

Bassett Creek Watershed Management Commission

Minutes of the Meeting of January 17, 2008

1. Call to Order

The Bassett Creek Watershed Management Commission (BCWMC) was called to order at 11:35 a.m., Thursday, January 17, 2008 at Golden Valley City Hall by Chair Welch. Ms. Herbert conducted roll call.

Roll Call

| | | | |
|-----------------------|------------------------------------|-----------------|------------------|
| <i>Crystal</i> | Commissioner Pauline Langsdorf | <i>Counsel</i> | Charlie LeFevere |
| <i>Golden Valley</i> | Alternate Commissioner Dave Hanson | <i>Engineer</i> | Karen Chandler |
| <i>Medicine Lake</i> | <i>Not Represented</i> | <i>Recorder</i> | Amy Herbert |
| <i>Minneapolis</i> | Commissioner Michael Welch, Chair | | |
| <i>Minnetonka</i> | <i>Not Represented</i> | | |
| <i>New Hope</i> | Commissioner Daniel Stauner | | |
| <i>Plymouth</i> | Commissioner Ginny Black | | |
| <i>Robbinsdale</i> | Commissioner Karla Peterson | | |
| <i>St. Louis Park</i> | Commissioner Richard Johnson | | |

Note: Commissioner Linda Loomis (Golden Valley) arrived after roll call

Also present: Laura Adler, BCWMC Technical Advisory Committee, City of St. Louis Park
Brooke Asleson, Minnesota Pollution Control Agency (MPCA)
Terrie Christian, Association of Medicine Lake Area Citizens
Lee Gustafson, BCWMC Technical Advisory Committee, City of Minnetonka
Richard McCoy, BCWMC Technical Advisory Committee, City of Robbinsdale
Tom Mathisen, BCWMC Technical Advisory Committee, City of Crystal
Bob Moberg, BCWMC Technical Advisory Committee, City of Plymouth
Jeff Oliver, BCWMC Technical Advisory Committee, City of Golden Valley
Stu Stockhaus, Alternate Commissioner, City of Crystal
Elizabeth Thornton, Alternate Commissioner, City of Plymouth

2. Approval of Agenda and Consent Agenda

Chair Welch announced the deferral to next month of invoice item Cvi Hennepin County River Watch. He also requested the addition of agenda item I under Old Business to discuss the Administrator Committee's Request for Proposals. Ms. Black moved to approve the amended agenda. Ms. Langsdorf seconded the motion. The motion carried unanimously [the Cities of Medicine Lake and Minnetonka were absent from the vote].

Chair Welch removed the Counsel Communications and the financial report from the Consent Agenda and stated that there is no Consent Agenda this month.

3. Administration

- A. Presentation of the December 21st meeting minutes. Mr. Stauner moved to approve the December 21st meeting minutes. Ms. Black seconded the motion. The motion carried unanimously.

- B. Presentation of the Financial Statement. Chair Welch commented that the financial report's current month expenses column had the header of October- 07 and asked if that was a typo. Ms. Herbert said she confirmed with Deputy Treasurer Sue Virnig that it was a typo and that it should have been labeled December-07 and the figures listed are the December 2007 figures.

The general and construction account balances reported in the January 2008 Financial Report are as follows:

| | |
|--------------------------------------------------------------|-----------------------|
| <u>Checking Account Balance</u> | <u>293,379.79</u> |
| TOTAL GENERAL FUND BALANCE | 293,379.79 |
| | |
| <u>Investment Balance</u> | <u>0.00</u> |
| TOTAL CONSTRUCTION ACCOUNT BALANCE | 2,367,113.80 |
| <u>-Less: Reserved for CIP projects</u> | <u>4,002,646.46</u> |
| Construction cash/ investments available for projects | (1,140,963.77) |

- C. Presentation of Invoices for Payment Approval.

Invoices:

- i. Kennedy & Graven – Legal Services - invoice for the amount of \$1,692.48.
- ii. Barr Engineering Company – December Engineering Services - invoice for the amount of \$23,073.28.
- iii. Amy Herbert – December Recording Administrator Services - invoice for the amount of \$3,314.65.
- iv. Decision Resources, Ltd. – Final payment for Joint Education Survey – invoice for the amount of \$1,437.00.
- v. Featherlite – BCWMC Exhibit – invoice for the amount of \$933.19.
- vi. Hennepin County Environmental Services – 2007 River Watch participation. Invoice deferred to February due to updated invoice submitted from Hennepin County.

