

**Bassett Creek Watershed Management Commission
Minutes of the Meeting of November 14, 2012**

Commissioners and Staff Present:

Crystal	Alternate Commissioner Guy Mueller	Plymouth	Commissioner Ginny Black, Chair
Golden Valley	Commissioner Stacy Hoschka, Treasurer	St. Louis Park	Commissioner Jim de Lambert, Vice Chair
Medicine Lake	Commissioner Ted Hoshal, Secretary	Counsel	Charlie LeFevere
Minneapolis	Commissioner Michael Welch	Engineer	Karen Chandler
Minnetonka	Commissioner Jacob Millner	Recorder	Amy Herbert
New Hope	Commissioner John Elder	<i>Note:</i>	<i>City of Robbinsdale was not represented</i>

Technical Advisory Committee (TAC) Members and other Attendees Present:

Laura Adler, TAC, City of St. Louis Park	Linda Loomis, Golden Valley resident
Derek Asche, TAC, City of Plymouth	Richard McCoy, TAC, City of Robbinsdale
Christopher Gise, Golden Valley Resident	Jeff Oliver, TAC, City of Golden Valley
Dave Hanson, Alternate Commissioner, City of Golden Valley	Liz Stout, TAC, City of Minnetonka

1. CALL TO ORDER AND ROLL CALL

On Wednesday, November 14, 2012, at 11:32 a.m., Chair Black called to order the meeting of the Bassett Creek Watershed Management Commission (BCWMC) and asked for roll call to be taken.

2. CITIZEN FORUM ON NON-AGENDA ITEMS

Ms. Loomis mentioned that the City of Minnetonka and the University of Minnesota are partnering on a community project dealing with storm water management. She said that at some point in time the Commission may want a presentation about the project.

3. AGENDA

Chair Black said that staff recommends the Commission move agenda item 4G – permit review for 237 Peninsula Road: Medicine Lake – off of the Consent Agenda and on to the New Business agenda as item 5B. Commissioner Elder moved to approve the agenda as amended. Commissioner de Lambert seconded the motion. The motion carried unanimously with seven votes in favor [Cities of Minneapolis and Robbinsdale absent from vote].

4. CONSENT AGENDA

Chair Black requested the addition of two invoices 4Cv – Reimbursement to the City of Golden Valley for 11/5/12 Administrative Services Committee meeting catering and 4Cvi – invoice from the Star Tribune for the November publication of the Administrator RFP. Commissioner Elder asked if the advertisement brought in additional applicants. Chair Black said she believes that it did but said that the Administrative Services Committee should take a look at it along with reviewing the RFP process.

Commissioner Elder moved to approve the Consent Agenda as amended. Commissioner Hoshal seconded the motion. The motion carried unanimously with seven votes in favor [Cities of Minneapolis and Robbinsdale absent from vote]. [The following items were approved as part of the Consent Agenda: the October BCWMC meeting minutes, the November Financial Report, payment of the invoices, Legal Counsel Communications, approval for staff to solicit letters for interest proposals for professional services, and authorization of staff to review and respond to revised preliminary Hennepin County Flood Insurance Maps.]

The general and construction account balances reported in the November 2012 Financial Report are as follows:

Checking Account Balance	\$541,274.42
TOTAL GENERAL FUND BALANCE	\$541,274.42
TOTAL ON-HAND CONSTRUCTION CASH & INVESTMENTS (11/07/12)	\$2,755,646.47
CIP Projects Levied – Budget Remaining	(\$2,682,579.79)
Closed Projects Remaining Balance	\$73,066.68
2012 Anticipated Tax Levy Revenue	\$381,652.69
Anticipated Closed Project Balance	\$454,719.37

5. NEW BUSINESS

A. West Metro Water Alliance (WMWA) Financial Request. Commissioner Hoshal reported that WMWA would like to bring on an educator at a cost of approximately \$4,000 and also would like to carry over money budgeted for WMWA for 2012 into the 2013 budget year. Mr. LeFevere explained that the current Joint Powers Agreement with WMWA only covers routine administrative services. He said that WMWA’s proposal is to hire one or two teachers to identify watershed education curriculum and to survey teachers about watershed education curriculum needs. He said that down the road

WMWA may propose developing an elementary-age watershed education program based on their findings. He said he thinks that WMWA is asking for approval to use the already-approved WMWA administrative services funds from the BCWMC and the other alliance members for this purpose. Chair Black asked who would oversee it. Mr. LeFevere said that Shingle Creek would be the legal entity. He said that if WMWA gets approval on this use of the funding, which is not an additional request of funds but instead is a request on how to use the already budgeted administrative services funds, then Shingle Creek would enter into a services agreement with the one or two teachers do to the specified work. The Commission discussed the WMWA's 2012 budget and funds remaining in that budget. In order to clarify the requested action of the Commission, Commissioner Hoshal read aloud the request from WMWA as detailed on the November 1, 2012, memo from Wenck's Diane Spector as included in the meeting packet.

