

# **Bassett Creek Watershed Management Commission**

## **Minutes of the Meeting of February 18, 2010**

### **1. Call to Order**

The Bassett Creek Watershed Management Commission (BCWMC) was called to order at 11:38 a.m., Thursday, February 18, 2010, at Golden Valley City Hall by Chair Welch. Ms. Herbert conducted roll call.

#### **Roll Call**

<i>Crystal</i>	Alternate Commissioner Stu Stockhaus	<i>Counsel</i>	Charlie LeFevere
<i>Golden Valley</i>	Commissioner Linda Loomis, Treasurer & incoming Chair	<i>Engineer</i>	Karen Chandler
<i>Medicine Lake</i>	Alternate Commissioner Ted Hoshal	<i>Recorder</i>	Amy Herbert
<i>Minneapolis</i>	Commissioner Michael Welch, Chair & incoming Treasurer		
<i>Minnetonka</i>	Commissioner Kris Sundberg		
<i>New Hope</i>	Commissioner John Elder		
<i>Plymouth</i>	Alternate Commissioner Liz Thornton		
<i>Robbinsdale</i>	<i>Not represented</i>		
<i>St. Louis Park</i>	Commissioner Jim deLambert		

Also present: Laura Adler, BCWMC Technical Advisory Committee, City of St. Louis Park  
Caroline Amplatz, Caroline's Kids Foundation  
Derek Ashe, BCWMC Technical Advisory Committee, City of Plymouth  
Jeannine Clancy, BCWMC Technical Advisory Committee, City of Golden Valley  
Jack Frost, Metropolitan Council  
Dave Hanson, Alternate Commissioner, City of Golden Valley  
Bonnie Harper-Lore, Incoming Commissioner, City of Minnetonka  
Kathi Hemken, Alternate Commissioner, City of New Hope  
Ron Leaf, SEH, Inc.  
Tom Mathisen, BCWMC Technical Advisory Committee, City of Crystal  
Richard McCoy, BCWMC Technical Advisory Committee, City of Robbinsdale  
Jeff Oliver, BCWMC Technical Advisory Committee, City of Golden Valley  
Jim Renneberg, City of Plymouth  
Justin Riss, Alternate Commissioner, City of St. Louis Park  
Al Sarvi, Friends of Northwood Lake Association  
Liz Stout, BCWMC Technical Advisory Committee, City of Minnetonka

### **2. Approval of Agenda and Consent Agenda**

Chair Welch requested the addition of item 5C – Theodore Wirth Golf Course Bridge Replacement in Golden Valley – and item 6G – Education Grant Reimbursement Request from Meadowbrook Elementary School. Commissioner Sundberg moved to approve the Agenda as amended. Acting Commissioner Thornton seconded the motion. The motion carried unanimously [City of Robbinsdale absent from the vote]. Chair Welch removed the financial statement from the Consent Agenda. Commissioner Loomis removed the minutes and Mr. LeFevere removed the counsel communications from the Consent Agenda. Chair Welch announced there is no Consent Agenda for the meeting.

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

No citizen input on non-agenda items.

## 4. Administration

- A. Presentation of the January 21, 2010, BCWMC meeting minutes. Commissioner Loomis requested that the minutes be amended on page 3 under item 5B to state that “the City of Golden Valley has already mitigated for the loss of storage on the site...” Commissioner Loomis asked for clarification on page 4 item 6B on who seconded the motion since the minutes reflect that Commissioner Langsdorf moved and seconded. The minutes were amended to reflect that Commissioner Loomis seconded the motion. Chair Welch requested that the minutes be amended on page 3 in item 4C to indicate the correct number of votes in favor and number of votes absent on the vote. The minutes were amended to reflect that eight votes were in favor of the motion and that the City of Minnetonka was absent from the vote. Commissioner Loomis moved to approve the minutes as amended. Commissioner Elder seconded the motion. The motion carried unanimously [City of Robbinsdale absent from the vote].
- B. Presentation of the Financial Statement. Chair Welch announced that an updated financial report had been handed out at the meeting. He said he pulled the financial report because the Commission is at the end of its fiscal year, which ended January 31, 2010. Chair Welch said some of today’s invoices will be paid from the 2009 budget. He said he wanted to point out the overall budget numbers. Commissioner Loomis said the updated report handed out today corrected two dates on the report. Ms. Herbert added that the updated report also shows check number 2228 for \$60 to the City of Plymouth for the Yard and Garden Expo participation, which was approved by the Commission in January.