Ms. Peterson moved to approve the invoices. Ms. Langsdorf seconded the motion. By call of roll, the motion carried unanimously [Cities of Medicine Lake and Minnetonka were absent from the vote].

4. New Business

No New Business.

5. Old Business

- A. City of Golden Valley Request for Final Payment – Floodproofing 2725 Scott Avenue. Ms. Chandler reported that the City of Golden Valley has submitted the final invoice for the costs of floodproofing 2725 Scott Avenue. Mr. Hanson moved to approve the payment of the invoice from the City of Golden Valley in the amount of \$2,083.40 for the completion of floodproofing work on

2725 Scott Avenue. Ms. Black seconded the motion. The motion carried unanimously.

- B. WOMP (Watershed Outlet Monitoring Program).** Ms. Herbert clarified that the Commission does not have a contract with the Metropolitan Council (Met Council) regarding the Watershed Outlet Monitoring Program (WOMP) and that the Met Council will not be submitting any invoice to the Commission for the Met Council's WOMP work. Ms. Herbert said Leigh Harrod of the Met Council explained in a phone conversation that the Commission and the Met Council had an executed agreement in 2000 that outlined that the Commission would pay 25% of the construction costs to establish the WOMP station and that the Commission agreed to develop the rating curve.

Ms. Harrod said the Commission paid the construction costs per the agreement and since 2000 - 2001 the Met Council has not sought funding from the Commission. Ms. Harrod said that the Commission does still maintain the rating curve and this has been occurring under a good faith verbal agreement. Ms. Harrod said the rating curve has been maintained by Barr Engineering. Ms. Harrod also stated that since the summer of 2001 the Met Council has paid the Minneapolis Park and Recreation Board \$4,000 per year to cover the costs of field labor for monitoring and for delivering the water quality samples to the Metro plant water quality laboratory in St. Paul.

Chair Welch asked Barr Engineering to make sure its work on the WOMP rating curve has been invoiced to the Commission and that the funds have come out of the WOMP budget. Ms. Black asked what would dictate if the Minneapolis Park and Recreation Board bills the Commission or not for the WOMP sample pick up. Chair Welch directed Barr Engineering to follow up with the Minneapolis Park and Recreation Board regarding its WOMP work and to find out if the BCWMC needs a relationship with the Minneapolis Park and Recreation Board regarding WOMP.

- C. Fisheries and Biota Data Collection on Main Stem.** Ms. Chandler explained that the Main Stem of Bassett Creek was listed as impaired for biota (fish) by the MPCA in 2006 based on the results of sampling at one location at the downstream end of the watershed. She said that in May 2007 the Commission Engineer recommended that fish samples and macroinvertebrate data be collected in 2008 at various locations along the creek to determine if the creek is impaired for biota throughout the whole watershed. Ms. Chandler said the Commission directed a letter be sent to Tim Larson of the MPCA requesting its participation in the sampling program. She said that the MPCA has agreed to conduct the monitoring in 2008 for both the fish sampling and the macroinvertebrate data. Mr. Hanson asked how the Commission will get the results of the sampling. Ms. Asleson responded that the MPCA will enter the data into its main system and can then give the results to the Commission.

Ms. Chandler commented that the fecal coliform data caught the Commission Engineer and the Commission by surprise because they weren't informed of the sampling. She said that having the data early would be helpful to the Commission. Chair Welch said he would like the Commission Engineer to be in the loop on the sampling regarding the schedule and the protocols and he would like the Commission Engineer to have an opportunity to provide input on the schedule and protocols. Ms. Black moved that the BCWMC work with the MPCA as the lead for sampling Bassett Creek for fish and biota impairment. Chair Welch added the friendly amendment that the MPCA work with the Commission Engineer on the sampling schedule and protocols and he seconded Ms. Black's motion. Ms. Black accepted the friendly amendment. The motion carried unanimously [the Cities of Medicine Lake and Minnetonka were absent from the vote].

