

Bassett Creek Watershed Management Commission

Minutes of the Meeting of August 18, 2011

1. CALL TO ORDER

The Bassett Creek Watershed Management Commission (BCWMC) was called to order at 11:35 a.m., on Thursday, August 18, 2011, at Golden Valley City Hall by Chair Loomis. Ms. Herbert conducted roll call.

ROLL CALL

Crystal	Commissioner Pauline Langsdorf	Administrator	Geoff Nash
Golden Valley	Linda Loomis, Chair	Counsel	Charlie LeFevere
Medicine Lake	Commissioner Ted Hoshal	Engineer	Karen Chandler
Minneapolis	Absent	Engineer	Jim Herbert
Minnetonka	Absent	Recorder	Amy Herbert
New Hope	Commissioner John Elder		
Plymouth	Commissioner Ginny Black, Vice Chair		
Robbinsdale	Absent		
St. Louis Park	Alternate Commissioner Justin Riss		

Note: **Commissioner Michael Welch, Minneapolis, arrived after roll call**

Also present:

- Laura Adler, BCWMC Technical Advisory Committee, City of St. Louis Park**
- Pat Byrne, BCWMC Technical Advisory Committee, City of Minneapolis**
- Jack Frost, Metropolitan Council Environmental Services**
- Christopher Gise, Watershed Resident**
- Dave Hanson, Alternate Commissioner, City of Golden Valley**
- Tom Hogan, General Mills**
- Tom Mathisen, BCWMC Technical Advisory Committee, City of Crystal**
- Richard McCoy, BCWMC Technical Advisory Committee, City of Robbinsdale**
- Bob Moberg, BCWMC Technical Advisory Committee, City of Plymouth**
- Joseph O'Brien**
- Jeff Oliver, BCWMC Technical Advisory Committee, City of Golden Valley**
- Liz Stout, BCWMC Technical Advisory Committee, City of Minnetonka**
- Liz Thornton, BCWMC Education Committee**

Chair Loomis reported that in the BCWMC's closed session on July 21, 2011, the Commission reached consensus that the Administrator is doing a good job and that the Commission is pleased with his performance.

2. APPROVAL OF AGENDA AND CONSENT AGENDA

Commissioner Black moved to approve the Consent Agenda and the Agenda. Commissioner Elder seconded the motion. The motion carried unanimously with seven votes in favor [Cities of Minneapolis, Minnetonka and Robbinsdale absent from vote].

3. CITIZEN INPUT ON NON-AGENDA ITEMS

No Citizen Input on Non-agenda Items

4. ADMINISTRATION

4A. Presentation of July 21, 2011, Meeting Minutes. The meeting minutes were approved as part of the Consent Agenda.

4B. Presentation of Financial Statements and Mid-Year Budget Review. Administrator Nash said that the financial report is displayed differently this month as a way to communicate more clearly the Commission's financial details. Administrator Nash reported that he had met with Commission Engineers Karen Chandler and Jim Herbert to discuss the mid-year status of the BCWMC's 2011 Engineering Budget and asked Mr. Herbert to report on the status and to identify where the Commission has been spending its engineering budget faster than had been budgeted for 2011.

Mr. Herbert provided a detailed look at the fiscal year 2011 BCWMC engineering budget, the expenditures, and the work that has been directed by the Commission or the Administrator but had not been anticipated during the budget process for 2011. He summarized that based on the current trend the Commission would be looking at an anticipated over-expenditure of approximately \$35,000 in its engineering budget by the end of its 2011 fiscal year. Administrator Nash explained the types of tasks that he has asked the Commission Engineer to do or assist with that had not been included in the 2011 budget. Mr. Herbert said that the Commission Engineer would like Commission direction on how the Commission would like the Engineer to proceed in light of the budget status and provided some options of tasks that could be delayed or halted.

