

**Bassett Creek Watershed Management Commission
Minutes of the Meeting of October 20, 2011**

1. CALL TO ORDER

The Bassett Creek Watershed Management Commission (BCWMC) was called to order at 11:32 a.m., on Thursday, October 20, 2011, at Golden Valley City Hall by Chair Loomis. Ms. Herbert called roll.

ROLL CALL		Counsel	Charlie LeFevere
Crystal	Commissioner Pauline Langsdorf	Engineer	Karen Chandler
Golden Valley	Commissioner Linda Loomis, Chair	Recorder	Amy Herbert
Medicine Lake	Commissioner Ted Hoshal		
Minneapolis	Alternate Commissioner Lisa Goddard		
Minnetonka	Commissioner Jacob Millner		
New Hope	<i>Not represented *</i>		
Plymouth	Commissioner Ginny Black, Vice Chair		
Robbinsdale	<i>Not represented</i>		
St. Louis Park	Commissioner Jim de Lambert, Secretary		

Note: *New Hope Commissioner John Elder arrived after roll call*

Also present:

Laura Adler, BCWMC Technical Advisory Committee, City of St. Louis Park
 Derek Asche, BCWMC Technical Advisory Committee, City of Plymouth
 Rick Brasch, Three Rivers Park District
 Pat Byrne, BCWMC Technical Advisory Committee, City of Minneapolis
 Kevin Christian, AMLAC (Association of Medicine Lake Area Citizens)
 Terrie Christian, AMLAC (Association of Medicine Lake Area Citizens)
 Christopher Gise, Golden Valley Resident
 Ferdousi Gramling, Medicine Lake Resident
 Dave Hanson, Alternate Commissioner, City of Golden Valley
 Tom Mathisen, BCWMC Technical Advisory Committee, City of Crystal
 Richard McCoy, BCWMC Technical Advisory Committee, City of Robbinsdale
 Jeff Oliver, BCWMC Technical Advisory Committee, City of Golden Valley
 Liz Stout, BCWMC Technical Advisory Committee, City of Minnetonka

2. APPROVAL OF AGENDA AND CONSENT AGENDA

Commissioner Black moved to approve the Agenda and the Consent Agenda. Acting Commissioner Goddard seconded the motion. The motion carried unanimously with seven votes in favor [Cities of New Hope and Robbinsdale absent from vote].

3. CITIZEN INPUT ON NON-AGENDA ITEMS

No citizen input on non-agenda items

4. ADMINISTRATION

4A. Presentation of September 15, 2011, Meeting Minutes. The meeting minutes were approved as part of the Consent Agenda.

4B. Presentation of Financial Statements. The BCWMC's October 2011 financial report was approved as part of the Consent Agenda.

The general and construction account balances reported in the October 2011 Financial Report are as follows:

Checking Account Balance	\$525,952.99
TOTAL GENERAL FUND BALANCE	\$525,952.99
TOTAL CONSTRUCTION CASH & INVESTMENTS	\$2,009,733.13
Investment due 9/16/2015	\$512,059.83
TOTAL ON-HAND CONSTRUCTION CASH & INVESTMENTS	\$2,521,755.00
CIP Projects Levied – Budget Remaining	(\$2,486,864.69)
Closed Projects Remaining Balance	\$34,890.31
2011 Anticipated Tax Levy Revenue	\$444,068.08

4C. Presentation of Invoices for Payment Approval.

- i. Kennedy & Graven – Legal Services through August 31, 2011 – invoice for the amount of \$1,533.55.
- ii. Barr Engineering Company – Engineering Services through September 30, 2011 – invoice for the amount of \$33,090.58.
- iii. Amy Herbert – September Secretarial Services – invoice for the amount of \$3,087.48.

- iv. D'amico - ACE Catering – October BCWMC meeting catering – invoice for the amount of \$248.34.

Commissioner Langsdorf moved to approve payment of all of the invoices. Commissioner Black seconded the motion. By call of roll the motion carried unanimously with seven votes in favor [Cities of New Hope and Robbinsdale absent from vote].

4D. BCWMC Budget Committee Recommendations for the 2011 Budget, Commission Administration, and 2012 Budget. Commissioner Black noted that the Committee met after the Commission's October meeting packet had been mailed out but that the Committee's memo had been e-mailed out and handed out. She noted that in the memo the Committee had made adjustments to the numbers discussed at the September Commission meeting to reflect for the September expenditures in some of the budget items addressed in the Commission's September action regarding reducing spending and budget in the following line items: Water Quality/ Monitoring, Water Quantity, Watershed Inspections, Annual Flood Control, and Review Municipal Plans.