- D. 2007 Annual Flood Control Project Inspection.** Ms. Chandler said the inspection report is in the meeting packet and the report includes comments on each feature inspected. She said the Commission Engineer recommends that the Commission direct the Engineer to send inspection

comment letters to the cities and Mn/DOT as has been done in the past. Mr. Moberg commented that the City of Plymouth's Plymouth Creek fish barrier repairs may make more sense to be a part of the 2009 stream bank restoration project. Ms. Black suggested that the City of Plymouth and the Commission Engineer discuss the issue. Ms. Black moved to approve Barr Engineering sending letters to the member-cities and Mn/DOT with the results of the 2007 annual flood control project inspection. Ms. Peterson seconded the motion. The motion carried unanimously.

- E. **Status of 20-Year Inspection of Bassett Creek Phase I and II Tunnels.** Ms. Chandler said the inspection is set for February 20th. She said Barr coordinated with the Army Corps of Engineers and Xcel Energy for the pool to be lowered for inspection day, which means the inspection can occur without needing to plug and dewater the tunnel to lower the water level. Ms. Chandler said there is a possibility of the unexpected during the inspection such as extra equipment needs or dewatering due to unanticipated snow melt. She said Barr Engineering recommends the Commission approve contingency funds of \$10,000 from the long-term maintenance budget to cover unanticipated expenses should they arise during the inspection. Ms. Chandler said Barr also recommends the Commission send letters of appreciation to the Army Corps of Engineers, Excel Energy, and the St. Anthony Falls lab for their assistance in the coordination of the inspection. Ms. Chandler said that since the inspection was delayed until February 2008 due to weather, Barr recommends that the remaining funds in the annual inspection budget be transferred to the 2008 budget.

Mr. LeFevere asked who will do the contingency work if it arises. [Ms. Loomis arrives.] Mr. LeFevere said if the City of Minneapolis can't do the work then the Commission needs to back up and figure out who will do the work. Chair Welch said just to clarify the contingency work isn't emergency repair work but instead is work that needs to be done in order to ensure the inspection can take place. He said he doesn't think contracting requirements will be triggered. Mr. LeFevere said Minneapolis has all its own procedures, which are different than the state laws, and Minneapolis does emergency work all the time; however, he said, if Minneapolis isn't planning to do that contingency work to make sure the inspection can happen, then the Commission needs to figure out how it is going to happen.

Ms. Black made the motion that the Commission send letters of appreciation to the Army Corps of Engineers, Excel Energy, and the St. Anthony Falls Lab, that the Commission transfer the remaining annual inspection budget to the 2008 budget, that the Commission authorize a \$10,000 contingency budget to be used on unanticipated events during the inspection process and that Barr and the City of Minneapolis discuss plans for any emergency contracting needs and the result of the discussion be verified with the Commission Counsel on behalf of the Commission. Mr. Hanson seconded the motion. The motion carried unanimously.

- F. **Proposed 2008 Sampling for Chlorides, E. Coli, and Phosphorus.** Ms. Chandler explained that in 2008 the MPCA listed Bassett Creek as impaired for fecal coliform. Ms. Chandler said the Commission Engineer recommends that other Bassett Creek sites be sampled. She reported that Minneapolis Park and Recreation Board staff said their staff could collect additional samples at seven stations in the watershed during the WOMP sample collection and the MPRB could test the samples. The MPRB said the cost for collection and testing would be about \$7,000. Ms. Chandler said the Commission Engineer recommends the Commission have the MPRB do the additional sampling and testing for fecal coliform and E. coli at the cost of about \$7,000 and per the MPCA's recommendation have the MPRB test at the same time for chlorides and phosphorus at a cost of about \$4,000. She said the total cost of the additional sampling and testing would be about \$11,000.

Chair Welch asked if the impairment listing was based on sampling at a single location. Ms.

Asleson of the MPCA said it was based on 60 samples collected over the last two years at the one outlet station. Ms. Peterson asked about the possibility of delisting Bassett Creek if the additional samples indicate no impairment in different reaches of the creek. Ms. Asleson replied that Bassett Creek is considered one reach so if any part of the creek is impaired then the entire creek is considered impaired. Ms. Asleson said there is a process for delisting and the MPCA's guidelines and procedures need to be followed so the MPCA would consider the data to be valid. Ms. Asleson said the MPCA manages its own 303d list [list of impaired water bodies].