Ms. Black suggested that the Commission Engineer provide that information to the Administrative Services Committee and the Committee could take a look and bring recommendations back to the Commission. Several commissioners agreed with the suggestion. Administrator Nash stated that the group that had met to work on the financial report revisions also suggests revising the annual budget document so that it is easier to interpret and asked for direction to move forward with work on revising that document. Chair Loomis recommending giving that task to the BCWMC Budget Committee. Administrator Nash agreed.

Chair Loomis followed up by saying that both tasks discussed could go to the Budget Committee. Chair Loomis said that the most urgent issue is for the Committee to look at the fiscal year 2011 budget. She said that the revision of the annual budget document is less urgent and she wouldn't want the look of the

document to change mid-year. The Commission directed Administrator Nash to spearhead those tasks.

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

Checking Account Balance	\$545,007.77
TOTAL GENERAL FUND BALANCE	\$545,007.77
TOTAL CONSTRUCTION CASH & INVESTMENTS	\$2,545,945.50
Investment due 9/16/2015	\$512,059.83
TOTAL ON-HAND CONSTRUCTION CASH & INVESTMENTS	\$2,530,802.70
CIP Projects Levied – Budget Remaining	(\$2,488,880.12)
Closed Projects Remaining Balance	\$41,922.58
2011 Anticipated Tax Levy Revenue	\$444,068.08

[Commissioner Welch of Minneapolis arrived.]

4C. Presentation of Invoices for Payment Approval.

- i. Kennedy & Graven – Legal Services through May 31, 2011 – invoice for the amount of \$2,144.79.
- ii. Kennedy & Graven – Legal Services through June 30, 2011 – invoice for the amount of \$1,342.76.
- iii. Barr Engineering Company – Engineering Services through July 29, 2011 – invoice for the amount of \$32,169.47.
- iv. Watershed Consulting, LLC – Geoff Nash Administrator Services through July 31, 2011– invoice for the amount of \$1,302.49.
- v. Amy Herbert – July Secretarial Services – invoice for the amount of \$3,187.23.
- vi. D’amico - ACE Catering – August BCWMC meeting catering – invoice for the amount of \$247.00.

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

4D. Presentation of Revised Agreement with Metropolitan Council for BCWMC Participation in 2011 CAMP. Chair Loomis said that the Commission first needs to take action to rescind the previous agreement and then needs to approve the new agreement. Commissioner Black moved to rescind the previous agreement approved by the BCWMC and to approve the new agreement. Commissioner Elder seconded the motion. The motion carried unanimously with seven votes in favor [Cities of Minnetonka and Robbinsdale absent from vote].

5. NEW BUSINESS

- A. **Draft Bassett Creek Regional Trail Master Plan (Three Rivers Park District).** Chair Loomis said that this Plan is in its comment period and the Three Rivers Park District (TRPD) is looking for comments. Mr. Herbert said that the comment period is open until August 24th. He provided the Commission with a detailed description of the project, which was also provided in the August 10, 2011, Barr Engineering memo included in the meeting packet. He said that the Commission Engineer recommends that the Commission direct staff to prepare a letter of comment to the TRPD that provides comments on four topics: water quality, floodplain management, BMP maintenance, and erosion control. He went over each Commission Engineer recommendation included in the Engineer's August 10th memo to the Commission.

Commissioner Welch said that it would be a good addition to the memo to include the comment that Mr. Herbert just made about reducing the negative water quality impacts and that the Commission would want to work with the TRPD to provide ideas regarding how the TRPD could improve water quality.

Mr. Herbert said that the TRPD is looking for project funds for 2013-2016 meaning that the project is still out a ways and may be constructed after the BCWMC's Next Generation Plan is in place. He also mentioned that the entire master plan for the project is available online.

Commissioner Hoshal suggested that the project provides an opportunity for the BCWMC to have some educational signage along the trails. The Commission agreed with his idea. Mr. Herbert said the comment could be added to the BCWMC's comment letter to the TRPD. Chair Loomis directed staff to add that comment to the letter.

Commissioner Black said that the second bullet, second sentence in the water quality section of the Engineer's memo contains a recommendation to reduce water quality impact and said that it could be stronger. Commissioner Welch said that the Commission Engineer had mentioned earlier that the comment could be revised to recommend improving water quality.

