



Bassett Creek Watershed Management Commission Minutes of the Regular Meeting on January 17, 2013

Commissioners and Staff Present:

Crystal	Commissioner Dan Johnson	Robbinsdale	Commissioner Wayne Sicora
Medicine Lake	Commissioner Ted Hoshal, Secretary	St. Louis Park	Commissioner Jim de Lambert, Vice Chair
Minneapolis	Alternate Commissioner Lisa Goddard	Administrator	Laura Jester
Minnetonka	Jacob Millner	Counsel	Charlie LeFevere
New Hope	Alternate Commissioner Pat Crough	Engineer	Karen Chandler
Plymouth	Commissioner Ginny Black, Chair	Recorder	Amy Herbert
		<i>Note:</i>	<i>City of Golden Valley was not represented</i>

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

Derek Asche, TAC, City of Plymouth	Guy Mueller, Alternate Commissioner, City of Crystal
Pat Byrne, TAC, City of Minneapolis	Jeff Oliver, TAC, City of Golden Valley
Linda Loomis, Golden Valley resident	Liz Stout, TAC, City of Minnetonka
Richard McCoy, TAC, City of Robbinsdale	Jim Vaughan, TAC, City of St. Louis Park

1. CALL TO ORDER AND ROLL CALL

On Thursday, January 17, 2013, at 11:35 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. City of Golden Valley was absent from the roll call.

2. CITIZEN FORUM ON NON-AGENDA ITEMS

No citizen input

3. AGENDA

Commissioner Hoshal requested the removal of item 4E – Boone Avenue Convenience Center and Retail Building: Golden Valley – from the Consent Agenda and onto the Agenda. Chair Black added it to the agenda as item 5E and requested the addition to the agenda of item 6E – Discussion of budget and schedule for the XP-SWMM model. Alternate Commissioner Goddard moved to approve the agenda as amended. Commissioner Millner seconded the motion. The motion carried unanimously 8-0 with eight votes in favor [City of Golden Valley absent from vote].

4. CONSENT AGENDA

Commissioner de Lambert moved to approve the Consent Agenda as amended. Alternate Commissioner Goddard seconded the motion. The motion carried unanimously 8-0 with eight votes in favor [City of Golden Valley absent from vote]. [The following items were approved as part of the Consent Agenda: the December 20, 2012, BCWMC meeting minutes, the December Financial Report, payment of the invoices, and Resolution 13-01 Designating Official Depositories for BCWMC Funds.]

The general and construction account balances reported in the January 2013 Financial Report are as follows:

Checking Account Balance	\$457,485.31
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TOTAL GENERAL FUND BALANCE	\$457,485.31
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TOTAL CASH & INVESTMENTS ON-HAND (1/9/13)	\$3,103,682.95
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CIP Projects Levied – Budget Remaining	(\$2,659,720.04)
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Closed Projects Remaining Balance	\$443,962.91
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2012 Anticipated Tax Levy Revenue	\$11,196.24
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Anticipated Closed Project Balance	\$455,159.15
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2013 Proposed & Future CIP Project Amount to be Levied	\$196,000.00
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5. NEW BUSINESS

A. Discussion of Slate of BCWMC Officers for 2013. Chair Black announced that at the February BCWMC meeting, the Commission will select its officers for the year and any commissioner interested in serving as an officer should send an e-mail about it to Administrator Jester. Commissioner Johnson asked for clarification about the officer positions and Chair Black said the positions are Chair, Vice Chair, Treasurer, and Secretary. Administrator Jester said that she would send an e-mail about this to the commissioners and alternate commissioners who are absent from today's meeting.