Mr. LeFevere asked the Commission to consider whether it is in a hurry to get its water bodies listed on the 303d list. He said that due to Shingle Creek's chloride TMDL it's possible that chloride levels will be lower in the future and said the BCWMC could possibly receive benefits from Shingle Creek's MS4s' reduction in chlorides.

Ms. Black commented that it sounds like there isn't a lot of data for chlorides in Bassett Creek and asked if the MPCA has a data collection protocol. Ms. Asleson said that every two years there is an assessment cycle and the 2008 assessment cycle is just ending. She said the assessment cycle is the same as the 303d listing cycle.

Chair Welch recommended the Commission ask the TAC to discuss at its March meeting the issue of additional sampling and to provide a recommendation to the Commission at its March meeting. Ms. Black moved that the Commission direct the TAC to discuss at its March meeting the issue of additional sampling of Bassett Creek and to provide a recommendation to the Commission at the March meeting. Mr. Hanson seconded the motion. The motion carried unanimously [the Cities of Medicine Lake and Minnetonka were absent from the vote].

Ms. Black said a map should be created that shows where sampling is being done in the watershed and who is doing it. Ms. Asleson passed around her map from the MPCA that shows sampling being done in the area. Ms. Asleson explained that the MPCA has an extensive database of sampling data although there may be data that exists that has not been entered into the system. Chair Welch asked Ms. Asleson to e-mail Ms. Herbert the link to existing MPCA data.

G. BCWMC Education Committee.

- i. Grant Criteria Revisions.** Ms. Black said the Education Committee recommends that individual property owners remain eligible for the grants. She said the Committee recommends changes to the eligible/ ineligible costs descriptions. She said the new language would read that eligible costs are those accrued after the contract is signed and for activities described in the contract. She said the new language would clarify that costs for projects in process prior to the signing of the contract are ineligible. Chair Welch said he prefers that the names of specific projects listed in the grant criteria be removed. Chair Welch moved to approve the proposed language changes. Ms. Langsdorf seconded the motion. Ms. Loomis commented that she does not support the motion because she doesn't support the policy that individual property owners are eligible for the grant because she thinks it is too problematic and that the Commission could be inundated with requests and wouldn't know how to differentiate between the requests. Mr. Johnson said sometimes the ball needs help to get rolling to show what could be done and to show the benefits and he said that is what demonstration projects do. Chair Welch amended his motion to accept the Committee's recommended changes to the grant criteria language and to direct the Education Committee to continue to look at the criteria and to propose in a timely manner additional language that addresses the commissioners' concerns. The motion carried unanimously [Cities of Medicine Lake and Minnetonka were absent from the vote].

- ii. Education Grant Contract Form. Deferred to future meeting.**

- iii. **Adding New BCWMC Logo to Web Site.** Ms. Loomis moved to add the new logo to the Commission's Web site. Ms. Black seconded the motion. The motion carried.

H. Technical Advisory Committee (TAC) Recommendations:

- i. **Medicine Lake TMDL Work Plan.** Mr. Gustafson said, as reflected in the Technical Advisory Committee's January 10th, 2008 Memo, the TAC looked at three options for determining wasteload allocations:
1. The recommendation from the Minnesota Pollution Control Agency (MPCA). He said the TAC was informed that the MPCA is recommending the wasteload allocations for the Medicine Lake TMDL be based simply on percentage of area.
 2. Allocating loads based on each MS4's impervious surface in the watershed multiplied by a loading rate per acre of impervious surface.
 3. The load allocation recommended by the Commission Engineer, which is to use a detailed water quality model that would consider loading rates for each MS4.

Mr. Gustafson reported that the TAC recommends the Commission proceed with option 3, the detailed wasteload allocation process, similar to the Sweeney Lake TMDL study. Mr. Gustafson said the first reason the TAC recommends a very detailed model is that it is the best way to evaluate existing BMPs (best management practices). He commented it is in the best interest of each MS4 that existing BMPs and natural features that reduce loads be considered in the determination of the wasteload allocation.