Commissioner Welch suggested that the Commission's comment letter include a nonspecific commitment to the TRPD that the Commission Engineer will work with the TRPD such as to provide BMP (Best Management Practices) design assistance or feasibility analysis in a governmental, cooperative way. Ms. Chandler clarified if the Commission wants the comment letter to include a remark saying that the Commission would provide in-kind services to help them with the BMP design or to provide guidance with design. Ms. Black commented that she does like the suggestion but the Commission needs to be careful with its budget and it would be hard to provide such services in this budget year. Chair Loomis said that the comment period is now but the project is likely at least two years off.

Commissioner Welch moved to direct the Commission Engineer to create the comment letter with the revisions as discussed. Commissioner Elder seconded the motion. The motion carried with seven votes in favor [Cities of Minnetonka and Robbinsdale absent from vote]. Chair Loomis asked if the cost for the work on this item could come out of the Commission's Plat Review item. Mr. Herbert said yes.

B. TAC Recommendations

- i. **Recommendations on Education and Outreach Plan.** Administrator Nash said that the

- TAC recommended that the Commission approve the Education and Outreach Plan.
- ii. **Gap in Commission Policies on Water Quality Treatment and Non-degradation in Redevelopment Projects and Linear Projects.** Administrator Nash reported that the issue is very complex and was discussed at length by the TAC. He said the TAC asked for some additional information about things that the cities are doing and recommends that it discuss the issue again next month.
 - iii. **Water Quality Trading and Banking Programs.** Administrator Nash said the TAC recommends that it discuss the issue again next month.
 - iv. **Locations to Install Pressure Transducers.** Administrator Nash reported that he has spoken to some lakeshore associations and to cities and is working on finalizing the locations for installation. He said he will have more information by the next time that the TAC meets.

Commissioner Welch asked for more detail on the discussion that took place about the water quality treatment policies and the water quality trading and banking programs. He said that the Commission had put the topics to the TAC in an open-ended way and the conversation may be swirling in a few different directions. He said the Commission needs to make a decision about whether it wants to revisit any or all of the BCWMC standards and BCWMC policies before reviewing them as part of the Next Generation Plan. Chair Welch said the Commission needs to structure the discussion a bit more in order for it to be worthwhile for the TAC to discuss these issues. Administrator Nash said he sent a draft memo to Len Kremer regarding these topics to try to provide focus for the next TAC discussion. Commissioner Welch said he thinks the memo would a lot better if the Commission focused it from the Commission's perspective. He said one of the questions to the TAC is does the TAC think that there is an urgency for the Commission to revise its standards before completing the next revision of the Commission's Plan and if yes, why and if no, why not. He said his gut feeling is that the Commission is missing opportunities with projects in the watershed but wants to know if the TAC thinks that the box should be opened at all.

Mr. Mathisen said that he thinks that the TAC is on board and that it is time to look at these things, either before or with the Next Generation planning process.

Mr. Moberg commented there are a couple of fundamental questions whose answers would provide direction to the TAC. He said the first is that in situations where the city's requirements are more stringent than the Commission's standards then is that good enough and then the Commission doesn't need to change its standards. He said the second question is that if the Commission is looking at tightening up standards then to look at what cost the Commission is willing to accept. Mr. Moberg said that tighter standards would translate into more project reviews and the costs associated with that work.

Commissioner Welch requested that Administrator Nash distribute to the Commission the memo he and the Commission Engineer are putting together for the TAC once it is ready. He also requested that the Commission direct the TAC to respond on whether the Commission should have a volume control standard and if yes, what should it be – without considering to whom it should or should not apply.

Commissioner Black commented that she thinks factors about the underground chambers should be discussed if there are opportunities such as which ones are the most effective, cost of maintenance, and the best value for the dollar.

Chair Welch said that the Ramsey-Washington Metro Watershed District did a study in conjunction with Capitol Region Watershed District about the feasibility of different standards. He said he thinks that the research is available online and would be good information for Administrator Nash to review and to provide to the TAC. Commissioner Black said that she would like a copy as well.