The general and construction account balances reported in the February 2010 Financial Report are as follows:

<u>Checking Account Balance</u>	733,221.10
<u>TOTAL GENERAL FUND BALANCE</u>	733,221.10
Construction Account Cash Balance	2,573,051.99
Investment due 10/18/2010	533,957.50
Investment due 1/21/2015	500,000.00
<u>TOTAL CONSTRUCTION ACCOUNT BALANCE</u>	3,607,009.49
<u>-Less: Reserved for CIP projects</u>	3,291,191.22
<i>Construction cash/ investments available for projects</i>	315,818.27

- C. Presentation of Invoices for Payment Approval.

Invoices:

- i. Kennedy & Graven – Legal Services through December 31, 2010 - invoice for the amount of \$2,456.45.
- ii. Barr Engineering Company – January Engineering Services - invoice for the amount of \$42,565.38.
- iii. Amy Herbert – January Administrator Services - invoice for the amount of \$2,744.38.
- iv. Liz Thornton – Education/ Public Outreach – teacher focus group catering – invoice for the amount of \$120.16.
- v. Pauline Langsdorf – Education/ Public Outreach – teacher focus group supplies- invoice for the amount of \$41.88.

- vi. Springsted, Inc. – Professional Services for Administrator Contractor– invoice for the amount of \$1,500.
- vii. D’amico Catering – January 2010 meeting catering – invoice for the amount of \$379.75.
- viii. D’amico Catering – February 2010 meeting catering – invoice for the amount of \$370.74.
- ix. Margie Vigoren – BWSR Education Workshop Meal – invoice for the amount of \$14.22.
- x. Metropolitan Council – 2009 CAMP Participation – invoice for the amount of \$1,390.00.

Commissioner Loomis had questions about the Barr Engineering Company invoice and the Metropolitan Council Invoice. Chair Welch pulled those two invoices from the roll call vote. Commissioner Loomis moved to approve invoices i and iii – ix. Acting Commissioner Thornton seconded the motion. By call of roll, the motion carried unanimously [City of Robbinsdale absent from vote].

Commissioner Loomis asked for clarification on page 3 of Barr Engineering Company’s invoice under Commission Meetings regarding which meeting Len Kremer attended since he was not at the January 21<sup>st</sup> BCWMC meeting. Ms. Chandler responded that the meeting charge would either be for Mr. Kremer attending the January 2010 TAC meeting and/ or charges for Barr’s preparation for the TAC and Commission meetings in January. Commissioner Loomis moved to approve the invoice on the condition that Barr clarify the charge and that it was for attending the January TAC meeting or meeting preparation and that Barr respond back to Commissioner Loomis by tomorrow. Commissioner Elder seconded the motion. By call of roll, the motion carried unanimously [City of Robbinsdale absent from vote].

Commissioner Loomis asked about the past due charge on the invoice from the Metropolitan Council. Ms. Herbert responded that the charge has been removed by the Metropolitan Council and the amount due is the amount listed on the invoice for the 2009 participation in the CAMP program. Commissioner Loomis moved to approve the invoice. Commissioner Elder seconded the motion. The motion carried unanimously [City of Robbinsdale absent from vote].

- D. **Review 2010 Engineering Budget.** Chair Welch reminded the Commission that the 2010 budget was previously approved and that the memo on the 2010 engineering budget serves as a reminder of the anticipated expenditures. Ms. Chandler asked that the Commission direct Barr and Ms. Herbert to begin working on the BCWMC’s 2009 annual report and also to direct Barr to complete the WOMP work. Chair Welch moved to authorize the Commission Engineer and the Recorder to begin preparation of the annual report, for Ms. Herbert to add to the March meeting agenda a review of the annual report format, for Barr to prepare a memo for the March meeting packet reminding the Commission that the annual report is posted on the BCWMC’s Web site, and for Barr to perform the WOMP support tasks. Commissioner Sundberg seconded the motion. The motion carried unanimously [City of Robbinsdale absent from vote].
- E. **Participation in 2010 CAMP.** Acting Commissioner Thornton moved to approve participating in the 2010 CAMP Program for the four lakes monitored in 2009 including: Northwood, Parkers, Sweeney (South), and Westwood. Commissioner Loomis seconded the motion. Acting Commissioner Hoshal moved to amend the motion to include the monitoring of Hidden Lake in

