

Bassett Creek Watershed Management Commission

Minutes of the Meeting of December 21, 2007

1. Call to Order

The Bassett Creek Watershed Management Commission (BCWMC) was called to order at 11:35 a.m., Thursday, December 21, 2007 at Golden Valley City Hall by Chair Welch. Ms. Herbert conducted roll call.

Roll Call

<i>Crystal</i>	Commissioner Pauline Langsdorf	<i>Counsel</i>	Charlie LeFevere
<i>Golden Valley</i>	Alternate Commissioner Dave Hanson	<i>Engineer</i>	Len Kremer
<i>Medicine Lake</i>	<i>Not Represented</i>	<i>Recorder</i>	Amy Herbert
<i>Minneapolis</i>	Commissioner Michael Welch, Chair		
<i>Minnetonka</i>	<i>Not Represented</i>		
<i>New Hope</i>	Commissioner Daniel Stauner		
<i>Plymouth</i>	Alternate Commissioner Elizabeth Thornton		
<i>Robbinsdale</i>	<i>Not Represented</i>		
<i>St. Louis Park</i>	Commissioner Richard Johnson		

Note: Commissioners Linda Loomis (Golden Valley) and Ginny Black (Plymouth) arrived after roll call

Also present: Laura Adler, BCWMC Technical Advisory Committee, City of St. Louis Park
Brooke Asleson, Minnesota Pollution Control Agency (MPCA)
Jeannine Clancy, City of Golden Valley
Terrie Christian, Association of Medicine Lake Area Citizens
Jack Frost, Metropolitan Council
Lee Gustafson, BCWMC Technical Advisory Committee, City of Minnetonka
Al Lundstrom, BCWMC Technical Advisory Committee, City of Golden Valley
Richard McCoy, BCWMC Technical Advisory Committee, City of Robbinsdale
Bob Moberg, BCWMC Technical Advisory Committee, City of Plymouth
Stu Stockhaus, Alternate Commissioner, City of Crystal
Liz Stout, BCWMC Technical Advisory Committee, City of Minnetonka
Brian Vlatch, Three Rivers Park District

2. Approval of Agenda and Consent Agenda

Chair Welch announced the addition of agenda item number 5Bi - Wirth Lake TMDL, agenda number 5Bii - Fisheries and Biota Collection on the Main Stem, agenda number 5Biii - Watershed Outlet Monitoring Program (WOMP) Funding, and agenda number Evii - Contract with MetroBlooms for Education Grant. Ms. Langsdorf moved to approve the amended agenda. Mr. Stauner seconded the motion. The motion carried unanimously [Cities of Medicine Lake, Minnetonka, and Robbinsdale were absent from the vote].

Chair Welch stated that the Consent Agenda this month consists of the November 14th meeting minutes and the financial report. Mr. Stauner moved to approve the Consent Agenda. Mr. Hanson seconded the motion. The motion carried unanimously. [Commissioner Black arrived].

3. Administration

- A. Presentation of the November 14th meeting minutes. The November 14th minutes were approved as part of the Consent Agenda.
- B. Presentation of the Financial Statement. The financial report was approved as part of the Consent Agenda.

The general and construction account balances reported in the December 2007 Financial Report are as follows:

<u>Checking Account Balance</u>	318,806.96
<u>TOTAL GENERAL FUND BALANCE</u>	318,806.96
<u>Investment Balance</u>	0.00
<u>TOTAL CONSTRUCTION ACCOUNT BALANCE</u>	2,844,619.90
<u>-Less: Reserved for CIP projects</u>	4,011,816.35
<u>Construction cash/ investments available for projects</u>	(1,167,196.45)

- C. Presentation of Invoices for Payment Approval.

Invoices:

- i. Kennedy & Graven – Legal Services - invoice for the amount of \$1,439.35
- ii. Barr Engineering Company – October Engineering Services - invoice for the amount of \$24,020.75
- iii. Barr Engineering Company – October Services for Twin’s Stadium – invoice for the amount of \$346.50
- iv. Amy Herbert – October Recording Administrator Services - invoice for the amount of \$2,375.00

Mr. Stauner moved to approve the Kennedy & Graven invoice, both Barr Engineering invoices, and the Amy Herbert invoice. [The agenda did not list the remaining five invoices listed below, but the invoices were included in packet and a separate action was taken on those remaining five invoices]. Ms. Black seconded the motion. By call of roll, the motion carried unanimously [Cities of Medicine Lake, Minnetonka, and Robbinsdale were absent from the vote]. [Commissioner Loomis arrived.]