The Commission discussed the idea of adding back the cuts it approved last month in the water quality and quantity budgets but took no action. Ms. Chandler answered questions regarding the water quality budget and the status of the 2011 water samples. She clarified that all of the water samples have already been taken for the 2011 sample season. Ms. Chandler said that the cut in the 2011 water quality budget would mean that the report on the data would not be prepared in 2011.

Ms. Chandler said that former Administrator Nash was leading the effort to investigate the possibility of the BCWMC using transducers on several lakes in the watershed as the way to monitor water levels. She said that the Commission Engineer does not know the status of that project. She added that the water quantity budget cut for the remainder of 2011 means that water levels will not be taken for the rest of the year.

Chair Loomis said that the Commission needs to check with Mr. Nash on the status of the transducer project. Commissioner de Lambert offered to loan the BCWMC two sealed transducers for the winter for the Commission to trial using them to monitor water levels. He noted that those transducers would not auto-correct for barometric pressure but such information could be obtained from the airport.

[Commissioner Elder arrived]

The Commission discussed the idea of cancelling the Commission's December or January meeting. Mr. LeFevere offered methods that the Commission could employ to take care of its administrative business if it did cancel one of its meetings, such as appointing a committee or asking a quorum to meet for an abbreviated meeting. Mr. LeFevere encouraged the Commission to make the decision in November when it had a better idea of what work it had in front of it so that the Commission wouldn't run into the issue of cancelling a meeting but then needing to reverse the decision due to the need to conduct timely permit application reviews or other matters that couldn't be delayed.

Chair Loomis asked if the Commission wanted to take any other action now regarding its budget. Commissioner Hoshal asked what the consequence would be if the Commission ended up running over its 2011 budget. Chair Loomis responded that the budget is the Commission's planning document. Commissioner Hoshal commented that the Commission has spent its budget in a responsible manner and on justified expenses.

Ms. Chandler stated that the Commission Engineer has taken steps to reduce budget per the direction

given by the Commission last month and she wanted to make sure the Commission was aware of that and continued to be in agreement with it. Chair Loomis said yes and added that the Commission can always discuss at a future meeting if it wants to reinstate any of those items. She said that there is no action needed now on the part of staff.

5. NEW BUSINESS

A. Sweeney Lake Outlet Replacement Project

- i. **Order November 16th Public Hearing on Project.** Mr. LeFevere noted that the project requires a hearing for the member cities but the notice is not required to go out in the Commission's official publication. He said that the Commission's acknowledgment today of the November 16th hearing ratifies the action of the Recording Administrator who has already notified the cities of the hearing.
- ii. **Feasibility Report Presentation.** Ms. Chandler gave a PowerPoint presentation of the Sweeney Lake Outlet Replacement Project. She described the ways in which the existing structure is deficient, addressed the recommended solution, which is a sheet pile weir with a concrete cap, discussed the opinion of cost for the estimated \$180,000 project, and noted anticipated needs for permits, approvals, and agreements. Chair Loomis asked about the status of the grant application for the project from the Dam Safety grant program. Ms. Chandler reported that the project did not receive grant funding.
- iii. **Cooperative Agreement for Preparation of Plans and Specifications for the Reconstruction of the Sweeney Lake Outlet.** Commissioner Black moved to approve the Cooperative Agreement. Commissioner Elder seconded the motion. Chair Loomis requested the friendly amendment that the Commission authorize the Vice Chair to sign the agreement on the Commission's behalf. Commissioners Black and Elder approved the friendly amendment. The motion carried unanimously with eight votes in favor [City of Robbinsdale absent from vote].
- iv. **Direct Preparation of Materials for November Meeting.** Ms. Chandler noted that the Commission would need a draft resolution and a draft cooperative agreement prepared for the November meeting. Commissioner Black moved to approve directing staff to prepare any necessary materials for the November meeting. Commissioner Elder seconded the motion. The motion carried unanimously with eight votes in favor [City of Robbinsdale absent from vote].