the 2010 CAMP program. Commissioner Loomis seconded the amendment. The amendment failed to carry with one vote in favor of the amendment [City of Medicine Lake] and seven votes against. Mr. Oliver commented that he didn't think additional lakes should be added to the CAMP program at the additional expense without discussion of the merits of the additional monitoring from the overall watershed perspective. He recommended that the idea of adding additional lakes to the 2010 CAMP program be forwarded to the TAC for its discussion and recommendation to the Commission. Chair Welch called a vote on the original motion. The motion carried unanimously [City of Robbinsdale absent from vote]. The Commission directed the TAC to discuss the idea of adding Hidden Lake and/or Medicine Lake to the BCWMC's participation in the CAMP program.

F. **Review BCWMC's CIP Reserve Account Policy.** Chair Welch summarized that this policy caps the CIP reserve amount at \$250,000 and that the BCWMC has directed itself to review the policy each year. No commissioner recommended changes.

G. **Organizational Meeting**

- i. **Appointment of Chair:** Kris Sundberg nominated Linda Loomis as Chair. By call of roll, the motion to elect Linda Loomis as Chair carried with seven votes in favor [City of Golden Valley abstained from the vote and City of Robbinsdale absent].
- ii. **Appointment of Vice Chair:** Commissioner Welch nominated Ginny Black as Vice Chair. By call of roll, the motion to elect Ginny Black as Vice Chair carried with eight votes in favor [City of Robbinsdale absent from the vote].
- iii. **Appointment of Treasurer and Secretary:** Acting Commissioner Thornton nominated Michael Welch as Treasurer and Commissioner Elder nominated Pauline Langsdorf as Secretary. By call of roll, the motion to elect Michael Welch as Treasurer and Pauline Langsdorf as Secretary carried with eight votes in favor [City of Robbinsdale absent from the vote].
- iv. **Appointment of the Budget Committee:** The Commission agreed that the Budget Committee would be the four officers of the BCWMC and Commissioner deLambert and Commissioner Elder.

## 5. New Business

A. **South Shore Drive Bridge (DNR Permit Application).** Ms. Chandler explained that the bridge is located just downstream of Medicine Lake and is a deteriorating wooden structure that needs replacing. She said it will be part of a larger project for South Shore Drive but the bridge replacement is in front of the Commission because the bridge is within the Bassett Creek floodplain and because the City of Plymouth has applied for a public waters work permit from the Department of Natural Resources. She stated that there is a comment period currently underway and the DNR has asked for the Commission's comments.

Ms. Chandler said the Commission Engineer's comments pertain to the floodplain. She said the design needs to show a bridge at a little higher elevation than the preliminary design indicated and the design needs to be based on the higher flood level at the upstream side. Ms. Chandler said there may be some issues with getting the elevation as high as the Commission Engineer would like, which is one foot above the 100-year flood level. She said if the lowest member of the bridge can be raised to be one foot above the 100-year flood elevation then the project would not need to come back in front of the Commission. Ms. Chandler said if the design comes back and the lowest member of the bridge is not one foot above the 100-year flood elevation or if there is a proposal for fill, then the project will come back in front of the Commission.

Ms. Chandler said the Commission Engineer recommends conditional approval of the permit with

the conditions A – G in the memo and with a minor correction to item C so that item C reads “...fill in the floodplain including rip rap and filter.”

Chair Welch asked for clarification on the one-foot freeboard and asked if it is a requirement of the Commission meaning that if it is not met it would require a variance. Ms. Chandler said she is trying to contact Jim Herbert of Barr for that clarification but has not yet reached him. She noted that the memo for agenda item 5C for the Theodore Wirth Golf Course Bridge, which has the same technical issue for the flood elevation, is written in a manner that implies the one-foot specification is a recommendation as opposed to a requirement.

Chair Loomis asked Derek Asche if the City could wait for a decision until the Commission receives more information about its requirements. Ms. Chandler said the Commission does need to submit comments to the DNR at this time. Commissioner Welch moved approval of the permit with the conditions listed in the Engineer’s Memo and condition C amended as described by Ms. Chandler and the removal of the second sentence in condition A. Commissioner Elder seconded the motion. Ms. Loomis added that she assumes the motion also directs staff to submit the comments to the DNR. The motion carried unanimously [City of Robbinsdale absent from vote].