- v. SEH – October Services for Sweeney Lake TMDL Study – invoice for the amount of \$1,939.83
- vi. SEH – November Services for Sweeney Lake TMDL Study – invoice for the amount of \$380.00.
- vii. Three Rivers Park District – 2007 Monitoring of Sweeney Lake – invoice for the amount of \$2, 682.00.
- viii. Three Rivers Park District – 2007 Monitoring of Crane Lake and Westwood Lake – invoice for the amount of \$1, 692.00.

ix. City of Golden Valley – WSB’s Feasibility Study for Sweeney Branch Channel Restoration Project

[The above invoices were unanimously approved by roll call vote (Cities of Medicine Lake, Minnetonka, and Robbinsdale were absent from the vote) later in the meeting. See Section 3 – Administration – Continued.]

- D. BCWMC Invoice through November 30, 2007, Engineering Costs and October 31, 2007, Legal Costs for Submission to the MN Ballpark Authority in the amount of \$9,785.28. Chair Welch asked if the Commission’s costs to the MN Ballpark Authority are still under the reimbursement amount ceiling in the MN Ballpark Authority’s contract with the BCWMC. Mr. Kremer said yes. Mr. Stauner moved to approve submitting the invoice. Ms. Langsdorf seconded the motion. The motion carried unanimously [Cities of Medicine Lake, Minnetonka, and Robbinsdale were absent from the vote].**

4. New Business

- A. 2300 Noble Avenue: Golden Valley. Mr. Kremer said the December 13th Engineer’s Memo contains a summary of the project proposal. He said the proposal is to install erosion protection on a stream bank downstream of Noble Avenue. Mr. Kremer said the proposal is to also fill an area to cover a sanitary sewer that has been exposed due to erosion of the stream bank. Mr. Kremer said the Commission Engineer recommends approval of the project with the minor contingencies that the project must not reduce the total cross sectional area as it existed prior to the erosion, the contractor should minimize disturbance of the creek during construction, and erosion must not be transferred downstream as a result of the rip rap.**

Chair Welch asked if the erosion transfer can be avoided through the project design. Mr. Kremer said the proposed rip rap installation is on a short enough meander that he is fairly sure that the erosion won’t be transferred downstream. He said what does happen occasionally is that energy is transferred downstream but he has looked at the plans and is fairly certain it will not occur. Chair Welch asked what happens if the transfer does occur. Mr. Kremer said erosion protection may be needed downstream.

Chair Welch asked Mr. Kremer to explain the relationship of the management envelope elevation to the 100-year flood plain. Mr. Kremer said that in many cases they are the same but in very few cases the management envelope is higher than the 100-year flood plain. He explained that in the early 1970s when the Commission set its original plan, the management envelope was set higher than the 100-year flood plain in every location the Commission felt additional storage may prevent downstream damage. He said as the plan has been developed most of those management envelopes have been removed and there are now only a few locations left.

Ms. Black commented that she is concerned about the amount of rip rap and that when possible she would like projects on visible parts of the stream to include some softening of the rip rap.

Ms. Black moved to approve the project with the conditions listed in the December 13th Engineer’s Memo. Ms. Loomis seconded the motion. The motion carried unanimously [Cities of Medicine Lake, Minnetonka, and Robbinsdale were absent from the vote].

- B. City of St. Louis Park Nondegradation Report. Mr. Kremer explained that the City of St. Louis Park is the third city to submit its nondegradation report to the BCWMC for review and that the City of Minnetonka and the City of Plymouth were the first two cities to submit their nondegradation reports. Mr. Kremer reminded the Commission that these three cities were**

required to do a loading assessment and depending on the results their loading assessments the cities needed to do city nondegradation reports and modifications to their Storm Water Pollution Prevention Plans.

