

# Bassett Creek Watershed Management Commission

## Minutes of the Meeting of October 21, 2010

### 1. Call to Order

The Bassett Creek Watershed Management Commission (BCWMC) was called to order at 11:35 a.m., Thursday, October 21, 2010, at Golden Valley City Hall by Chair Loomis. Ms. Herbert conducted roll call.

#### Roll Call

<i>Crystal</i>	Commissioner Pauline Langsdorf, Secretary	<i>Administrator</i>	Geoff Nash
<i>Golden Valley</i>	Commissioner Linda Loomis, Chair	<i>Counsel</i>	Charlie LeFevere
<i>Medicine Lake</i>	Commissioner Ted Hoshal	<i>Engineer</i>	Karen Chandler
<i>Minneapolis</i>	Alternate Commissioner Lisa Goddard	<i>Recorder</i>	Amy Herbert
<i>Minnetonka</i>	Commissioner Bonnie Harper-Lore		
<i>New Hope</i>	Alternate Commissioner Al Sarvi		
<i>Plymouth</i>	Commissioner Ginny Black, Vice Chair		
<i>Robbinsdale</i>	Commissioner Wayne Sicora		
<i>St. Louis Park</i>	Commissioner Jim deLambert		

Also present: Laura Adler, BCWMC Technical Advisory Committee, City of St. Louis Park  
Derek Asche, BCWMC Technical Advisory Committee, City of Plymouth  
Pat Byrne, BCWMC Technical Advisory Committee, City of Minneapolis  
Lee Gustafson, BCWMC Technical Advisory Committee, City of Minnetonka  
Dave Hanson, Alternate Commissioner, City of Golden Valley  
Richard McCoy, BCWMC Technical Advisory Committee, City of Robbinsdale  
Jeff Oliver, BCWMC Technical Advisory Committee, City of Golden Valley  
Justin Riss, Alternate Commissioner, City of St. Louis Park  
Stu Stockhaus, Alternate Commissioner, City of Crystal  
Liz Stout, BCWMC Technical Advisory Committee, City of Minnetonka

### 2. Approval of Agenda and Consent Agenda

Chair Loomis requested the removal of the financial report from the Consent Agenda. Commissioner Black moved to approve the Consent Agenda as amended, which included only the approval of the September meeting minutes. Alternate Commissioner Goddard seconded the motion. The motion carried unanimously with nine votes in favor. Chair Loomis requested the addition of Agenda item 5B – Cooperative Agreements for the North Branch Bassett Creek Restoration and the Bassett Creek Main Stem Restoration. Commissioner Black moved to approve the Agenda as amended. Commissioner Langsdorf seconded the motion. The motion carried unanimously with nine votes in favor.

### 3. Citizen Input on Non-Agenda Items

No citizen input on non-agenda items.

### 4. Administration

- A. Presentation of the September 23, 2010, BCWMC meeting minutes. Approved under the Consent Agenda.

- B. **Presentation of the Financial Statement.** Administrator Nash introduced a handout that was a draft revision to the Commission’s monthly financial spreadsheet titled, “Bassett Creek Construction Project Details.” He described the need for the Commission to be able to easily account for the various streams of revenues coming in such as grant funds and levy monies. Administrator Nash described a new table on the draft spreadsheet that shows anticipated revenue sources per CIP project. The Commission discussed the table and Chair Loomis recommended that the Commission take home and study the spreadsheet and changes to the financial report would be discussed at the November BCWMC meeting.

Administrator Nash added that the TAC had previously made comments on possible changes to the BCWMC’s financial documents in order to make them easier to understand and more useful to the member cities. Mr. Gustafson said that he would like the Commission to look at how it presents its financial information in its documents and would like either the TAC or another Commission Committee to sit down and look at creative ways to make the financial documents easier to understand. He said he would like the financial documents to include descriptions of the funds. Mr. Gustafson volunteered to be on a committee to revise the Commission’s financial documents and said he has already made some notes about potential revisions. Commissioner Black suggested referring the topic to the Administrative Services Committee. Chair Loomis directed the Administrative Services Committee to discuss the topic and asked Mr. Gustafson to give a copy of his notes to the Committee and to attend the Committee meeting if he was interested. Mr. Gustafson asked if he could have two hours of staff time to finish preparing his notes. Chair Loomis directed Administrator Nash to work with Mr. Gustafson. Commissioner Harper Lore moved to receive and file the October financial report. Commissioner Black seconded the motion. The motion carried unanimously with nine votes in favor.