- B. **2010 Golden Valley Pavement Management Plan.** Ms. Chandler said the project is in front of the Commission because it is a street reconstruction project larger than five acres. She said there are over 14 acres that will be disturbed and the project comprises street repaving, curb and gutter, and the construction of one rain garden. Ms. Chandler reported that the project will result in a 1.3 acre reduction in impervious surface. She said the city is constructing six sump manholes to trap sediment and one rain garden. Ms. Chandler said the Commission Engineer recommends approval based on comments A – D in the Engineer’s Memo with a revision to item C worded as follows, “The City should review downstream water quality ponds for the potential to improve phosphorus removal capabilities.” Chair Welch asked for a change in the wording from pond to treatment facility. Acting Commissioner Thornton seconded the motion. The motion carried unanimously [City of Robbinsdale absent from vote].
- C. **Theodore Wirth Golf Course Bridge Replacement: Golden Valley.** Ms. Chandler said that the bridge is located on the golf course in Wirth Park. She said the applicant is the Metropolitan Council and that as part of a project it is conducting on sanitary sewers in the area, the Met Council is replacing this bridge. Ms. Chandler said the project is in front of the Commission because it is within the Bassett Creek floodplain, which is 400 feet wide at this location. She said the bridge is currently one-foot below the 100-year floodplain elevation and the original proposal was to replace the bridge at a higher elevation. However, she said, that upon further investigation it was discovered that in order to raise the bridge to the elevation of one-foot above the 100-year flood plain level a lot of fill would need to be added to the floodplain. Ms. Chandler said in this case the Commission Engineer believes it would be better for the bridge to be replaced at its existing elevation because there would be less blockage of the flow than if the additional fill were added. She reported that the Commission Engineer's recommendation is to approve replacing the bridge at its current elevation, based on the conditions A-F listed on page two of the Engineer’s memo and paying special attention to condition B that the trail coming up to the bridge does not get raised.

Commissioner Welch wanted to know the status of the DNR permit. He also wondered if the other bridge next to this one is at the same height. Ms. Chandler responded if the replacement bridge is kept at the same elevation as current elevation, there would be no impact on the downstream bridge. Commissioner Welch said there could be either Commission or DNR issues if the other bridge is not at the elevation that is Commission or DNR standards/ policy. He asked if the one foot freeboard is a requirement and commented that it makes sense to have it to give more clearance under the bridge to prevent possible jams under the bridge that cause more flooding.

Commissioner Welch commented that this is a complicated project to come to the Commission only a couple of days prior to the meeting. Ms. Chandler responded that this project was originally intended by the Commission Engineer to come in front of the Commission at its March meeting but because of the timing and status of the project design the Commission Engineer felt the Commission should have the opportunity to provide input now.

Mr. Oliver said the City of Golden Valley has been working with MCES for five months on this project. He said the city's greatest concern is flood elevation impacts and there are homes upstream that are above the flood plain only marginally and the city's opinion is that replacing the bridge at current elevation is the best possible solution. Mr. Oliver added that it is an altered natural watercourse so the DNR is not involved and the area is not under DNR protection. Mr. Oliver asked for a Commission decision today.

Ms. Sundberg moved approval of the project with the conditions listed by Barr Engineering in the memo. Mr. Stockhaus seconded the motion. Commissioner Welch said he is not going to support this motion because it is still unclear to him whether the Commission is varying from Commission requirements and he thinks the Commission should not do that without an understanding of what the Commission's requirements are and the procedures for the Commission to vary from them because it sets a bad precedent.

Commissioner deLambert asked for clarification on what precedent the Commission is concerned about setting. Commissioner Welch said it is unclear whether the one foot elevation above the 100-year flood elevation is actually a requirement, meaning the Commission would need to go through a variance process. Chair Loomis asked if Commissioner Welch wanted to add a condition. Chair Welch moved to amend the motion that the approval be contingent on confirming that the one foot elevation above the 100-year flood elevation is not a required condition of the Commission. Commissioners Sundberg and Stockhaus approved the friendly amendment. The motion carried unanimously [City of Robbinsdale absent from the vote].

