

Bassett Creek Watershed Management Commission

Minutes of the Meeting of May 17, 2007

1. Call to Order

The Bassett Creek Watershed Management Commission (BCWMC) was called to order at 11:35 a.m., Thursday, May 17, 2007 at Golden Valley City Hall by Chair Welch. Ms. Herbert conducted roll call.

Roll Call

<i>Crystal</i>	Commissioner Pauline Langsdorf, Secretary	<i>Counsel</i>	Charlie LeFevere
<i>Golden Valley</i>	Commissioner Linda Loomis, Treasurer	<i>Engineer</i>	Karen Chandler
<i>Medicine Lake</i>	Commissioner Cheri Templeman	<i>Recorder</i>	Amy Herbert
<i>Minneapolis</i>	Commissioner Michael Welch, Chair		
<i>Minnetonka</i>	Commissioner Kris Sundberg		
<i>New Hope</i>	Commissioner Daniel Stauner		
<i>Plymouth</i>	Commissioner Ginny Black, Vice Chair		
<i>Robbinsdale</i>	Commissioner Karla Peterson		
<i>St. Louis Park</i>	<i>Not Represented</i>		

Also present: Derek Asche, City of Plymouth (for Bob Moberg, BCWMC Technical Advisory Committee, City of Plymouth)
Laura Adler, BCWMC Technical Advisory Committee, City of St. Louis Park
Jeannine Clancy, BCWMC Technical Advisory Committee, City of Golden Valley
Lois Eberhart, BCWMC Technical Advisory Committee, City of Minneapolis
Jack Frost, Metropolitan Council
Dave Hanson, Alternate Commissioner, City of Golden Valley
Tom Mathisen, BCWMC Technical Advisory Committee, City of Crystal
Richard McCoy, BCWMC Technical Advisory Committee, City of Robbinsdale
Liz Stout, BCWMC Technical Advisory Committee Alternate, City of Minnetonka
Elizabeth Thornton, Alternate Commissioner, City of Plymouth

2. Approval of Agenda and Consent Agenda

Chair Welch added agenda item Old Business item A. i. a. TAC's Recommendations for the Wirth Lake Management Plan. The TAC's Recommendations on the Biota Study will follow the Wirth Lake Management Plan item. Ms. Sundberg moved to approve the Consent Agenda as amended. Ms. Peterson seconded the motion. Chair Welch removed the financial report from the Consent Agenda. Ms. Sundberg approved the friendly amendment. The motion carried unanimously.

3. Administration

A. Presentation of the April 19th meeting minutes. Minutes approved under the Consent Agenda.

B. Financial Statements.

Chair Welch asked if the City of Minneapolis is the only city that has not yet paid its assessment. Ms. Loomis said she thought so. Ms. Loomis also commented that the version of the financial report included in the packet has the wrong date on it (March) but the report is correct. Ms.

Loomis also commented about the \$25,000 erosion/ sediment (channel maintenance), long-term maintenance, and \$35,000 TMDL studies funds transfer. Ms. Loomis reported that the Commission did approve the transfer of funds in the first resolution it passed this year and the funds were transferred. Chair Welch said he thought that was for the 2006 budget. Ms. Loomis said Deputy Treasurer Sue Virnig said it wasn't 2006 funds because it was moved as resolution 07-01. Ms. Loomis said she would double check with Ms. Virnig. Ms. Herbert said the intent of resolution 07-01 [approved in January 2007] was to approve the transfer of 2006 funds. Ms. Loomis said she thought the date of the resolution confused the issue. Ms. Loomis commented that she thought Ms. Virnig assumed that since the resolution number was 07-01, she thought the resolution was for 2007 funds. Chair Welch asked Ms. Herbert to check with Ms. Virnig to see if the 2006 funds were moved.

Ms. Black moved to accept and file the financial statement. Ms. Loomis seconded the motion. The motion carried unanimously.

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

Checking Account Balance	357,369.49
<i>TOTAL GENERAL FUND BALANCE</i>	<i>357,369.49</i>
Investment Balance	1,719,525.53
Commercial Paper (due 5/15/07)	990,129.17
<i>TOTAL CONSTRUCTION ACCOUNT BALANCE</i>	<i>2,709,654.70</i>

- C. Presentation of Invoices for Payment Approval. Chair Welch stated that the \$20.15 expense he submitted was for postage to mail the Sweeney Lake TMDL study work contract back to the MPCA. He said the expense should be assigned to the TMDL budget. Ms. Langsdorf commented that the May 21st Joint Education and Outreach meeting referenced in Ms. Herbert's invoice is actually a BCWMC Education and Outreach Committee meeting.