B. Next Steps for Considering Letters of Interest for Legal, Engineering and Technical Services.

Chair Black reported that the Commission received eight letters of interest for Engineering and Technical Services and two letters of interest for legal services. Chair Black said that the letters of interest are hard copies and she requested that in the future the Commission request to receive submittals in electronic format. The Commission discussed having the TAC review the Engineering and Technical Services proposals at the February TAC meeting, a Commission subcommittee concurrently reviewing the proposals, and recommendations from both groups presented to the Commission as a whole at its February meeting. The Commission decided to expedite the process by directing the TAC to review the proposals at its February 7th TAC and inviting any interested commission members to attend that meeting and join the discussion. The Commission directed the TAC to bring a recommendation to the February BCWMC meeting. Chair Black directed staff to make PDF copies of the proposals and make them available to the TAC and commission members and requested commission members to provide comments to Administrator Jester by February 1st if they wanted their comments to be considered at the TAC meeting and by February 14th if they want their comments included in the Commission meeting packet. Alternate Commissioner Goddard asked if the Commission is asking the TAC for a recommendation on which firms the Commission should contact to request a more formal proposal. Chair Black said yes, potentially, or the TAC could recommend that the process go no further.

C. TAC Recommendations

- i. **Review Draft BCWMC CIP 2015-2019.** Mr. Asche reported that the TAC met on January 3rd to discuss the five-year CIP (Capital Improvements Program). He said the TAC's intent was to create a draft CIP for 2015 – 2019, get the Commission's comments on that draft today, then take those comments and finalize the draft to bring back in front of the Commission at its February, March, or April meeting. Mr. Asche commented that the Commission needs to be operating two years ahead of its CIP in order to be on schedule with its CIP projects.

Mr. Asche highlighted the updates to the CIP, including the addition of a water quality improvement and flood reduction project BC-2/ BC-8 for 2019 in Golden Valley near the intersection of Sandburg Road and Louisiana Avenue. Mr. Oliver provided an overview of the project and answered Commission questions.

There was discussion about the project descriptions listed on the draft CIP and Ms. Chandler stated that projects already ordered by the Commission would maintain their project description as listed in the Watershed Management Plan and the newer projects, originally envisioned to be ponds, will be more broadly described. Commissioner Johnson asked how the TAC derived the list and prioritized the projects. Mr. Asche explained that the CIP table is a working table. He said that projects come from the Tables 12-2 and 12-3 in the Commission's second generation *Watershed Management Plan* and those tables are reviewed each year by the TAC. He said that the TAC reviews whether the projects listed in those tables are appropriate for today and then the TAC proposes to add or remove projects based on that review.

There was a discussion of the Main Stem channel restoration project slated for 2015 in Golden Valley from 10th Avenue to St. Croix Avenue. Ms. Chandler pointed out that the project happens to be the project used in the example CIP description page.

Mr. Asche went through the revised CIP table with the Commission. Ms. Chandler provided additional information on project NL-1 "Construct Pond NB 29A, B, and pond west of Northwood

Lake, just east of Highway 169” in the Northwood Lake watershed in New Hope. She said that there may be two locations involved in that project and she would like to see both of those move forward.

Mr. Asche answered questions about the proposed Four Seasons Mall project and reported that he had met with Northwood Lake residents to update them about proposed projects and water quality projects around the lake. Mr. Asche said that the TAC would like to take one last look at the revised CIP and would like to consider any Commission comments if there are any. Ms. Black said that if there are no objections, then the TAC is directed to bring a final proposed CIP to the Commission at the February or March meeting and for the TAC to work with the Administrator regarding scheduling the item on a Commission meeting agenda.

- ii. **Review Draft Budget Document Information.** Mr. Asche said that the Commission had directed the TAC to look at revising the presentation of the CIP information and he presented the draft document. He said that the new format is typical to how a municipal CIP works. Ms. Jester said she thinks this would work nicely with a map on the Web site linking to online sections for each project and including before and after photos. Mr. Byrne said that it would be nice for links to be included that go to the project information on the Web site. The Commission approved the TAC continuing to work on developing the rest of the CIP budget documents.
- iii. **Schedule Future TAC Meetings.** Chair Black announced that the next TAC meetings will be held on February 7th, March 7th, and April 4th.