## 6. Old Business

### A. 2009 Water Quality Monitoring Activities

- i. **2009 Lake Water Quality Study: Sweeney Lake, Twin Lake, Northwood Lake, North Rice Pond and South Rice Pond.** Ms. Chandler said she wanted to focus on the results for Twin Lake because the Commission Engineer does have some recommendations for the Commission. She reminded the Commission that the water quality data from Twin Lake in 2008 showed degradation and so the Commission authorized additional monitoring of Twin Lake for 2009. Ms. Chandler said the 2009 data showed even more degradation of the water quality. She said the Commission Engineer recommends taking some more measurements, two water quality samples, in February and March before ice out and collecting sediment samples in the summer of 2010. She said the sediment samples will help determine the potential amount of phosphorus that can be released from the bottom sediments of the lake and will provide information to help determine the cost to minimize or to treat the sediments. Commissioner Welch moved to accept the report and post it on the Web site and to approve the additional measurements with the cost not to exceed \$4,000 and a report to the Commission as soon as possible and the sediment sampling with the cost not to exceed \$4,500. Commissioner Sundberg seconded the motion. The motion carried unanimously [City of Robbinsdale absent from the vote]. The Commission decided in the interest of time to move on to the next agenda item. Ms. Chandler said if anyone has questions on the data for the other lakes monitored to contact her.

- ii. **2008-2009 Biotic Index Evaluation of Bassett Creek and Plymouth Creek.** Ms.

Chandler stated that in 2009 the Minnesota Pollution Control Agency (MPCA) was supposed to monitor the Main Stem of Bassett Creek and Barr Engineering staff was assigned to conduct the biological monitoring of Plymouth Creek and the North and Sweeney Branches. She said that Barr Engineering found out in the fall of 2009 that the MPCA did not conduct the biological monitoring of the Main Stem for some unknown reason. Ms. Chandler reported that the North Branch data showed a significant decline in water quality as indicated by the biotic index. She said the Commission Engineer thinks the decline is due to the low oxygen and low flow due to climatic conditions. Ms. Chandler said the Commission Engineer recommends conducting the monitoring again on the regular schedule, which would be in three to five years. Commissioner Welch moved to accept the report and authorize Ms. Herbert to post it on the Web site. Ms. Thornton seconded the motion. The motion carried unanimously [City of Robbinsdale absent from vote].

- B. Review of Robbinsdale Local Surface Water Management Plan.** Ms. Chandler reminded the Commission that it received the draft plan from the City of Robbinsdale and that the Commission authorized Barr Engineering to conduct the review. She said Barr reviewed the plan and the review memorandum was in the meeting packet. Ms. Chandler summarized that overall the City of Robbinsdale is meeting the majority of the Commission's requirements and pointed out a few issues that the City needs to address. She said the Commission Engineer recommends that the Commission forward the comments on to the City of Robbinsdale and then when the Commission receives comments back from the City that the Commission at that time would consider approving the plan. Commissioner Sundberg moved to forward the comments on to the City of Robbinsdale. Acting Commissioner Hoshal seconded the motion. The motion carried unanimously [City of Robbinsdale absent from vote].
- C. Update on Cultural Resources Review Process for Resource Management Plan (RMP).** Ms. Chandler reminded the Commission that it directed Barr Engineering to draft protocols for cultural resources reviews of RMP projects. She said the protocols were sent out with the meeting packet for Commission review. Ms. Chandler said the Commission Engineer recommends sending the draft protocols to Tamara Cameron and Joe Yanta of the U.S. Army Corps for their feedback and if they respond positively then to incorporate the protocols into the RMP. Commissioner Welch agreed that getting informal feedback first should be the next step and then if the feedback is not positive then the Commission Engineer should bring the issue back to the Commission. Commissioner Welch questioned the protocol that there will be a 100-foot wide area of review around the project site. He said he thinks the Commission needs the focus of the review to be on the project area instead of expanding the area of analysis. Chair Loomis directed staff to cross off the references to the 100-foot wide area around the project. Commissioner Welch moved to authorize staff to forward the protocols, amended as discussed, for informal feedback to the Corps and if the feedback is positive then to incorporate the protocols into the RMP and to submit to the Corps for approval. Commissioner deLambert seconded the motion. The motion carried unanimously [City of Robbinsdale absent from vote].
- D. TMDL Updates**
- i. Wirth Lake TMDL.** Ms. Chandler reported that the public meeting will be set up after the TMDL goes out, which should be in approximately two weeks.
  - ii. Sweeney Lake TMDL.** Chair Loomis commented that she was disturbed when the state agency held a meeting and did not want any of the MS4s at the meeting. Ron Leaf of SEH, Inc. reported that he met with the MPCA on February 9<sup>th</sup> to discuss the Sweeney Lake TMDL and did ask the MPCA to invite the MS4s but the MPCA said it wanted at that meeting to focus on issues with a smaller technical team, which was composed of Brooke