Invoices:

- i. Kennedy & Graven – Legal Services - invoice for the amount of \$2,454.15.
- ii. Amy Herbert – Recording Administrator Services - invoice for the amount of \$2,177.50.
- iii. MMKR – Progress Billing through 03/31/07 on Financial Audit - invoice for the amount of \$5,750.00.
- iv. ACE Catering – April Meeting Catering - invoice for the amount of \$411.30.
- v. Michael Welch – Postal Service Expenses - invoice for the amount of \$20.15
- vi. Barr Engineering Company – April Engineering Services - invoice for the amount of \$12,625.16.
- vii. Barr Engineering Company – Engineering Services on Twin's Stadium Project – invoice in the amount of \$3,405.46.

Ms. Black moved to approve payment of the invoices. Ms. Loomis seconded the motion. By call of roll the motion carried unanimously [City of St. Louis Park was absent from the vote].

- D. Chair Welch asked if the Ball Park Authority has agreed to pay Barr Engineering's costs for work on the Twin's Stadium project. Mr. LeFevere said the BCWMC has sent two letters saying it expects the Ball Park Authority to pay the costs but the BCWMC has not received any response. Chair Welch asked Ms. Chandler if Barr Engineering expects the BCWMC to pay Barr's costs on the Twin's Stadium project and then have the BCWMC seek reimbursement of those costs from the Ball Park Authority. Ms. Chandler said yes. Chair Welch said the invoice to the Ball Park Authority is in the amount of \$11,001.46. Ms. Loomis moved to approve sending the invoice to the Ball Park Authority. Ms. Langsdorf seconded the motion. The motion carried unanimously [City of St. Louis Park was absent from the vote].

4. Communications

- A. Citizen Input on Non-agenda Items: Mr. Jack Frost of the Metropolitan Council announced that the Minnesota Supreme Court would be announcing the Annandale- Maple Lake ruling today at 1:00 p.m. and the ruling will be posted on the Supreme Court's Web site [<http://www.courts.state.mn.us>].

B. Chair

- i. Chair Welch announced that the BCWMC orientation CD-ROM has been handed out at today's meeting. He said that he would like to add to the next meeting agenda a discussion of a BCWMC training workshop. Chair Welch said he would also like the BCWMC to brainstorm improvements to the meetings. He also suggested the Commissioners read statute 103B, which is on the CD-ROM. Mr. Stauner said www.waterlaws.com is an excellent Web site containing information on water issues. Chair Welch commented that his firm, Smith Partners, puts that Web site together.
- ii. Chair Welch announced that the Ramsey-Washington WaterFest will be on Saturday, May 19.

C. Commissioners: No Commissioner Communications.

D. Committees:

- i. Technical Advisory Committee - Chair Welch said the TAC is proposing to move its July 5th TAC meeting to June 28th and asked if there are any conflicts. Mr. Mathisen mentioned he has jury duty. The Commission had no issues with the TAC rescheduling its meeting.
- ii. Education and Outreach Committee - Ms. Langsdorf said the Committee met to put together its recommendations for the 2008 Operating Budget and that the Committee submitted its recommendations to the BCWMC Budget Committee. She said the Education and Outreach Committee will meet on Monday, May 21 at 9:00 a.m. in the Council Conference Room at Golden Valley City Hall.

Ms. Thornton reported that the Joint Education and Outreach Committee decided to contract with Decision Resources for the joint watershed survey. She said the 50-

question survey will target single family homeowners. Chair Welch asked why business owners aren't part of the target audience. Ms. Black commented that a separate survey would be the best way to get information from businesses. She said most businesses contract for lawn care and other services. She said to find out information from the businesses, the business owner and the business contracted to do the work would need to be surveyed. Ms. Loomis said the property owner would also have to be surveyed. Mr. LeFevere commented that Decision Resources likely has a lot of knowledge about water-related issues from previous surveys it has conducted for cities and other groups and that the Joint EPOC could probably tap into that knowledge. Ms. Thornton said the joint survey is looking for more specific information about clean water. She said if anyone has input on survey questions he or she should let her know.

E. Counsel: No communications.

F. Engineer: Ms. Chandler had no communications. Chair Welch said he wanted to give a brief Sweeney Lake TMDL study update. He said the BCWMC was forwarded a project update e-mail from Ron Leaf of SEH. Chair Welch noted that the project Web site created by SEH is up and that the BCWMC was sent the link and he encouraged commissioners to take a look at the Web site [<http://www.sehinc.com/online/sweeney/index.htm>]. Chair Welch summarized that the Pollution Control Agency (PCA) was supposed to provide some equipment for use in the project but an issue arose where waiting for the equipment would have interfered with the project schedule. He said the Three Rivers Park District, Barr Engineering, and SEH have worked together to get equipment in place and should be in place by today. Chair Welch said he is waiting to hear from SEH how this change affects the project budget. Chair Welch reminded the Commission that there is only one more Commission meeting before the June 30th deadline for the phase 1 funding.

6. New Business

No New Business.