Chair Loomis reminded the Commission that it had budgeted for six TAC meeting for 2011. Ms. Chandler said that there have been six TAC meetings so far in 2011. Chair Loomis said that the Commission needs to make a determination on whether it wants to continue holding TAC meetings in the remainder of 2011 or if it wants to leave it to the Budget Committee to discuss when it discusses the 2011 budget. Commissioner Black recommended that no TAC meetings be held until the Budget Committee meets to develop recommendations. Chair Loomis said that there will be no September TAC meeting and the next one could be scheduled for October 6th, after the Budget Committee would have met to discuss the BCWMC's budget.

Ms. Langsdorf commented that she attended the August TAC meeting. Commissioner Hoshal asked that the TAC memo be revised to indicate that Commissioner Langsdorf had attended the meeting. Administrator Nash said that he would make that change.

- C. **Clean Water Fund Grant Application Update.** Administrator Nash said that the deadline for the grant applications is September 20th. He described the two projects that the Commission previously had indicated as contenders for the grant applications. Administrator Nash said he is seeking approval from the Commission to write the applications for the two projects – the Main Stem stream restoration project from Irving Avenue to Golden Valley Road and a financial incentives program.

Commissioner Black moved to direct Administrator Nash to write the applications for the two projects for the Clean Water Fund Grants. Commissioner Elder seconded the motion. Commissioner Welch said the inherent policy decision is that if the Commission gets the grant for the financial incentives for redevelopment – retrofitting project then the Commission is agreeing that it would set up the program.

The Commission directed Administrator Nash to come back to the Commission at its September meeting with either the bullet points or the full proposal for the application on the financial incentives proposal.

The motion carried with seven votes in favor [Cities of Minnetonka and Robbinsdale absent from vote].

- D. **General Mills Parking Lot Expansion: Golden Valley.** Mr. Herbert discussed the project and its location as detailed in the August 10, 2011, Barr Engineering memo about the project. Commissioner Black moved to approve the project with the recommendations discussed by the Commission Engineer. Commissioner Elder seconded the motion. Several commissioners asked specific questions that were fielded by Tom Hogan of General Mills. The motion carried with seven votes in favor [Cities of Minnetonka and Robbinsdale absent from vote].

6. OLD BUSINESS

- A. **Major Plan Amendment Update.** Administrator Nash reported that he participated in the BWSR's Metro Committee meeting about a week ago. He said he gave a brief update to that Committee on the three projects contained in the BCWMC's Major Plan Amendment request. Administrator Nash said that the Committee made a recommendation of full board approval of the Plan Amendment at the Board's meeting in late August. Ms. Chandler said that at its next meeting the Commission will need to approve and adopt its Plan Amendment and then hold a public hearing on the projects. Chair Loomis said that since the last Commission meeting the County Board also has approved the Plan Amendment.

The motion carried unanimously with seven votes in favor [Cities of Minnetonka and Robbinsdale absent from the vote].

- B. **Update on Engineering RFP Process.** Administrator Nash reported that he received eight proposals from the firms that the TAC had asked the Commission to approach. He said that he has already provided the proposals to the TAC and asked that the Commission direct the TAC to review the proposals and to develop a recommendation to the Commission a final list of three firms with whom the BCWMC would enter into a five-year contract for possible future engineering work. Administrator Nash said that he has a scoring sheet already provided by one of the member cities. Commissioner Welch asked the Administrator how he sees the Commission weighing in on the process. Administrator Nash said that he recommends that the Commission wait until the TAC has narrowed the list down to three firms.

Commissioner Welch asked if the Commission has made a policy decision that it can't or won't contract with firms that are not one of the three on the list. Commissioner Black said that she didn't think so. Commissioner Welch said that he would like to see a list of the eight firms that submitted proposals and a copy of Administrator Nash's scoring sheet. Chair Loomis directed him to send it to the entire Commission.