Asleson, John Erdmann, and Mike Trojan of the MPCA, Keith Pilgrim and Len Kremer of Barr Engineering, and himself. Mr. Leaf explained that the focus was to look at the relative distribution of internal versus external load reductions and how were those load distributions reached. He said that Mr. Erdmann explained that the MPCA's concern is that the watershed load reduction that would be the responsibility of the MS4s is too small relative to the internal load reduction. The MPCA was not comfortable with the amount of regulatory control it had through its permit program because it wouldn't have the regulatory mechanism to enforce the internal load reductions. He said the MPCA was also concerned with the reasonable assurance process. Mr. Leaf said the MPCA was more comfortable with an external phosphorus load reduction on the order of 140 to 160 pounds and then using chemical treatment system as an added level of margin of safety, which is an increase over the 99 pounds of external load reduction currently in the TMDL. He said the MPCA said it thinks the U.S. Environmental Protection Agency (EPA) will push back on the 99 pounds number and that the number should be bumped up. Mr. Leaf said that for the purposes of today's discussion he picked the number of 150 pounds, which is 22%, for the external load reduction. Mr. Leaf asked the Commission if it wants to move forward with changing the external load reduction to 140 or 150 pounds and then submitting the TMDL to the MPCA for review or if it wants to hold a meeting with the MS4s and the MPCA to discuss the MPCA's recommendations further. Ms. Clancy said that the City of Golden Valley would like to meet with the MPCA. Commissioner Welch recommended having Chair Loomis attend the meeting on behalf of the Commission and having Commission staff attend the meeting. Mr. Leaf said SEH, Inc. will move ahead with making the other changes to the TMDL that were recommended and to get the meeting with the MPCA scheduled. Chair Welch moved that the Commission direct its consultant for the Sweeney Lake TMDL project to contact the MPCA to set up a meeting to review the proposed revisions to the draft TMDL with the MS4s and Commission representatives. Commissioner Stockhaus seconded the motion. Ms. Clancy said that one of the items that will come up when the public process begins is who is going to pay for the improvements. She asked if the Commission would start thinking about the funding process. The motion carried unanimously [City of Robbinsdale absent from vote].

- iii. **Medicine Lake TMDL.** Commissioner Welch said that Brooke Asleson told him that the Commission should receive the TMDL by tomorrow. Commissioner Welch volunteered to call Ms. Asleson, if the Commission does not receive the TMDL by tomorrow, to ask her what it would take to get the TMDL completed.

[Commissioner Elder departs the meeting]

**E. BWSR Clean Water Fund Grant and BCWMC CIP Projects**

- i. **Grant Award and Future Process.** Ms. Chandler reported that it looks like the total grant awards for the two projects will be \$650,000, which would be \$360,000 from the BWSR Clean Water Fund Grant and the rest coming from Hennepin County to the two cities for the projects. She said the grant agreement is being prepared and will need to be signed by the Commission. Ms. Chandler said the Commission needs to complete a work plan, which likely will be due in the end of April. She said once the Commission receives the funds, it will be required to submit project updates every six months through BWSR's eLink system. Ms. Chandler said the Commission Engineer recommends that the Commission direct staff to prepare the draft work plan for the BWSR grant and to coordinate with the cities of Golden Valley and Plymouth as necessary to prepare it. Commissioner Thornton moved to approve staff to prepare the draft work plan. Commissioner Welch seconded the motion. The motion carried unanimously [Cities of New Hope and Robbinsdale absent from vote].



- ii. **BCWMC CIP Project Schedule.** Ms. Chandler said the Commission could choose to reduce its ad valorem tax levy for 2011 to reflect the incoming grant funds or could accelerate its CIP project schedule. She said the Commission Engineer had one recommendation for a project to accelerate, which would be moving the North Branch channel restoration to 2011 from 2012 dependent on the City being prepared to move up the project. She said accelerating projects would mean the watershed would receive the water quality benefits sooner and also the Commission may stand a better chance to receive future water quality grants since it shows that when the Commission is awarded grants it gets more projects completed sooner. Ms. Chandler added that the bids are favorable in this economic climate.