Mr. Kremer said Barr Engineering did the loading assessment for the City of St. Louis Park. He said for the loading assessment, the cities' 1988 loads needed to be calculated and the 2020 loads needed to be projected and then the cities need to determine if they can implement BMPs so the 2020 loads are equal to or less than their 1988 loads.

Mr. Kremer announced that the St. Louis Park has had a decrease in impervious surface since 1988 and because of that the city's projected 2020 loads are less than their 1988 loads. He explained that in accordance with the MS4 permit, the City of St. Louis Park is not required to modify its Storm Water Pollution Prevention Plan. Mr. Kremer added that the City of St. Louis Park is planning to modify its SWPPP to comply with the Watershed Management Organizations' Watershed Management Plans so the loads for 2020 will decrease further and will be even lower than the 1988 load.

Mr. Kremer said the City is required to submit its plan for comments to WMOs. He said he thinks that if no comments are sent by the WMO to the MPCA the MPCA will come to the WMO looking for comments. He suggests the BCWMC take one of two actions. Mr. Kremer said the Commission could either send comments to the MPCA indicating the City of St. Louis Park is implementing BMPs in accordance with the BCWMC's Watershed Management Plan and that the BCWMC has no other comments on the nondegradation plan, or the BCWMC could send the plan to the TAC for its review at its January 3rd meeting. Mr. Kremer reported that the City of St. Louis Park is submitting its nondegradation plan to the MPCA during the first week of January.

Mr. Johnson moved to send a comment letter to the MPCA indicating that the City of St. Louis Park is implementing BMPs in accordance of the Commission's Watershed Management Plan and that the BCWMC has no other comments on the plan. Ms. Black seconded the motion. Chair Welch asked if the TAC members had any comments. Mr. Gustafson said he is extremely comfortable with the Commission following through with its motion. The motion carried unanimously.

3. Administration - Continued

Chair Welch added agenda item 5G – Request for Proposals document prepared by the Administrator Committee. He also stated that five of the invoices included in the packet were not listed on the agenda and were not approved in the earlier action taken on invoices. He said the Commission needs to take care of those invoices next.

Chair Welch had a question about the Golden Valley invoice for the WSB feasibility report on the Sweeney Branch channel restoration project. Ms. Black moved to approve both SEH invoices and both Three Rivers Park District invoices [Please refer to previous Administration section of minutes for invoice amounts]. Ms. Loomis seconded the motion. By call of roll, the motion carried unanimously [Cities of Medicine Lake, Minnetonka, and Robbinsdale were absent from the vote].

Chair Welch asked if the BCWMC has paid for feasibility reports previously. Mr. Kremer said that the BCWMC has paid for feasibility reports in most cases. Chair Welch asked if that cost comes out of the BCWMC's CIP allotment for that project. Mr. Kremer said yes. Ms. Black moved to approve the Golden Valley invoice for WSB's Sweeney Branch Feasibility Report. Ms. Loomis seconded the motion. By call of roll, the motion carried unanimously [Cities of Medicine Lake, Minnetonka, and Robbinsdale were absent from the vote].

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5. Old Business

- A. **Sweeney Branch Channel Restoration Project Plan Review.** Mr. Kremer reported that after reviewing the final plan for the project, the Commission Engineer only has three issues remaining. He said two are about the erosion control plan and one is a request that the contractor also install rock on the upstream side of the sheet pile. Mr. Kremer said the final plan the Commission Engineer reviewed is a later version than the one included in the meeting packet. Ms. Black asked if a test site could be incorporated into the project where a one-inch seeded compost blanket is used for slope revegetation. Ms. Clancy said the city would definitely evaluate Ms. Black's suggestion.

Ms. Black moved approval of the project with the Engineer's recommendations and the City of Golden Valley's evaluation of the test site. Mr. Johnson seconded the motion.

Mr. Kremer added that the Army Corps of Engineers has reported that it will be 2009 before it can review this project for a permit due to work overloads at the Corps. He said he is looking into whether the Commission can obtain permitting authority for future projects like this in the BCWMC's CIP. He reported that the head of the Corps' permitting section said the BCMWC should consider submitting a resource management plan to the Corps. Mr. Kremer said the idea should be considered by the Commission so the Commission does not run up against a two-year permitting delay for future projects. He said the Commission Engineer can come back at the next meeting with any ideas from the Army Corps regarding ideas to counter the permitting delays for the Sweeney Branch project.