D. Met Council Call for Members of Watershed Organization Technical Advisory Committee.

Chair Black announced that the BCWMC received a letter from the Metropolitan Council inviting membership to a watershed organization technical advisory committee. Administrator Jester provided details. The Commission discussed the invitation. Commissioner Hoshal recommended that the Administrator not be part of the Committee since she will be so busy with the other Administrator tasks. Mr. Asche said he would be interested. The Commission approved. Mr. Asche said he will contact the Metropolitan Council.

- E. Boone Avenue Convenience Center and Retail Building: Golden Valley.** Commissioner Hoshal asked why the Commission is reviewing this project now when construction is already underway. Mr. Oliver said that a surcharge plan for compacting soils was previously reviewed and administratively approved by the Commission Engineer and the City. Mr. Oliver indicated that the approved work has started. Mr. Oliver said that it is the City’s understanding that the building will not be demolished and a remodel of the building is a couple of years out. He said that the building will be added onto this spring. Mr. Oliver described the environmental filter manhole on the site to treat existing runoff. He said that a new filter manhole will treat the new developed area and will discharge into the pond. Commissioner Hoshal said that the City will need a maintenance agreement. Mr. Oliver agreed. Ms. Chandler described the way the filter in the environmental manhole works. She emphasized the importance of maintenance of the filter and explained that in its project memo the Commission Engineer has recommended two conditions related to the maintenance. There was discussion of the type and size of media to be utilized in the filter. There was discussion of the site location, fill and mitigation of fill.

Commissioner Johnson recommended approving the project based on the conditions in the Engineer’s Memo. Commissioner Hoshal seconded the motion. The motion carried unanimously 8-0 with eight votes in favor [City of Golden Valley absent from vote].

6. OLD BUSINESS

- A. WMWA Requests.** Mr. LeFevere provided an explanation of WMWA's (West Metro Water Alliance) requests. He said that the request that the Commission carry over 2012 funds into 2013 can't be met since the Commission has spent its full 2012 WMWA budget. Mr. LeFevere described the type of work that WMWA is proposing for educational activities. He said that if WMWA staff did the work, it would be considered routine administrative services as described in the agreement between the BCWMC and WMWA, but since WMWA proposed to hire outside staff to do the work, it is out of the ordinary and WMWA is requesting the consent of the organizations. Mr. LeFevere said that if the Commission is agreeable to this request, he has structured language for a motion and it is in his memo provided to the Commission. Mr. LeFevere described the next WMWA request regarding raising the cap on WMWA's reimbursement request to the BCWMC from \$2,000 to \$4,500 for 2013.

Commissioner Hoshal moved to approve expenditure by the Shingle Creek Watershed Management Commission of funds paid by Bassett Creek to WMWA in 2012 for preliminary work on its K-12 Project. Commissioner Millner seconded the motion. The motion carried unanimously 8-0 with eight votes in favor [City of Golden Valley absent from vote].

Chair Black directed the Administrator to look at the 2013 budget and to come back with information at the Commission's February meeting. Commissioner Hoshal said that if the Commission does approve raising the cap then the Joint Powers Agreement between the BCWMC and WMWA would need to be revised. Mr. LeFevere confirmed.

[Commissioner Millner departs the meeting.]

- B. Next Generation Plan Update.** Commissioner Sicora brought up the new change to the plan process schedule that identifies that the Commission will adopt the new plan in April of 2015, which is later than the previously scheduled date and past the September 2014 deadline and expiration of the Commission's current Watershed Management Plan. He asked how that change is being perceived by the agencies. Ms. Loomis said that the Commission hasn't asked for input on it yet but she presumes that the Commission would need to request an extension. Ms. Chandler said that the current plan stays in place until the Commission adopts a new one.