Ms. Chandler reminded the Commission that the Commission needs to do a minor plan amendment for the 2011 CIP projects and if a CIP project is advanced then it needs to be included in the minor plan amendment. She said the Commission Engineer recommends submitting the minor plan amendment in early April. Ms. Chandler said the Commission Engineer thinks the Commission can add the Wirth Lake outlet structure modification, which is part of the TMDL, since the money is already available.

Chair Welch recommended that the Commission form a new committee that includes members of the Commission and the TAC that starts to draft a priority list of projects in light of the fact that the Commission has agreed to lead the categorical TMDL. Ms. Clancy recommended the Commission and the TAC review the prioritization process that was undertaken when the BCWMC's CIP was created. Mr. Oliver mentioned that given the number of items given by the Commission to the TAC for discussion that the TAC may need to start meeting more often, such as monthly.

Commissioner Sundberg moved that the Commission accelerate its CIP and that the TAC discuss which project to advance. Commissioner Welch seconded the motion. The motion carried unanimously [Cities of New Hope and Robbinsdale absent from vote]. Ms. Chandler asked the Commission to direct staff to prepare the draft minor plan amendment for the Main Stem project and the Wirth Lake outlet, which could be revised to add a third project if the Commission decides to advance the North Branch or other project. Commissioner Welch moved to authorize staff to prepare the draft minor plan amendment. Acting Commissioner Hoshal seconded the motion. The motion carried unanimously [Cities of New Hope and Robbinsdale absent from vote].

- F. **Administrative Services Committee Update – Contractor Position.** Chair Loomis reported that the Administrative Services Committee interviewed three individuals and felt that one of those individuals was a good match for the contractor position. She stated that the Committee checked the references of that one individual and the references were all positive. Chair Loomis asked if the Commission would want the individual to come to the next Commission meeting to meet with the full Commission. The Commission agreed it would like to meet and talk with the individual at the March meeting. Chair Loomis said the Administrative Services Committee would contact the individual to set it up. Commissioner Welch reminded the Commission that a contract would need to be drawn up and submitted to the Commission for approval. Chair Loomis said the Commission could authorize the Committee to negotiate the terms of the contract with the individual. Mr. LeFevere said the Committee could see if it can reach an agreement of terms with the individual and could present the terms at the March meeting. Chair Loomis directed staff to prepare a boilerplate contract for the March meeting.
- G. **Meadowbrook Elementary Education Grant Reimbursement Request.** Chair Loomis recommended that the Commission defer the discussion of this reimbursement request until after the grantee has communicated to the Commission that the work described in the grant application has been completed. The item was deferred.

## 7. Communications

A. Chair: No Communications

B. Commissioners:

- i. Commissioner Welch asked if the Commission is interested in hearing a presentation about how a biota TMDL would proceed. The Commission agreed it is interested and would like to hear the presentation this summer.
- ii. Commissioner Welch encouraged any commissioner that could attend next Thursday's BWSR listening session at the Capitol Region Watershed offices to attend.

C. Committees: No communications.

D. Counsel:

- i. Mr. LeFevere reported that it appears that the Minnesota Ball Park Authority easement for the tunnel will work out satisfactorily for all parties and signatures are currently being obtained. He said he will report on it when it is finalized. Mr. LeFevere said he and Barr are preparing an invoice to submit to the BPA for BCWMC legal and engineering work and review completed in regard to the easement issue.
- ii. Mr. LeFevere said Shingle Creek/ West Mississippi WMO has been talking to Brad Wozney of BWSR about a process to allow items to be added or amended to the CIP without going through the plan amendment process. He said BWSR suggested a hybrid process and now Shingle Creek/ West Mississippi is trying to set up a meeting with BWSR to explore the idea further. Mr. LeFevere said he will attend that meeting on behalf of Shingle Creek / West Mississippi and if the Commission approves, he will also attend on behalf of the Commission and will represent its interests. Commissioner Welch said he is also interested in attending the meeting. Mr. LeFevere said he thinks it is a good idea and thinks it is a good idea for Ms. Chandler to attend as well. Chair Loomis said she didn't hear any objections and authorized Mr. LeFevere to attend the meeting and represent the Commission.

E. Engineer: No communications.

## 9. Adjournment

Chair Loomis adjourned the meeting at 3:05 p.m.

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Linda Loomis, Chair

\_\_\_\_\_  
Date

\_\_\_\_\_  
Amy Herbert, Recorder

\_\_\_\_\_  
Date

\_\_\_\_\_  
Pauline Langsdorf, Secretary

\_\_\_\_\_  
Date