Chair Welch asked Mr. Kremer to bring to the next meeting an idea of what the next step would be toward a resource management plan.

The motion carried unanimously [Cities of Medicine Lake, Minnetonka, and Robbinsdale were absent from the vote].

- B. **Medicine Lake TMDL Work Plan.** Ms. Black said the Commission's discussion today should help decide how to get this project moving and who will be the Commission's contact person for the project. Chair Welch said this is a very big and important project to take on for an organization that has no staff and he doesn't think there's a commissioner who has the time to be that point person.

Mr. Kremer explained that the second version of the Medicine Lake Work Plan incorporates the changes requested by the Commission last month. He said the work plan was modified to reduce the number of stakeholder meetings by about one-half by combining the public and technical stakeholder groups. Mr. Kremer said Barr Engineering submitted the modified work plan to Ms. Brooke Asleson at the Minnesota Pollution Control Agency (MPCA) for review. Mr. Kremer said Ms. Asleson then suggested that a meeting be held between the MS4s, John Barten of the Three Rivers Park District, Barr Engineering, and herself to develop a consensus on the final work plan.

Chair Welch said he endorses that idea and thinks the meeting is necessary. Mr. Kremer said the work plan that would come out of that meeting would be a reduced scope of work. Chair Welch suggested the meeting be convened in January and said he thought all the stakeholders should be invited including Mn/DOT and Hennepin County. Ms. Black said it may not be easy to get Mn/DOT's participation in a meeting. Ms. Asleson said she thought the players involved in finalizing the Medicine Lake TMDL scope of work should include a representative of the

BCWMC, the Three Rivers Park District, the City of Plymouth, and the MPCA. She said once these parties have a better idea of what has been done, what needs to be done, and who is willing to do what task, and these parties have a better idea of the scope of work and the work plan, then there could be a meeting where other stakeholders are invited to discuss the work plan and whether they want to be more involved.

Chair Welch asked why all the stakeholders wouldn't be invited to the first meeting about finalizing the work scope. Ms. Asleson said typically that doesn't happen very often because it can be difficult to collaborate and can take more effort. Ms. Clancy commented that in her experience it can be difficult to draft a document with a large number of parties.

Chair Welch asked if finalizing the work plan could be done in two phases: first, designing a final work plan and secondly, sending it out for comments. He said he is concerned about designing a work plan and then having one or two relatively important MS4s saying they don't like how this was done and decide to object on those grounds.

Mr. Kremer said a number of nutrient TMDLs are either in the process of getting done or have been completed in the metro area. He explained there are a lot of different strategies that have been undertaken to get the TMDLs done. Mr. Kremer reported there are a number of cases where the Watershed Management Organizations (WMOs) are taking on the reduction in loads entirely and are not allocating any reductions to MS4s. He said there are other cases where the reduction in loads are being allocated to all the MS4s and there are still other cases where the reductions are being allocated to all MS4s except Mn/DOT. Mr. Kremer stated that he has heard many times from the Commission that it is interested in knowing how much of a load is occurring as a result of runoff from freeways and highways and depending on that load some commissioners have expressed interest in assigning a load reduction to all MS4s including Mn/DOT.

Ms. Black said she thought it would be a good idea for that smaller group to meet and if it met before January 3rd the TAC could discuss the new work plan at its January 3rd meeting. She also said that the smaller group or TAC could discuss ideas of who will do the TMDL work. Ms. Loomis said she doesn't think one of the MS4s should do the work. Chair Welch suggested the Commission be creative. He said a nonprofit could lead the stakeholder involvement process. Mr. Kremer added that there is a February TAC meeting also. Chair Welch said the timing pressure comes from the MPCA's funding structure. Ms. Asleson said the MPCA doesn't need to get the work plan until the end of the fiscal year, which is July. She said she will not hold the money and will give it to other projects but the MPCA could request funding for this project for the next fiscal year.