The general and construction account balances as reported in the October 2010 Financial Report:

<u>Checking Account Balance</u>	<u>506,353.20</u>
<i>TOTAL GENERAL FUND BALANCE</i>	<i>506,353.20</i>
Construction Account Cash Balance	2,176,769.93
Investment due 10/18/2010	533,957.50
Investment due 5/13/2015	508,918.39
<u>TOTAL CONSTRUCTION ACCOUNT BALANCE</u>	<u>3,219,645.82</u>
<u>-Less: Reserved for CIP projects</u>	<u>2,426,580.43</u>
<i>Construction cash/ investments available for projects</i>	<i>793,065.39</i>

- C. **Presentation of Invoices for Payment Approval.**

Invoices:

- i. Kennedy & Graven – Legal Services through August 31, 2010 - invoice for the amount of \$2,373.40.
- ii. Barr Engineering Company – Engineering Services through October 1, 2010 - invoice for the amount of \$36,084.17.
- iii. Watershed Consulting, LLC – Administrator Services through September 30, 2010 – invoice for the amount of \$3,000.00.
- iv. Amy Herbert – September Administrative Services - invoice for the amount of \$2,560.31.

- v. Finance and Commerce – Public Hearing Notice Publication – invoice for the amount of \$144.82.
- vi. Lakeshore Weekly News – Public Hearing Notice Publication – invoice for the amount of \$134.20.
- vii. Sun Newspapers - Public Hearing Notice Publication – invoice for the amount of \$343.20.

Commissioner Black moved to approve payment of the invoices. Commissioner Langsdorf seconded the motion. Commissioner Hoshal had questions on the Barr Engineering invoice regarding erosion control inspection costs for projects that have incurred permit fees and are listed on the invoice by project versus erosion control inspections of construction sites not listed by project. Ms. Chandler said she would get the details on the distinction and would get the information to the Commission. By call of roll, the motion carried unanimously with nine votes in favor.

## 5. New Business

- A. **City of Plymouth Reimbursement Request for Parkers Lake Improvements.** Ms. Chandler explained that the Commission received a reimbursement request from the City of Plymouth in the amount of \$52,486.60 for the Parkers Lake Improvements CIP project. She pointed out that an addendum to the original project agreement between the Commission and the City of Plymouth amended the project budget to \$56,000. Ms. Chandler said that the project is completed as of October 5, 2010, and this is the one and only reimbursement request for the project by the City. She said that the Commission Engineer reviewed the supporting documents of the request and recommends reimbursement of the requested amount of \$52,486.60. Commissioner Black moved to approve the reimbursement. Commissioner Hoshal seconded the motion. By call of roll the motion carried with nine votes in favor.
- B. **Cooperative Agreements for the North Branch Bassett Creek Restoration and the Bassett Creek Main Stem Restoration.** Mr. LeFevere noted that the contracts are in the same form as previous agreements undertaken by the Commission for projects. He said if the Commission is ready to go ahead with the agreements then he recommends that the Commission authorize the Chair to execute the agreement for the North Branch project and the Vice Chair for the Main Stem project. Commissioner Hoshal asked if the Commission had ever had a call for or should consider the benefit of a non-performance clause in the contracts. The Commission discussed the idea and determined that due to the Commission’s process and the method that it uses to pay for projects, which is on a reimbursement basis, a non-performance clause isn’t necessary. Commissioner Black moved to enter into the agreements with the City of Crystal and with the City of Golden Valley and to authorize her on behalf of the Commission to execute the agreement with the City of Golden Valley. Commissioner deLambert seconded the motion. The motion carried unanimously with nine votes in favor.

## 6. Old Business

- A. **TMDL Updates.**
  - i. **Sweeney Lake TMDL.** Administrator Nash gave a brief summary of the recent history of the Sweeney Lake TMDL process in terms of the external phosphorus wasteload allocation that was put into the TMDL. He described two recent meetings – one with the TMDL technical stakeholder group, staff, and MPCA representatives, and another with staff, technical stakeholder representatives from Hennepin County and Mn/DOT, and

MPCA representatives. Administrator Nash said the outcome of the meetings resulted in an agreement to decrease the external phosphorous wasteload allocation in the Sweeney Lake TMDL from 150 pounds to 99 pounds. Administrator Nash asked the Commission to approve the 99 pounds external phosphorus wasteload allocation, to direct SEH to incorporate the number into the TMDL, to revise the TMDL as necessary, and to send the TMDL to the MPCA for its review and its forwarding to the United States Environmental Protection Agency (U.S. EPA). Administrator Nash noted that Ron Leaf of SEH is going to include in the revised TMDL a timeline for accomplishing the reductions described in the TMDL as discussed at the meeting. At the meeting, and as Mike Trojan of the MPCA described a timeline of 30 years to meet the goals. Commissioner Black moved to approve revising the Sweeney Lake TMDL to list the external phosphorous load reduction of 99 pounds and to submit the TMDL to the MPCA. Commissioner Harper-Lore seconded the motion. The motion carried unanimously with nine votes in favor.