Administrator Jester reported that she had spoken to Brad Wozney about the public input process and he said that after the issues are identified, the public needs to prioritize how the issues are addressed in the plan. She said she thinks it would be good to do the prioritization process in the public input process' second large group meeting. Ms. Jester said that the Commission needs to identify who is responsible for the tasks documented in the plan process schedule and also identify how much each task will cost so that the Commission knows if it can afford what it is proposing.

Chair Black raised her concerns about the large group meetings and said that the large group meetings seem like they would expend a lot of time and effort without resulting in much feedback. The Commission discussed different approaches such as utilizing the traditional Citizen Advisory Committee method, holding small group meetings, and holding separate meetings with the different agencies. Chair Black said that she likes the ideas of the small group meetings and the survey.

Commissioner Sicora asked Administrator Jester about comments from Brad Wozney on the public participation process. She said that Mr. Wozney is fine with the process proposed as long as the Commission incorporates the public prioritization process.

Commissioner Sicora said that he supports Administrator Jester's suggestion of expanding the project matrix

to identify the responsible party and cost per task and he would like to see the endpoint tied in as well. He said that this refinement to the matrix needs to happen extremely soon and then it should come back to the Commission next month. Ms. Jester said that she would like authorization to work with Ms. Loomis and Ms. Chandler to refine the plan process document and would like direction on who will be developing the plan. Chair Black said that Barr and Administrator Jester should work together to develop the plan.

Ms. Loomis updated the Commission on the status of facilitator training and said that she is waiting on a call from John Shardlow about doing the training. She said he does work with the cities and he wanted to know if there were any concerns with conflict of interest. Mr. LeFevere indicated that he didn't see any conflict.

The Commission decided to meet on Monday, January 28th from 4:30 p.m. to 6:30 p.m. at Golden Valley City Hall to review the Gaps Analysis. The Plan Steering Committee arranged to meet at 3:30 p.m. for an hour prior and then to stay for the Gaps Analysis meeting.

The Commission discussed the status of the survey. Ms. Loomis said that a small group needs to sit down and work on the survey. Administrator Jester suggested that a draft of the survey be done by January 28th, the day of the next Plan Steering Committee meeting. Commissioner Sicora suggested that Administrator Jester touch base with the Shingle Creek Watershed Management Commission about the public outreach piece and he suggested that if people have comments on the draft plan process documents being reviewed today then they should get those comments to Administrator Jester.

Chair Black asked that the issue regarding the difference in standards between watersheds be included in the gaps analysis if it isn't already.

- C. Update on Member City Assessment Payments Received to-date for Fiscal Year 2012.** Chair Black reported on the member city assessment payments received to-date and asked the remaining cities to check to make sure their cities are in the process of getting the payments in prior to the February 1st deadline.
- D. TMDL Implementation Reporting Update.** Ms. Chandler said that the Commission Engineer anticipated preparing a reporting template by the end of 2012. However, she said, they are waiting for renewal of the MPCA's MS4 permit. Ms. Chandler said that the permit renewal will be going to the MPCA (Minnesota Pollution Control Agency) board at the end of this month for approval. She said that if the permit approval doesn't go ahead in the end of January, then the Commission Engineer may want to get together with the cities to discuss TMDL implementation reporting. She said that she will provide updates on this issue in the coming months.
- E. XP-SWMM Schedule and Budget.** Ms. Chandler said that at last month's Commission meeting the Commission approved \$5,000 toward additional work on the XP-SWMM model to incorporate the new street crossings into the model. She said they are still gathering data from the cities and it would be helpful to have an extension on the work schedule because it would be hard to get all of the data in and to calibrate the model by the end of January. The Commission discussed using fiscal year 2012 funds in fiscal year 2013.