Ms. Black said the City of Plymouth is doing its Surface Water Management Plan. She said much of that includes Bassett Creek and Medicine Lake. Ms. Black said she would like to discuss at the small group Medicine Lake TMDL meeting how the public involvement processes of the two plans could interface. Chair Welch said he thinks the stakeholder process should be coordinated by someone and that coordinator needs to engage the MS4s and others in a robust way. Ms. Loomis said that at the TMDL work plan meeting the City of Plymouth representative should identify what the city is already doing and has planned for the public participation process and that process should become part of the TMDL design and any request for proposals. Ms. Black commented that the City of Plymouth's public participation process may not be ironed out by the time of the TMDL work plan meeting.

Chair Welch moved that the Commission Engineer work with the MPCA, the City of Plymouth, and the Three Rivers Park District to coordinate a meeting to be held after January 15th to discuss the Medicine Lake TMDL work plan. Ms. Black seconded that and suggested the motion direct the

TAC to review the work plan at its February meeting. Chair Welch asked Ms. Black if she would modify her amendment and direct the TAC to look at the work plan as it is and the MPCA's comments at its January meeting. Ms. Black agreed. Ms. Loomis asked Chair Welch if his motion includes a Commission representative at the work plan meeting. Chair Welch said it does and said he intends to go and asked if any other Commissioners planned to attend besides himself and the City of Plymouth. [No other commissioners indicated they would attend the meeting.] Ms. Asleson commented that she needs an individual from the Commission as her point of contact. Mr. Moberg suggested that selecting a contact person be addressed at the TMDL work plan meeting. Chair Welch said that until it is discussed at the work plan meeting the contact person will be the Commission Engineer. The motion carried unanimously [Cities of Medicine Lake, Minnetonka, and Robbinsdale were absent from the vote].

Mr. Vlatch said the Three Rivers Park District Board has approved the Park District's participation in the Medicine Lake TMDL public participation process but if the Commission would like additional Three Rivers Park District participation, such as at a work plan meeting, the Park District Board would need to approve it. Chair Welch directed the Commission Engineer to send a letter to John Barten at Three Rivers Park District requesting the Park District's participation in the meeting.

- i. **Wirth Lake TMDL Scope.** Mr. Kremer said that Ms. Asleson had commented that she would like the Wirth Lake TMDL Scope finalized. He reminded the Commission that earlier in the year the TAC recommended the Commission proceed with the TMDL in order to get Mn/DOT to participate in the implementation of the plan the Commission has for Wirth Lake. He said that a large part of the area tributary to the BMPs is Highway 55 and Mn/DOT has refused to participate with either the implementation of construction or with the maintenance of the facility. Mr. Kremer said a work scope was developed after TAC had recommended the TMDL. He stated that the work scope was sent to Tim Larson of the MPCA. Mr. Kremer recommended getting the interested parties together to agree on the scope of work for the TMDL. He said the interested parties include the Minneapolis Park and Recreation Board, Mn/DOT, and the City of Golden Valley. Mr. Kremer stated that Ms. Asleson requested the final work plan in the next 30 to 60 days. Ms. Asleson said the MPCA would like the Wirth Lake TMDL draft work plan by March 1st. Ms. Loomis asked that the meeting also include a Commission representative and an MPCA representative.

Ms. Black moved that Commission staff coordinate a meeting between the Minneapolis Park and Recreation Board, Mn/DOT, the City of Golden Valley, the MPCA, and a representative from the MPCA. Ms. Loomis seconded the motion. The motion carried unanimously [Cities of Medicine Lake, Minnetonka, and Robbinsdale were absent from the vote].

Ms. Clancy asked if the Commission could direct the Commission Engineer to pull together the Wirth Lake monitoring data and send it to Golden Valley. Chair Welch directed Ms. Herbert to e-mail the Wirth Lake TMDL work plan and the Wirth Lake monitoring data to the Commission, the TAC, Sara Aplikowski and Brooke Asleson.