[Commissioner Welch arrives]

The Commission discussed the request and several concerns of commissioners about the request. Mr. de Lambert asked if the BCWMC's Education Committee has a recommendation. Commissioner Hoshal said that the Education Committee's recommendation is for the Commission to approve the WMWA request. Commissioner Hoshal moved to approve WMWA's request to use 2012 budgeted funds to contract with one or more educators as specified in the Wenck memo and to carry over BCWMC 2012 unspent WMWA funds into 2013. Commissioner de Lambert seconded the motion. There was discussion of the motion. Several more concerns were voiced about the need for such an education program and the ability of school districts to make space in their curriculum to fit in an extra unit on watershed education. Commissioner Elder said that there are so many questions unanswered that he would be uncomfortable voting on the motion. Commissioner Welch moved to table the motion. Commissioner Elder seconded the motion. The motion carried unanimously with eight votes in favor [City of Robbinsdale absent from vote].

Commissioner Hoshal said that he would get more detailed information about the request and bring it back to the Commission. Chair Black said that this item should be added to the future agenda list. Commissioner Welch commented that the idea behind WMWA has been to establish collaboration between water organizations. He said that these kinds of collaborative things should be strongly considered and elected officials should be made aware of such collaborations.

- B. **237 Peninsula Road: Medicine Lake.** Ms. Chandler said that the proposed project, the construction of a garage, is in front of the Commission because it is located in the floodplain. She said that after the Engineer memo about the project went out to the Commission in the meeting packet, new project plans came in to the Commission showing that a greater amount of fill would be added to the floodplain compared to the amount indicated in the previously submitted plan. Ms. Chandler explained that the Commission Engineer has communicated to the applicant that additional compensatory storage needs to be provided. Commissioner Welch asked Ms. Chandler to look into the City of Medicine Lake's water quality requirements. Ms. Chandler said she would.

She said that the Commission Engineer recommends approval of the project contingent on the following conditions, which contains a different condition number 1 compared to the one listed in the memo because that condition has since been met:

1. The compensatory storage must be equal or greater to the amount of fill being added.
2. The 890.3-foot floodplain elevation should be included on the site plan.

3. Updated plans must be provided to the Commission engineer for final approval.

Commissioner Hoshal moved to approve the project contingent on the applicant meeting the three conditions as described by the Commission Engineer. Commissioner Welch seconded the motion. The motion carried unanimously with eight votes in favor [City of Robbinsdale absent from vote].

6. OLD BUSINESS

- A. Update on Search for Administrator. Chair Black described the Administrative Services Committee interviews with the three selected candidates and said that the Committee recommends entering into contract negotiations with Laura Jester. Commissioner Elder moved to authorize the Commission to enter into contract negotiations with Laura Jester. Alternate Commissioner Mueller seconded the motion. The motion carried unanimously with eight votes in favor [City of Robbinsdale absent from vote].**

Commissioner Welch said that he thinks the Committee should discuss with both Ms. Jester and the Mississippi Watershed Management Organization (MWMO) if there is a way to employ Ms. Jester through the MWMO instead of contracting directly with Ms. Jester for the Administrator services. He said that the Commission can itself take measures to reconfigure or it can get reconfigured such as through Hennepin County Commissioner Johnson's proposal to reorganize water organizations.

He moved that the Commission, during its contract negotiations with Laura Jester, include the option of the MWMO hiring Ms. Jester so she would work through the MWMO as the BCWMC's Administrator or include the option of the MWMO housing Ms. Jester. Commissioner Elder seconded the motion. The Commission had a discussion about the motion and Commissioner Welch's proposal. The motion carried with five votes in favor, one vote against (City of Golden Valley), one vote abstained (City of Crystal), and one vote against (City of Robbinsdale).

The Commission discussed what next steps to take. Chair Black recommended that the Administrative Services Committee work through Ms. Herbert to schedule a meeting.

Mr. LeFevere stated that he is also the legal counsel for the MWMO. He said that this is not a disqualifying conflict for assisting in drafting a contract but would be a conflict if either of the parties thinks it is a problem or objects.

- B. Next Generation Watershed Management Plan Update. Plan Steering Committee Chair Linda Loomis reported that yesterday she sent out an e-mail to the Committee members with a draft gaps analysis, an agenda for next Monday's Committee meeting, and supporting materials. She asked the Committee members to come to the meeting with comments on the gaps analysis. She commented that the Commission didn't direct its Technical Advisory Committee (TAC) to review the draft gaps analysis so it is up to the Plan Steering Committee to do it.**

Ms. Loomis said that the Committee is looking for the Commission to approve the first steps of the stakeholder input process and authorize the Committee to draft a letter to the member cities stating the Committee's request to set up one meeting with each city for its feedback.

