

Date: _____