Mr. Gustafson displayed a map showing the subwatershed areas in Minnetonka and southern Plymouth that flow into Medicine Lake. He said all of Minnetonka's subwatersheds drain into water quality ponds before draining into Crane Lake. He said Crane Lake also acts as a huge water quality pond, treating the water before it drains into a large wetland. He said water then flows into Plymouth, where it goes through wetlands before that water drains into Medicine Lake. Mr. Gustafson said the water from Minnetonka that hits Medicine Lake is superb, so if the City of Minnetonka needed to reduce its load into Medicine Lake by 10 pounds then the City would likely need to reduce the load by 100 pounds or more in the City of Minnetonka to achieve a 10-pound reduction at Medicine Lake. Mr. Gustafson said it is not fair to the City of Minnetonka to have a wasteload allocation based on percentage of area because the City of Minnetonka's area is treated very well. He said it would be unfair if the Commission did not do a detailed study and did not credit the City for its water quality treatment.

Mr. Gustafson said the January 10th TAC Memo lists two other reasons the TAC is recommending the detailed water quality model [note: the memo lists the second reason as "The model can also be used to accurately assess the benefits of any additional BMPs identified as part of the TMDL stakeholder participation process..." and the third reason as "A detailed model provides a useful tool that each MS4 and/ or the Commission could use in the future to track the completion of the TMDL implementation plan, as recommended by the MPCA, or to model the effect of additional BMPs that might be installed in the future."] Mr. Gustafson said he thought it would be an injustice to the City of Minnetonka and the other MS4s if the Commission didn't do a detailed study to find out the actual loads from each MS4 and how the existing BMPs and natural features treat the water as it goes into Medicine Lake.

Mr. Oliver said another strong reason is that most people here are familiar with the involvement of Mn/DOT and there will be an increasing presence of Hennepin County and there is a strong chance that those two MS4s will not react well to load allocations that are assigned to them. He said wasteload allocations based on anything but the best available

science and the most detailed study will expose the Commission and all the MS4s involved to liability. Mr. Oliver said the information that permit modifications are based on needs to be the best possible information.

Mr. Gustafson commented that it doesn't make sense that the Commission would spend \$130,000 on the Sweeney Lake TMDL and only \$50,000 - \$60,000 for Medicine Lake. He said the Commission should be doing the same process throughout the entire watershed for all the TMDL studies so the information can be used in the future to develop implementation plans.

Mr. Gustafson said the TAC also discussed the Medicine Lake TMDL stakeholder process. He said the Commission spent a ton of time on the update of the Watershed Management Plan and that the Commission ended up spending a year more than anticipated updating the plan. Mr. Gustafson said the Commission spent tens of thousands of dollars more on the stakeholder process because of the questions and concerns that were raised at that time. He said the Commission directed the Commission Engineer to do a lot of extra steps and it cost a lot of extra money that hadn't been budgeted, but, he said, the expense was worth it because everyone got their answers. Mr. Gustafson said that he is concerned about having only 60 hours in the stakeholder process for the Medicine Lake TMDL. He said both the Commission Engineer and the MPCA are recommending the same amount of hours but he is concerned that 60 hours is not enough for the stakeholder process because sometimes they evolve more than anticipated. Mr. Gustafson recommended wrapping in a contingency plan with the MPCA of a certain amount of extra stakeholder participation hours.

Ms. Asleson said the MPCA never recommended that one particular technique be used but instead said there is a host of possibilities. Mr. Gustafson said the MPCA didn't give the Commission a scope of services to react to but only gave a project dollar amount of \$50,000 to \$60,000. Mr. Gustafson said one of the MPCA's engineers said if he would have done it, he would have prepared the scope the same way as the Commission Engineer. Mr. Gustafson said the MPCA didn't prepare anything detailed to show why the TMDL should cost \$50,000 to \$60,000.

Ms. Asleson said the MPCA has recommended a meeting of some of the Medicine Lake TMDL stakeholders so they can come together and discuss what work has been done already and where to go from here.

Mr. Welch said the next step is the February 5th meeting to discuss the Medicine Lake TMDL work scope.

Mr. Hanson made the motion for the Commission to approve the TAC's recommendation of using the third option to determine the wasteload allocation.

Ms. Asleson said no one needs to decide at this point how the wasteload allocation will be determined. She said that decision will be discussed after the first meeting where people discuss the work plan.

Mr. Oliver said the Commission Engineer provided a very detailed scope of work and the TAC is very confident that the detailed scope of work proposed will provide the best possible information to allow the Commission to make the best possible decisions that will be equitable to all parties.