Ms. Loomis said that the Committee is looking at a plan process kickoff date of February or March and so the meetings with the cities would likely be scheduled for March or April 2013. She said that the

Committee would like to contract with a writer to write, and get published prior to the city meetings, a few articles about the planning process as a way to raise interest in public participation. She noted that the Committee will be soliciting input from other stakeholder groups, identified by the Committee, through a series of small-group meetings. Ms. Loomis said that the Committee is looking for facilitators of those small group discussions and anyone interested in being a facilitator should let the Committee know.

Ms. Loomis said that the Committee would also like the Commission to approve the Committee setting up and utilizing a document-sharing site like Dropbox™ or Google Docs during the planning process. Ms. Loomis stated that additionally the Committee is requesting Commission approval of the Committee creating an online survey as part of the public input process. She said that in addition to the survey itself, the work would include the creation of a pop-up window on the Commission's Web site asking visitors if they would like to participate in the survey.

Chair Black stated that BWSR (Minnesota Board of Water and Soil Resources) wants to see the Commission's proposal for the public input process. She said that the Committee should put the information together and e-mail it to Brad Wozney of BWSR. Ms. Loomis said that the Committee isn't quite ready but at its next meeting it will discuss what should be pulled together.

Ms. Loomis provided more details about the proposed public input process and said that the Committee anticipates that the input process would wrap up in May and a report on the input would come in front of the Commission in June.

Chair Black said that the Committee is looking for a motion to approve a kickoff meeting in February or March, direct the Committee to contact the cities about setting up one meeting with each city, authorize the Committee to contract with the writer to create and get published press releases and articles in the local paper, direct the Committee to recruit facilitators, and authorize the Committee to create a document sharing site and to develop the online survey. Commissioner Welch volunteered to set up the Drop Box™ account and asked the Commission to include a Not to Exceed amount of \$500 for the contract with the writer. Commissioner Elder made the motion as requested by Chair Black and Commissioner Welch. Commissioner Hoshal seconded the motion. Commissioner Welch requested the friendly amendment of raising the Not to Exceed amount to \$1,000. Commissioners Elder and Hoshal agreed to the friendly amendment. The motion carried unanimously with eight votes in favor [City of Robbinsdale absent from vote].

[Commissioner Elder departs the meeting.]

7. COMMUNICATIONS

Chair:

1. Chair Black reported that the Commission is waiting to receive the contract with the Metropolitan Council before executing the contract with Wenck for the 2013 WOMP services. She said that the Wenck contract likely would be in front of the Commission at its next meeting.
2. Chair Black provided the details about the December 4th Water Governance Stakeholders Forum. She directed Ms. Herbert to public notice the forum.
3. Chair Black announced that BWSR has approved the extension of the grant for the 2011 grant for the Wirth Lake Outlet Modification project in Golden Valley.
4. Chair Black asked if the Commission has items for its December agenda or if the Commission

should cancel its December meeting. Ms. Chandler said that two cities have indicated that permit reviews will be coming in for the December meeting. The Commission decided to hold the meeting but to try to make it brief.

Commissioners:

1. Commissioner Hoshal brought up the idea of the Commission creating a position letter in response to Hennepin County Commissioner Johnson’s water governance proposal. The Commission discussed the idea. The Commission decided that commissioners could gather feedback from their city and at the next Commission meeting provide the information and then the Commission can decide if it wants to proceed with something like a position paper.
2. Commissioner Hoshal reported on information that he received from the DNR (Department of Natural Resources) regarding the AMLAC interest in raising the Medicine Lake Dam. He asked if the Commission wanted to draft a letter to AMLAC recapping the information. The Commission decided that it had already provided a clear direction to AMLAC and didn’t need to draft another letter. Several Commissioners voiced their appreciation to Commissioner Hoshal for his work on this issue and his skill at balancing his several different roles on the issue.
3. Commissioner Hoshal said that WMWA (West Metro Water Alliance) is looking for an MS4 contact list. Commissioner Welch said that the MS4 contacts should be available on the Minnesota Pollution Control Agency (MPCA) Web site.
4. Commissioner Hoshal announced that registration is open for the November 21st NEMO (Nonpoint Education for Municipal Officials) program.

Committees: No Committee Communications.

Counsel Communications: No Counsel Communications.

Engineer Communications: No Engineer Communications.

8. ADJOURNMENT

The meeting adjourned at 1:32 p.m.

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Chair	Date	Amy Herbert, Recorder	Date
_____	_____		
Secretary	Date		