6. OLD BUSINESS

A. Status Update on Cooperative Agreements.

Wirth Lake Structure Modification Project

Mr. LeFevere said that the Commission's past cooperative agreements have been set up based on one model. He said that the model was that the city building the project would own the project once it was completed, at which time the completed project would become part of the city's infrastructure. He said that in the Commission's *Watershed Management Plan* the BCWMC decided to assume responsibility for maintenance and repair of the infrastructure of the original flood control project. Mr. LeFevere noted that he assumes that decision was based on the fact that the Commission had funds left over from the flood control project. He said he believes that the Commission wanted to put the funds collected for

the project to use maintaining the project. He said that decision did not extend to the Commission's water quality projects. Mr. LeFevere said that there isn't anything in the Commission's Plan requiring it to participate in the maintenance of water quality projects.

Mr. LeFevere said that the first draft of the agreement for the Wirth Lake Outlet Structure Modification project was drafted per the Commission's typical model. He reported that the City of Golden Valley has requested that the agreement be revised to indicate that the City would be responsible for routine maintenance but the Commission would be responsible for major maintenance, repair, and replacement.

Mr. LeFevere noted that this request would probably raise Commission questions on whether the Commission wants to take on responsibility for long-term maintenance and if so, when. He said the cities may have questions about facilities that have already been built for water quality treatment prior to the assignment of waste load allocations. He said that this is a big policy issue as well as a significant financial issue so he is bringing it back to the Commission for discussion and direction on how to respond to Golden Valley's request.

Jeff Oliver said that there must be some verbiage that would reflect that the Commission would take responsibility for replacement and major structural reconstruction such as replacement of the check valves. He said that Golden Valley would be responsible for maintenance of the hatch, trash removal, but the major structural repairs or replacement should be a watershed responsibility. Mr. Byrne agreed with Mr. Oliver that replacement of the structure is a regional issue and there should be a shared obligation due to the TMDL wasteload allocation. He suggested that the Commission consider agreeing on the language that routine maintenance is considered maintenance performed through the year; long-term maintenance is considered a long-term process like pond dredging that happens once every 15 years; and, replacement is considered work that is again at the level of a capital project.

Mr. LeFevere stated that he needs direction from the Commission on the draft agreement. Commissioner Black said that she is wondering about the timing of the agreement in terms of when the City would need it to be finalized since it is getting close to the time for the construction of this type of project. Mr. Oliver said that the City is planning to do construction this year. Commissioner Black said that she is comfortable with structuring the agreement as narrowly as possible to indicate that the Commission would be responsible for replacement of the structure. Mr. Oliver asked that the language be broad enough to include the replacement of the check valves. Mr. LeFevere said that it sounds like Commissioner Black's concept that the Commission participate with the big costs. Commissioner Black agreed. Commissioner Elder agreed with Commissioner Black's concept with the condition that language specifically delineates between long-term maintenance and replacement because he is not in agreement with long-term maintenance but does agree with the concept that the Commission would be responsible for replacement.

Chair Loomis said that the Commission indicates its agreement with Commissioners Black and Elder and directs staff to prepare the cooperative agreements with language that the Commission would be responsible for handling the replacement of the structures.

Main Stem Agreement

Mr. LeFevere reported that he has gotten input from Golden Valley but not Minneapolis on the Main Stem Agreement.

- B. Set Agenda for the November 3rd TAC Meeting. Ms. Chandler said that the packet includes a

memo with a list of remaining TAC items. She reviewed the memo with the Commission. She said that the TAC would need to discuss applications for Channel Maintenance Funds at a future TAC meeting but the materials wouldn't be ready for discussion at the November meeting. Commissioner Black recommended that the Commission direct the TAC to move ahead with reviewing the received RFQs and recommending a final list of firms to the Commission and to discuss the locations of the placement of the proposed pressure transducers. The Commission agreed. Commissioner de Lambert volunteered to be the TAC liaison at the November 3rd TAC meeting.

Ms. Chandler said that the BCWMC received an inquiry from Brad Wozney of BWSR asking the status of the Commission's Next Generation Planning Process. She added that the Commission hasn't discussed this issue in some time. The Commission agreed to add to a future meeting agenda a discussion of the Commission's Next Generation Planning Process and timeline.

- C. Discussion with Three Rivers Park District about Aquatic Invasive Species/ Zebra Mussels. Rick Brasch of the Three Rivers Park District (TRPD) summarized the Three Rivers Park District's boat inspection work that took place between Memorial Day and Labor Day this year. He noted that the TRPD logged 82 hours per week on boat inspections.