Mr. Stauner clarified that even the detailed model will result in estimates. Mr. Stauner said he doesn't see it as an issue of fairness but an issue of having more complete data. He said he

tends to agree that the more complete the data the better because in terms of decision making, the better the data, the better the decision making process.

Ms. Black said it is her understanding that Medicine Lake has been sampled for a long time and there is a lot of available data compared to the amount of data available for the Sweeney Lake TMDL study. She said what is being proposed is using the existing data in an updated model.

Chair Welch said he doesn't have the technical background to analyze the technical issues, which is why he thinks it is important to have the TAC's perspective on the issue.

Mr. Hanson said the Commission sounds like it is ignoring the TAC's perspective.

Mr. LeFevere said that when the Commission enters data into the model, the Commission is checking the real world against the model and the model gets better. Mr. LeFevere said the model gets refined each time more data is entered. He commented that at some point there is a point of diminishing returns and the model is good enough. He said the question is whether the \$40,000 model is good enough for the Commission's purposes or whether the Commission needs better data than that.

Chair Welch said his inclination is to go with the more intense data analysis system but he is nervous about the reduction in the stakeholder process in the second version of the Medicine Lake TMDL work scope and he is worried about shortchanging the stakeholder process.

Ms. Asleson stated that the MPCA's review of the work plan was in no way intended to be a new scope of work. She said their review for the Commission was to assist the Commission in discovering that there are other areas to think about before moving onto the TMDL study. She said the MPCA's review was at the Commission's request and it was to help the Commission figure out why there is a difference in opinion about how the TMDL should be handled. She said the MPCA is recommending the meeting between the City of Plymouth, the Three Rivers Park District and the Commission and any other parties that are heavily invested to discuss the scope of work. She said the intent of the MPCA's review of the work scope was to aid the Commission in making a decision and to point out that there is more out there by Three Rivers Park District and the City of Plymouth that could and should be incorporated into this TMDL.

Mr. LeFevere commented that the expectation is for the MPCA to pay for the Medicine Lake TMDL. He said if the MPCA doesn't want to pay for the more elaborate model then the Commission probably needs to know that. Ms. Asleson said the MPCA wants to make sure that the project isn't missing anything or isn't duplicating modeling or work already done. Mr. LeFevere asked if that is something the MPCA can figure out without the Commission's involvement. Ms. Asleson said she thinks the Commission needs to work with the Three Rivers Park District and the City of Plymouth to get a better handle on what modeling they have done and what information do they have.

Ms. Black said she is not ignoring the Commission Engineer's position. She said the person she has been talking to is the Three Rivers Park District. She said the Three Rivers Park District has done all the modeling and is familiar with the model already used and the model being proposed by the Commission Engineer. Ms. Black explained that the Three Rivers Park District told her that although the model being proposed has more ability because it is newer and it has more data points so it will provide more treatment information, the Park District has done a lot of this work already so the Commission would be paying for work that has already been done.

Ms. Christian said she talked to John Barten of the Three Rivers Park District about the proposed model and Mr. Barten is saying that a lot of the work has already been done.

Ms. Loomis said the Commission goes around and around with the same discussion about this topic every meeting. She said she thought the purpose of the meeting in February was to have the parties sit down and figure out what we have and what we need to do and define a scope of work based on that information.

Chair Welch said he thinks his role as the Commission representative at the February 5th Medicine Lake TMDL work scope meeting will be to hear what the different parties are saying and to come back to the Commission and present that information for the Commission to make a decision.

- ii. City of Plymouth Request for Curlyleaf Pondweed Funding. Mr. Moberg said that page 3 of the January 10, 2008 Engineer's Memo summarizes some of the history of the curlyleaf pondweed treatment of Medicine Lake and what the City is looking for in terms of cost for the 2008 spot treatment. Mr. Moberg reminded the Commission that there were unspent funds from the Commission's CIP budget for the 2005 and 2006 Medicine Lake curlyleaf pondweed treatment projects and the City of Plymouth is requesting that a portion of those funds be allocated to a one-time curlyleaf spot treatment project for Medicine Lake in 2008.

Chair Welch asked what total amount the City of Plymouth is requesting from the Commission since the City of Plymouth is also requesting grant funds from the Minnesota Department of Natural Resources.

Ms. Christian stated that she is concerned that the estimate is low regarding the amount of Medicine Lake that will have to be spot treated in 2008. Chair Welch said the City of Plymouth has given an estimate of approximately 50 acres that would need treatment and that is the idea currently in front of the Commission to take action on and if it is necessary the topic may come in front of the Commission again regarding more treatment.