- ii. **Fisheries and Biota Data Collection on the Main Stem – Deferred to January meeting.**
- iii. **Watershed Outlet Monitoring Program (WOMP) Funding – Deferred to January meeting.**

C. Annual Flood Control Project Inspection. Deferred to January meeting.

D. Status of 20-Year Inspection of Bassett Creek Phase I and II Tunnels. Deferred to January meeting.

E. BCWMC Education Committee.

- i. Participation in Plymouth's 2008 Environmental Expo. Ms. Langsdorf asked for Commission approval for its participation in the City of Plymouth's 2008 Environment Expo. Chair Welch moved approval. Ms. Black seconded the approval. The motion carried unanimously [Cities of Medicine Lake, Minnetonka, and Robbinsdale were absent from the vote].**
- ii. Participation in Plymouth's 2008 Yard and Garden Expo. Ms. Langsdorf asked for Commission approval for its participation in the City of Plymouth's 2008 Yard and Garden Expo, which has a registration fee of \$50. Ms. Loomis moved approval. Ms. Black seconded the motion. The motion carried unanimously [Cities of Medicine Lake, Minnetonka, and Robbinsdale were absent from the vote].**
- iii. Funding to WaterShed Partners. Ms. Langsdorf asked for approval for Commission funding to WaterShed Partners in the amount of \$5,000. Ms. Langsdorf stated that the amount is in the Education budget and the Education Committee recommends approval. Ms. Black moved to approve the funding. Chair Welch seconded the motion. The motion carried unanimously [Cities of Medicine Lake, Minnetonka, and Robbinsdale were absent from the vote].**
- iv. Grant Criteria Revisions. Deferred to January meeting. Chair Welch directed Ms. Herbert to e-mail the revisions to the Commission and to include in the January packet.**
- v. Pilgrim Lane Elementary and Nature Center Grant Application. Ms. Langsdorf said the grant request is for \$940 to hold classes on water quality. Ms. Langsdorf said the program is a joint program by the Eastman Nature Center and the City of Plymouth. Chair Welch said the application should nail down the exact amount it is requesting because page one requests \$970 and page two asks for \$850. Mr. Stauner moved approval for \$868.50 Ms. Black seconded the motion. Ms. Langsdorf made a friendly amendment that the Commission approve a grant amount up to \$940 with the amount to be specified before entering into a contract. Mr. Stauner and Ms. Black approved the friendly amendment. The motion carried unanimously [Cities of Medicine Lake, Minnetonka, and Robbinsdale were absent from the vote].**
- vi. St. David's Child Development and Family Services Grant Application. Ms. Langsdorf said the request is for \$1,000 to put on Project WET and Project WILD teacher training program. She said the Education Committee believes it would be beneficial to the Commission to have teachers in the Bassett Creek watershed training in the curriculum. Ms. Langsdorf**

said the Education Committee recommends that in order to ensure the grant supports education in the Bassett Creek Watershed, the BCWMC should reimburse the grantee \$100 per teacher provided the teacher teaches within a school district in the Bassett Creek Watershed or 25% of the teacher's students come from the Bassett Creek Watershed. She said the grant funding will come from the demonstration/ grants line item of the budget. Chair Welch asked how the teachers will be identified. Ms. Langsdorf said St. David will be doing the identifying of the teachers. Chair Welch clarified that teachers from all schools not just private schools will be able to participate. Ms. Black said yes. Ms. Black moved the Education Committee's recommendation to approve the \$1,000 grant with the contingencies in the Committee's recommendation. Ms. Langsdorf seconded the motion. The motion carried unanimously [Cities of Medicine Lake, Minnetonka, and Robbinsdale were absent from the vote].

- vii. **Contract with MetroBlooms for Education Grant.** Mr. LeFevere said the funding for the MetroBlooms grant was approved at the last meeting but that it seemed appropriate for the Commission to have a generic agreement it can use for the Education Grant contracts and that grant agreement is what the Commission is looking at today. Mr. LeFevere recommended that the Commission approve the grant contract for MetroBlooms and then also approve the grant contract form to be used for other education grants so the contract would not need to be in front of the Commission each time and instead could be completed administratively.

Mr. LeFevere said for MetroBlooms the Commission should set an expiration date for something like April 2009. He said a reasonable deadline is three to six months after the end of the grant timeline. Mr. LeFevere said the Commission can direct staff to fill in the drop dead date to be 60 days after the last action date in the attachment, which is the work plan schedule. Ms. Black moved Mr. LeFevere's recommendation that the Commission approve the MetroBlooms contract form with the drop dead date of 60 days after the last action date in the attachment. Ms. Langsdorf seconded the motion. The motion carried [Cities of Medicine Lake, Minnetonka, and Robbinsdale were absent from the vote]. Chair Welch said he is not ready to approve the contract form as a standard form yet.