- B. **Education Committee.** Commissioner Langsdorf reported that Commissioner Hoshal has been doing a lot of work on the Committee's history of Bassett Creek project. She stated that the West Metro Watershed Alliance (WMWA) met on October 12<sup>th</sup> and spent most of the meeting discussing the snow and ice brochure. She explained different ways that the Commission could have the brochures printed, explained that the Education Committee had approximately \$1,000 in its budget that could be used for brochure printing, described different ways that the cities could obtain the brochures for their use, and asked how the Commission would like to move forward with the brochures.

Commissioner Black moved for staff to post to the Commission's Web site the electronic copy of the "Residential Snow and Ice Care." Alternate Commissioner Goddard seconded the motion. The motion carried unanimously. The Commission decided that WMWA would contact via e-mail the City Manager for each member city, except for the City of Minneapolis since it should be contacted through its public works director, with the question on how many of which brochures each city wants and which cities want to do their own printing and which cities want WMWA to coordinate the printing. Commissioner Langsdorf announced that the next Education and Public Outreach Committee meeting will be on October 28<sup>th</sup> at 9:00 a.m. at Plymouth City Hall and the next WMWA meeting will be on November 9<sup>th</sup> at 11:30 a.m. at Plymouth City Hall.

## 7. Communications

- A. **Chair: No Communications**
- B. **Administrator: Administrator Nash reviewed his Administrator's Report with the Commission.**
- i. Administrator Nash noted that he has revised the draft BCWMC Policy Manual and has given it to Commissioner Welch for his review. Administrator Nash said he and Commissioner Welch will meet to discuss the manual after which he will bring the manual back in front of the Administrative Services Committee.
  - ii. Administrator Nash reported that he sent out to the TAC the second questionnaire regarding policy issues for the Next Generation Plan and he is asking for responses by next week.
  - iii. Administrator Nash said the Commission received a copy of a letter to the Department of Natural Resources from Braun Intertec regarding the DNR permitting of the Sweeney Lake Association's aerator. Administrator Nash said that the DNR granted the permit to the Sweeney Lake Association on October 1, 2010, and since it seems like the permitting process has occurred and is completed, then the Commission doesn't need to comment on the matter.

- iv. **Administrator Nash brought up a letter addressed to the Golden Valley BCWMC Commissioner from Caroline's Kids Foundation with questions about a possible conflict of interest with respect to the role of the Commission and the Sweeney Lake Association's aerator program and permit since the BCWMC's Golden Valley Alternate Commissioner is also a member of the Sweeney Lake Association. Chair Loomis directed Counsel to work with Administrator Nash to draft a response letter to Caroline's Kids Foundation specifying that the Commission has no authority in the regulation of the aerators and that Counsel and the Commission have determined that there is no conflict of interest.**
- v. **Administrator Nash brought up the idea of scheduling the Committee of the Whole regarding the Next Generation Plan. Chair Loomis directed Administrator Nash to add the topic to the November agenda unless so many other agenda items come up that there is not enough time for the discussion. She directed Administrator Nash, in the case that the item will not fit onto the November agenda, to schedule a meeting of the Committee of the Whole.**
- vi. **Chair Loomis announced that Administrator Nash has let her know that over his last two invoice cycles he has not charged the Commission for his work over the Commission's \$3,000 monthly budget for his work and expenses but that with all of the tasks the Commission has assigned him he will likely go over that budget next month. Chair Loomis authorized Administrator Nash for the overage.**

**C. Commissioners:**

- i. **Commissioner Hoshal updated the Commission that the City of Medicine Lake is progressing on its erosion and sediment control ordinance. He said the City of Medicine Lake is waiting to hear back from the Metropolitan Council on the stormwater portion of the City's Comprehensive Plan before the City moves forward with adopting the ordinance but the City is on track to meet the 180-day requirement.**
- ii. **Commissioner Hoshal announced that the Freshwater Society is hosting a sustainable water resources round table today and tomorrow and he has details if anyone is interested in learning more.**
- iii. **Commissioner Langsdorf said that there is a metro area lake and river groups summit on November 3<sup>rd</sup> at Hopkins Community Center.**
- iv. **Commissioner Langsdorf commented that in this month's meeting packet there is a flyer on the Watershed Education Roundtable Discussion being held at Hamline University on November 3<sup>rd</sup>.**
- v. **Commissioner Hoshal requested another copy of the watershed map by Barr Engineering and also a copy for Commissioner Harper-Lore. Chair Loomis directed the Commission Engineer to provide the copies and to charge the costs to the Education budget. Administrator Nash commented that other watershed districts have useful fold-out maps. Chair Loomis directed the Education Committee to investigate having such a map created for the BCWMC.**
- vi. **Commissioner Harper-Lore reported that she attended the MN Water Resources Conference and met people from the MPCA and that she would write up a summary of what she learned and would send it around to the Commission.**

**D. Committees: No communications**

**E. Counsel: No communications**