Mr. LeFevere said the Commission could make a motion that staff brings back to the Commission a proposed contract amendment between the City of Plymouth and the Commission to amend the original contract to add the additional money in this extra year. Chair Welch said that is his motion with the addition that the contract will include a contingency in the event that Minnesota DNR funds are secured for the work.

Mr. Stauner seconded the motion. The motion carried unanimously [Cities of Medicine Lake and Minnetonka were absent from the vote].

I. Administrator Request for Proposals (RFP). Chair Welch announced that the Commission's Request for Proposals for a watershed organization operations analysis hasn't yet been distributed. He said the Commission can either decide that the RFP should be distributed or that the Administrator Services Committee should meet again to discuss the RFP and its distribution. Ms. Black asked if it would be helpful for the Administrator Services Committee to talk with the Department of Administration to see if they have ideas. Chair Welch asked for a motion for Ms. Black to work with Ms. Herbert to update the dates listed in the RFP and to complete the RFP distribution list and to discuss strategic planning options with the Department of Administration. Ms. Black moved that motion. Ms. Peterson seconded the motion. The motion carried unanimously [the Cities of Medicine Lake and Minnetonka were absent from the vote].

6. Communications

A. Citizen Input on Non-agenda Items: No citizen input.

B. Chair

- i. Chair Welch asked the Commission to read over the communication from the Board of Water and Soil Resources (BWSR) included in the meeting packet. He said the letter describes BWSR's new Performance Review and Assistance Program (PRAP). He announced that Jim Haertel is now going to be the metro technical assistance person.
- ii. Chair Welch stated he has had a brief conversation with Joel Settles about a possible Commission presentation in March to the Hennepin County Board of Commissioners.
- iii. Chair Welch presented Resolution 08-01 A Resolution of Appreciation for Services of Richard Johnson to the Bassett Creek Watershed Management Commission. Ms. Langsdorf moved the adoption of Resolution 08-01. Ms. Black seconded the motion. The motion carried unanimously [the Cities of Medicine Lake and Minnetonka were absent from the vote].

C. Commissioners: No communications.

D. Committees:

- i. Education and Outreach Committee - Ms. Langsdorf announced that the joint survey has been completed and a presentation of the results by Decision Resources has been tentatively scheduled for January 31st at 8:30 a.m. at Plymouth City Hall and staff, TAC, and the Commission are invited to attend. Chair Welch asked the Education Committee to evaluate whether the Commission should request a special presentation by Decision Resources and to find out how much it would cost and for the Committee to make a recommendation at the next Commission meeting. Mr. Stauner said Shingle Creek circulated a report of the results and said it would be appropriate for the Bassett Creek Commission to receive the report as well.

E. Counsel: Mr. LeFevere said Hennepin County would like to sponsor legislation that would give the County a ditch abandonment law that would be easier to work with that would either allow them to abandon ditches or cause the legislature itself to abandon ditches in Hennepin County or to have a facilitated process to transfer ditches to another body such as a city. Mr. LeFevere said it is time sensitive and the County is looking for a sponsor and he recommended the Commission get its oar in the water on this issue. He said he is waiting for a map from Joel Settles, of Hennepin County, that depicts the ditches the County is asking to have abandoned. Mr. LeFevere said he has prepared a memo. He said he recommends that the Commission refer the map and topic to the TAC so that each city can look at the proposed abandoned ditches in their city and decide if they have any issues with the proposal. Mr. LeFevere said if any city has issues with the proposals the Commission can deal with it and if no cities care then it would be in everyone's best interest to get the ditches abandoned. Ms. Loomis moved that once Mr. LeFevere receives the map that it get distributed to the TAC and the TAC review it and provides a recommendation to the Commission. Chair Welch seconded the motion. The motion carried unanimously [Cities of Medicine Lake and Minnetonka were absent from the vote].

F. Engineer: No communications.

7. Adjournment

Ms. Black moved to adjourn the meeting. Ms. Langsdorf seconded the motion. The meeting adjourned at 2:25 p.m.

Michael Welch, Chair

Date

Amy Herbert, Recorder

Date

Pauline Langsdorf, Secretary

Date