- C. **Draft Education and Public Outreach Plan for 2011-2015.** Administrator Nash said that he had called Brad Wozney of BWSR for information about the state regulation requiring the EOP. He said that he learned that the EOP is required under the state's 8410 rule. Administrator Nash reported that Mr. Wozney recommended that the Commission maintain this EOP outside of the Commission's *Watershed Management Plan* so that the EOP could be revised easier than needing to go through the Plan Amendment process. Commissioner Langsdorf moved to approve the Education and Public Outreach Plan. Commissioner Hoshal seconded the motion. The motion carried unanimously with seven votes in favor [Cities of Minnetonka and Robbinsdale absent from the vote].
- D. **Draft BCWMC Policy Manual.** The Commission conducted a detailed review of part of the policy manual. Administrator Nash was directed to make all changes discussed. Chair Loomis directed the policy manual discussion be added to the September meeting agenda where the Commission will pick up the review at section 2.10 "Required Scheduled Activities."

7. COMMUNICATIONS

Chair:

1. Chair Loomis reported that the City of Golden Valley and Len Kremer have discussed the idea of creating a memorial for Ed Silberman and an educational kiosk at Schaper Park in Golden Valley. She said that the City of Golden Valley would like the BCWMC to participate in the cost of the memorial/ kiosk project. Chair Loomis said that the City is open to the idea of the Commission using funds out of Golden Valley's Channel Maintenance allocation. She added that the City of Golden Valley would be ready to make a presentation about the project at the September BCWMC meeting.
2. Chair Loomis said that she received an e-mail update from the Minneapolis Park and Recreation Board (MPRB) about the Wirth Beach improvements. She said the MPRB reports that it has stopped work for the year and won't start construction again until next year. She said the MPRB is trying to figure out how it will mitigate pollution it found in the parking lot area. She said she would forward the update to Administrator Nash to forward to the Commission.

Administrator:

1. Administrator Nash announced that there was a *Star Tribune* article about floating islands being placed into Spring Lake and that the *Southwest Journal* contacted him for comments on the floating islands.
 2. Administrator Nash reminded the Commission that it was the sponsor for the grant the Metro Blooms received for the Conservation Corps to install twenty-seven rain gardens in the Bryn Mawr neighborhood.
 3. Administrator Nash said that he has been gathering information about his possible options for employment status with the BCWMC including researching information from the public employee insurance program. Chair Loomis added that she is having the Golden Valley Human Resources staff and Sue Virnig investigating information about requirements. Commissioner Black said that the Plymouth City Manager has also provided some information. Commissioner Welch asked Administrator Nash to develop some categories to use in his reports such as using the high-priority topics assigned to him by the Commission. Commissioner Welch suggested that Administrator Nash identify each month on actions that have occurred within those high-priority topics.
4. Commissioners:
1. Commissioner Black thanked Jack Frost of the Metropolitan Council Environmental Services for his dedicated work and service.
 2. Commissioner Welch mentioned that he was interviewed by Hennepin County researchers for their project. Commissioner Black said that she had been interviewed as well.
 3. Commissioner Langsdorf said that the League of Women voters' kick-off meeting on September 27th for Crytsal, New Hope, and East Plymouth will be a presentation by Jean Coleman on the Minnesota Water Sustainability Framework. She commented that she will provide a copy of the announcement for the September meeting packet.
 4. Commissioner Hoshal announced that Minnesota Waters is holding its 2011 awards event on September 14th at the Bayview Event Center in Excelsior.

5. Commissioner Hoshal said the NEMO is holding a workshop on September 8th as part of the Clean Water Summit.
6. Commissioner Hoshal commented that he spoke with Terrie Christian from the Association of Medicine Lake Area Citizens who expressed disappointment that the BCWMC hasn't gotten involved in the zebra mussel patrolling and the closing of the French Park Landing/ boat access when monitors are not on site. Commissioner Hoshal said that the Commission may need to take another look at the issue. Commissioner Welch agreed that the Commission should put the item on a future Commission agenda for discussion. Mr. Moberg said that since the landing is on Three Rivers Park District property the Commission may want to invite a TRPD representative to participate in the discussion. The Commission indicated agreement.