Mr. LeFevere explained the information that he received from the Commission's Deputy Treasurer Sue Virnig. He said that the funds not expended in 2012 go into the Commission's fund balance, so if the Commission wants to use those funds then it needs to communicate to Ms. Virnig about which payments are to come out of the fund balance. He suggested that the Commission keep a running memo to track the budget items and the decisions that the Commission makes about those items. Chair Black said that she likes to see the budget items tracked on the financial report. She said that she and Administrator Jester will have a conversation with Ms. Virnig to see how it can be tracked. Commissioner Sicora recommended that they talk

to Ms. Virnig and get her recommendation and implement it.

Commissioner de Lambert said that there are a number of items that the Commission didn't fully expend in 2012 and he recommends that the Commission move over into 2013 the remaining 2012 funds for the XP-SWMM Model, the P-8 Water Quality Model, the Next Generation Plan, and the Administrator. The Commission Engineer was directed to continue working on the XP-SWMM model. Commissioner de Lambert moved to approve the Commission Engineer continuing its work on the XP-SWMM and the P-8 models during the 2013 fiscal year and up to the amount budgeted and approved by the Commission. Alternate Commissioner Crough seconded the motion. The motion carried unanimously 7-0 with seven votes in favor [Cities of Golden Valley and Minnetonka absent from vote].

7. COMMUNICATIONS

A. Administrator

- i. Administrator Jester said that she would like to meet individually with anyone who would like to sit down with her and discuss history and any concerns or suggestions.
- ii. Administrator Jester said that in today's Administrative Services Committee meeting it was decided that she will be the first point of contact for the Commission and she can forward on items to others as needed.

B. Chair

- i. Chair Black reported that the homepage of the Commission's Web site now features some of the watershed photos taken by Commissioner Dan Johnson.
- ii. Chair Black reported that the City of Minnetonka has reappointed Commissioner Jacob Millner and Alternate Commissioner Tony Wagner for a three-year term on the Commission and the City of New Hope has reappointed Commissioner John Elder and Alternate Commissioner Pat Crough for a three-year term on the Commission.
- iii. Chair Black reported that the Commission received a reimbursement request from the City of Crystal for the North Branch restoration project. She directed the Commission Engineer to review the request for action at the February meeting.

C. Commissioners

- i. Commissioner Dan Johnson said that he had stopped at the Bassett Creek restoration project in Crystal and had asked the onsite project engineer if he has had any resident feedback or concerns and he said that there has been none.

D. Committees

- i. Commissioner Hoshal asked if a link to the WMWA WaterLinks Newsletter could be posted on the Commission Web site. The Commission agreed. Commissioner Johnson asked if WMWA could put some of the WaterLinks stories in the form of a press release and submitted to the Sun newspapers.
- ii. Commissioner Hoshal said that he received an e-mail request today about BCWMC participation in the Green Yard workshops, formerly MetroBlooms. He asked for authorization to talk to Administrator Jester about the 2013 budgeted funds for education and outreach to see if funds would be available. Chair Black approved.

- iii. Commissioner Hoshal said that the Metropolitan Council’s 2011 Lake Water Quality Report has come out and Ms. Herbert sent out to the Commission the link to the report. Administrator Jester requested that the pages about the lakes in the Bassett Creek Watershed be posted on the Commission’s Web site in the water quality section. Commission agreed and directed Ms. Herbert to post the pages.
- iv. Mr. Asche provided an update on the Minnesota Pollution Control Agency’s Metro Chloride project and the meeting that occurred two days ago. He said that the MPCA is looking at raising its chloride standards and this could potentially affect the Next Generation Plan.

E. Legal Counsel

- i. Mr. LeFevere announced that the Commission’s Joint Powers Agreement (JPA) expires on January 1, 2015. He said that all the cities need to sign the new agreement and if the Commission approves, then he can get the process started. The Commission directed Mr. LeFevere to start the process and to draft the necessary resolutions to bring in front of the Commission.

F. Engineer: No Engineer Communications

8. ADJOURNMENT

The meeting adjourned at 2:19 p.m.

Chair

Date

Amy Herbert, Recorder

Date

Secretary

Date