Ms. Black moved that the Education Committee make the Commission's revisions to the Pilgrim Lane and St. David's contracts and return the contracts to the grantees for their approval. Chair Welch seconded the motion. The motion carried unanimously [Cities of Medicine Lake, Minnetonka, and Robbinsdale were absent from the vote].

F. TAC Recommendations

- i. **Proposed work plan for revising BCWMC's *Requirements for Improvements and Development Proposals*.** Mr. Kremer reported that the Commission Engineer has been working with the TAC to include several new BMPs and their requirements to the *Requirements for Improvements and Development Proposals* document (Requirements document). He said the TAC made several recommendations including revising the current Requirements document and sending the revisions to the cities for review and comment for

TACs review at the February 7th TAC meeting. He said the TAC's recommendations would then come back to the Commission at the February or March meeting. He said the outline of those tasks and the estimated \$5,500 cost of those tasks are detailed in the November 8th memo from the TAC to the Commission. Chair Welch asked the Commission Engineer to send the revisions to the Commission when sending them out to the cities.

Ms. Black moved the staff recommendation. Ms. Loomis seconded the motion. The motion carried unanimously [Cities of Medicine Lake, Minnetonka, and Robbinsdale were absent from the vote].

- ii. **Medicine Lake Dredging as Potential CIP Project.** Chair Welch said the TAC does not think the Commission needs to take this on as a project in any significant way right now. Mr. Gustafson recommended the Commission take action to take the project out of consideration. Ms. Loomis moved to take the project out of consideration. Mr. Stauner seconded the motion. Chair Welch made a friendly amendment to the motion that the Commission withdraws the Medicine Lake dredging as consideration of a project to be undertaken by the Commission at this time. The motion carried unanimously [Cities of Medicine Lake, Minnetonka, and Robbinsdale were absent from the vote].

- A. **Administrator Request for Proposals.** Ms. Black reported that the Administrator Committee recommends the Commission seek a consulting contract that will look at how the Commission functions and will evaluate the Commission's strengths, weaknesses and gaps and will bring that information and recommendations back to the Commission in a document. She said the Commission will then be able to review the information and make a decision on whether it wants to move forward with hiring a staff person or not or if there is another structure that could work for the Commission. Ms. Black said the draft request for proposal (RFP) is in the meeting packet and if any commissioner has comments to let her know; otherwise, she said, the Committee is looking to move forward with this RFP. Chair Welch said the Committee decided not to put a dollar amount in the RFP but that he personally has been thinking the cost would be around \$8,000. Mr. Johnson asked where those funds would come from. Chair Welch said from the \$35,000 budgeted for the administrator in the 2008 budget.

Ms. Black moved to approve the RFP as it is. Chair Welch seconded the motion. Ms. Black amended her motion to change the January 25th deadline listed in the RFP to February 1st. Chair Welch approved the friendly amendment. The motion carried unanimously [Cities of Medicine Lake, Minnetonka, and Robbinsdale were absent from the vote]. Chair Welch said he and Ms. Black will work with Ms. Herbert to get the RFP out.

6. Communications

- A. **Citizen Input on Non-agenda Items:** Ms. Thornton reported that the raw numbers from the joint survey are available and the report will be available after the first of the year.
- B. **Chair**
 - i. Chair Welch announced that Joel Settles has indicated that the Commission could make a presentation to the Hennepin County Board of Commissioners. Chair Welch said he envisions that he would go and make a short presentation on the BCWMC

history and current activities. He said any other commissioner is welcome to join him. He asked if the commissioners are comfortable with that idea or if they have other ideas on how to respond to that request. Ms. Black said she thinks the Commission should do the presentation and she volunteered to put together a PowerPoint presentation. Chair Welch said he or the Commission Engineer would respond to Joel Settles.