[Commissioner Elder departs the meeting]

Committees:

Education Committee

1. Commissioner Langsdorf said that the Education and Public Outreach Committee is in the process of scheduling its next meeting.
2. Commissioner Langsdorf announced that the WMWA workshop on TMDLs will be at Brookview in Golden Valley on September 21st.

Counsel:

1. Mr. LeFevere said that some time ago Len Kremer reported that Hennepin County expressed interest in participating in BCWMC projects as a way for the County to meet its load allocations for TMDLs. Mr. LeFevere said that Mr. Kremer has looked into it and found that comparing Hennepin County's load allocation versus the Commission's categorical load allocation is almost insignificant. It may result in the County contributing only \$1,000 to \$2,000 to a project, but it really wouldn't help the Commission. Mr. LeFevere said that it would help the County for the Commission to provide a way for the County to do projects. He said that he will try to keep the contract as simple as possible where the Commission does a project and sends the County a bill and then the County can take credit to use in its MS4 permit.
2. Mr. LeFevere said that recently the state legislature made a change and added watershed district commissioners and members of joint powers watershed management organizations to the list of public officials. He said he learned from the Board of Campaign Finance Disclosure that the BCWMC board members are required to fill out the disclosure form. He said that he has printed out and handed around today a handbook about what board members are supposed to do with regard to the form.

Engineer:

1. Ms. Chandler noted that Jeff Lee of Barr Engineering attended the meeting on the floating islands in Spring Lake Park and also noted that the Star Tribune article mentioned that there isn't scientific data yet on whether the floating islands work.
2. Ms. Chandler asked for direction on whether the Commission wants further information about possible management ideas for Twin Lake and if it wants Dr. Keith Pilgrim to come back to the Commission with information. Chair Loomis suggested that the Commission wait until after the Budget Committee has met to discuss the BCWMC's 2011 budget. She said that the Commission

does need to put the item on a future agenda and decide if the Commission is going to do something or decide to do nothing.

3. Ms. Chandler reported that the BCWMC had communicated its approval with contingencies and recommendations to a permit application that the Commission had reviewed last month. She said that the BCWMC had asked the Tennant Company, the permit applicant, for additional treatment and the applicant did add sump manholes and SAFL Baffles along the storm sewer and added iron filings to the filter media.
4. Ms. Chandler said that Mr. Kremer noted that the Southwest LRT really won't be doing anything with the stations in the Bassett Creek Watershed until 2013.
5. Ms. Chandler said that she has attended a couple of meetings with Plymouth City staff and the design team regarding design scenarios for the Four Seasons Mall Wetland Enhancement Project. She said that she and Barr Engineering staff Kurt Leuthold will be attending a meeting with Plymouth City staff prior to the next project design team meeting in order to brainstorm about stormwater management ideas for that site.
6. Mr. Herbert mentioned asked if the Commission wants to continue its practice of reviewing permit applications that include underground vaults. He said that years ago the Commission decided that it temporarily wanted to review all projects with underground vaults as it was a new technology. Commissioner Welch said that he hasn't heard of anything to indicate that the Commission needs to review underground vaults more than other technologies but since the Commission will be reviewing its policies maybe the Commission shouldn't make a decision about underground vaults now. Chair Loomis directed staff to bring the review practices individually in front of the Commission and then the Commission can decide if it can let some go or not.

8. PERFORMANCE REVIEW - CLOSED MEETING

Chair Loomis adjourned the meeting for a brief recess at 2:20 p.m. after which the meeting was to resume as a closed session for a performance evaluation of the Recording Administrator.

9. INFORMATION ONLY

Bassett Creek Erosion Control Inspections, August 4 – 6, 2011

_____	_____	_____	_____
Linda Loomis, Chair	Date	Amy Herbert, Recorder	Date
_____	_____		
Jim de Lambert, Secretary	Date		