Mr. Brasch reported that the TRPD received a \$7,700 grant from the Minnesota Department of Natural Resources (DNR) to help increase the TRPD inspections at the three points of entry including Fish Lake, Medicine Lake, and Lake Independence. He said that the DNR added 146 hours of inspections at Medicine Lake by DNR staff and the DNR staff primarily filled in hours at the end of the day after the TRPD inspectors had left. Mr. Brasch noted that the TRPD had spent approximately 50 hours a week at Lake Independence and Fish Lake and more than 80 hours a week doing inspections at Medicine Lake.

Mr. Brasch fielded questions from the Commission. Commissioner Hoshal said that he had passed on to Commission staff for distribution to the Commission a link to the Minneapolis Park and Recreation Board's Zebra Mussels Action Plan and noted that anyone still needing the link could contact staff. Commissioner Black asked if any Commission member would be willing to go through the MPRB plan and summarize and pull out points for Commission discussion at a future meeting. She noted that the Commission likely would want to have the discussion and decisions made before the lakes warm up in about April. Commissioner Hoshal volunteered.

- D. Draft BCWMC Policy Manual. The Commission reviewed and made edits to Policy 2.10 Required Scheduled Activities (page 15 in draft manual) and Policy 2.11 Code of Ethics/ Conflict of Interest.

7. COMMUNICATIONS

Chair:

1. Chair Loomis reported that the Commission received a communication about the City Watershed Industrial Storm Water Connection. She asked about how the Commission Engineer could obtain a list of industrial stormwater permittees in the watershed. Mr. Oliver said the information is available on the Minnesota Pollution Control Agency (MPCA) Web site. Chair Loomis said the Commission received an invitation to attend a meeting of the Joint Municipal Storm Water Watershed / MPCA Industrial Storm Water group from 9:45 a.m. to 2:00 p.m. on November 9th at the MPCA. Chair Loomis asked the Commission if it wants to send someone to this meeting. Pat Byrne said that he would be attending the meeting and could attend on the Commission's behalf.

2. Chair Loomis stated that BWSR contacted the Commission asking to be sent the replacement pages in its Plan as modified by the Commission's recent Plan Amendment. Commissioner Black moved to approve staff to send the replacement pages to BWSR. Commissioner Elder seconded the motion. The motion carried unanimously with eight votes in favor [City of Robbinsdale absent from vote]. Chair Loomis also said that BWSR is asking for an update from the Commission about its Next Generation Planning process and time line.

Commissioners:

1. Commissioner Black reported on the status of the Hennepin County draft report of the Water Governance Project.
2. Commissioner Hoshal introduced Ms. Ferdousi Gramling from the City of Medicine Lake who may be appointed by the City to represent it on the BCWMC's Technical Advisory Committee.

Committees:

Education Committee

1. Commissioner Langsdorf said that the Education and Public Outreach Committee submitted an article for publication under Chair Loomis' name but the paper didn't want to publish it during the weeks before the election. Chair Loomis commented that she has asked the paper to publish the article under Commissioner Langsdorf's name as the Chair of the BCWMC Education Committee.
2. Commissioner Langsdorf reported that the West Metro Water Alliance will next meet in January 2012.
3. Derek Asche had an update on the Metro Chloride Project. He said the group recently had its kick-off meeting and plans to begin meeting on a regular basis. Mr. Asche brought up the Nine Mile Creek Watershed District's chloride TMDL.

Engineer Communications

1. Ms. Chandler reported that the 2010 Clean Water Fund grants, which the Commission received for the 2010 Plymouth Creek and the 2010 Main Stem projects, expire on December 31st. She said that BWSR has communicated that all funds must be spent, not just encumbered, by that date. Ms. Chandler said that the Commission Engineer has been contacting the cities and asking about the status of the projects. She said that the Commission received today a reimbursement request from the City of Plymouth for the 2010 Plymouth Creek Restoration Project. Ms. Chandler said that the Commission Engineer would like the Commission to receive all reimbursement requests by the next meeting so it can gauge if it will need to request an extension. She said that the Commission Engineer would like the Commission to direct it to review the reimbursement request from the City of Plymouth and the upcoming request from the City of Golden Valley for Commission discussion at its next meeting. The Commission directed the Commission Engineer to perform the reviews.
2. Ms. Chandler reported that the Commission Engineer submitted the grant application for the 2012 Clean Water Fund grant.
3. Ms. Chandler said that at a future meeting the Commission Engineer will present the Schaper Pond feasibility report. She said that if the Commission wants to follow up on its discussion of management options of Twin Lake then Dr. Keith Pilgrim could do it at the