- ii. Chair Welch announced that cities have asked the Commission to review and comment on city Comprehensive Plans. He said he is not aware of a formal role of the Commission to re-review Comprehensive Plan surface water components. He said he believed the cities would use their approved Surface Water Management Plans as their surface water component of their Comprehensive Plan. Chair Welch said there would be a cost to the Commission reviewing plans because of staff time. Ms. Black commented that the Commission reviews changes to Surface Water Management Plans. Chair Welch agreed and said the Commission has to approve the cities' surface water management plans and the cities' surface water management plans need to be in conformance of the Commission's Watershed Management Plan.

Ms. Loomis recommended the Commission draft a letter stating that the Commission was asked to comment on the city's Comprehensive Plan but since no changes have been made to the surface water management plan since the Commission last reviewed it, the Commission has no comments.

Mr. LeFevere remarked that cities are obligated to go through the review process if the city updates its surface water management plan. He said that as part of the comprehensive plan process the cities will need to decide if they need to amend its surface water management plan. Mr. LeFevere said if cities do need to amend the surface water management plan, then the cities will need to go through the amendment process.

Chair Welch said he is hearing the Commission agree that it should send letters to cities requesting Commission comments on Comprehensive Plans and use the language recommended by Ms. Loomis. Chair Welch directed Mr. LeFevere and Ms. Herbert to send a letter out, with the language discussed by Ms. Loomis, when the Commission receives a request from a city for comments on its Comprehensive Plan.

- iii. Chair Welch explained that Hennepin County has ditches that are in the Bassett Creek Watershed Management Organization's jurisdiction. He said the County has an interest in going through a statutory process to abandon the ditches and the County has requested a statement from the Commission on whether it supports that process or not. Ms. Black asked if the County abandons them, then who gets them?

Mr. LeFevere said the ditch law is really archaic. He said one thing the County can do with the ditches is transfer them to watershed districts. He said watershed management organizations have more options in dealing with the ditches than the County does. Mr. LeFevere commented he thinks it would be hard for the Commission to say that it supports the abandonment of ditches in general, or say it doesn't support it, but he thinks the ability to transfer ditches to WMOs is a good tool for the County to have as long as the interests of the WMOs and the cities are protected in some way.

Mr. Kremer said his understanding of the legislation is that it would make the process of abandonment much simpler than it is currently.

Ms. Clancy remarked that property owners would like to see them abandoned. She said if there is a way to make the abandonment process easier, she would like to see the Commission support the legislation.

Chair Welch asked if Mr. Kremer and Mr. LeFevre felt they had a strong enough understanding of the legislation and the County's position to be able to make a recommendation on the Commission's position. Mr. LeFevre responded that they can talk to Joel Settles of Hennepin County. He said he likes the idea of having more flexibility in the ditch abandonment process. Chair Welch directed Mr. LeFevre to talk to Joel Settles about the legislation and to get a copy of the legislation and then bring a recommendation to the Commission at the January meeting.

- iv. Chair Welch reported that the cost of the presentation on the hydrologic cycle, which he has mentioned at previous Commission meetings, would be \$250 to \$400. Ms. Black asked where the money would come from in the Operating Budget. Chair Welch said he would have to look at the budget and see what line item the cost would come from. Ms. Black suggested he look at that and bring it back up at next month's meeting.

C. Commissioners: No communications.

D. Committees:

- i. Education and Outreach Committee - Ms. Langsdorf announced there will be a Joint Education and Public Outreach Committee meeting on January 8th at 9:30 a.m. at Plymouth City Hall in the Medicine Lake Room and that the BCWMC Education Committee will meet in the same location immediately following the Joint EPOC meeting.

E. Counsel: Mr. LeFevre said a question was asked at the last meeting whether insurance would increase as the statutory liability limits go up. He said yes it will and said that the League of Minnesota Cities Insurance Trust is automatically increasing coverage. Chair Welch asked if that increase will be reflected when the insurance premium is due as opposed to the Commission getting a separate bill earlier. Mr. LeFevre said that is his understanding.

F. Engineer: No communications.

7. Adjournment

Ms. Black moved to adjourn the meeting. Ms. Loomis seconded the motion. The meeting adjourned at 2:05 p.m.

Michael Welch, Chair Date

Amy Herbert, Recorder Date

Pauline Langsdorf, Secretary Date