7. Old Business

A. The Technical Advisory Committee's (TAC) Recommendations:

- i. TAC's Recommendations Regarding Mn/DOT. Mr. Mathisen spoke regarding the TAC's discussion with Beth Neuendorf, Mn/DOT, at the May TAC meeting. Mr. Mathisen said it seemed like Ms. Neuendorf was saying that the practice is still evolving in terms of how much Mn/DOT's going to participate in TMDLs and erosion maintenance and other related issues. Chair Welch said he interpreted the memo from the TAC summarizing the discussion with Ms. Neuendorf as saying that she felt handcuffed. Ms. Chandler commented that Ms. Neuendorf explained Mn/DOT doesn't have the authority to work outside of its right-of-way and she encouraged the BCWMC to send a letter to the Commissioner of Transportation to ask for legislation to give the authority to Mn/DOT to work outside the right-of-way.

Ms. Loomis said when she suggested the BCWMC adopt a legislative agenda, this type of issue is what she had in mind. Ms. Sundberg said she likes the idea of the BCWMC having a legislative committee because it is the way a group can really take action and speak as a group and she said she would like to be a part of the committee. Ms. Herbert stated that in 2006 the BCWMC did create a legislative committee and Ms. Loomis was asked to head the committee.

Chair Welch asked if anyone is against the idea of the Commission sending a letter to Mn/DOT and copying legislators asking for a change in the policy as referenced by Ms.

Neuendorf. Mr. LeFevere said the parties in direct interest are the cities. He said one possibility would be to focus the effort and first decide exactly what the Commission wants legislators to do, then give that information to AMM and the League of Minnesota Cities legislative committee as a specific proposal for their legislative agenda.

Ms. Black suggested the Commission send a letter at this point and the BCWMC Legislative Committee can meet over the summer and outline a legislative agenda to bring back to the Commission for discussion. She said the League of Minnesota Cities starts meeting in August about its legislative agenda.

Mr. LeFevere said a good place to start may be by asking Mn/DOT what legislation and funding it needs changed in order for Mn/DOT to be able to work outside its right-of-way. Chair Welch asked Mr. LeFevere to draft a letter stating that the BCWMC is in support of a policy that allows Mn/DOT to participate in maintenance of storm water facilities off its right-of-way and the BCWMC will be exploring options for achieving that policy in coming months. Ms. Black said that is limited. Ms. Loomis said Mn/DOT is an MS4 and is contributing runoff off its right-of-way.

Ms. Chandler said if future work is done on cleaning up Wirth Lake as part of implementing a TMDL, Mn/DOT could participate in that and so she agrees that the letter shouldn't be limited to discussing maintenance.

Chair Welch asked if any commissioners have input on the letter to Mn/DOT they should e-mail their thoughts to Mr. LeFevere, who will put together a draft for the June meeting. Ms. Loomis suggested sending the letter to the legislators and copying the Commissioner of Transportation. Chair Welch recommended sending the letter to the Commissioner and copying the legislators. Mr. LeFevere said the tone of the letter should be we want to work with you on this.

Mr. Mathisen said Betsy Parker is the chief lobbyist for Mn/DOT and would be a good person to contact and find out what she thinks about the draft letter. Mr. LeFevere said the BCWMC could ask the Commissioner of Transportation to designate someone to work with the BCWMC.

Mr. Frost commented that Mn/DOT is an MS4 and there is a formal agreement between Mn/DOT and the PCA. He said that as an MS4, Mn/DOT has certain responsibilities. He said that dealing with the water after putting in a road is not an extra cost; it is the cost of business.

Mr. LeFevere said the BCWMC's common purpose with Mn/DOT is that both would like Mn/DOT to be able to meet its mandates. He said the BCWMC can explain that it would like to help Mn/DOT meet its mandates by helping it get the funding or authority it needs to do so. Ms. Loomis said the letter should state that idea. Mr. LeFevere agreed. Chair Welch said the BCWMC will look at the draft letter at the next meeting.

- ii. **TAC's Recommendations Regarding the Wirth Lake Management Plan.** Chair Welch said the TAC's recommendation to the BCWMC is to request the MPCA proceed with the TMDL study for Wirth Lake. Ms. Chandler said the TAC doesn't want to proceed with implementing the Wirth Lake Management Plan until the TMDL is done and also hopefully by that time the issues with Mn/DOT will be addressed and Mn/DOT will be able to participate in the implementation projects coming out of the TMDL. Ms. Eberhart said the TAC thought the TMDL is the logical tool for getting action from Mn/DOT. Chair Welch said the TAC is saying there isn't a way forward except through the TMDL. Chair Welch asked

how the BCWMC would proceed. Ms. Chandler said the BCWMC would send a letter to Tim Larson of the MPCA requesting it fund the project through the Wirth Lake TMDL budget.

Mr. Mathisen said the BCWMC needs to look at the entire picture because the more TMDLs that are done means more CIP money.

Chair Welch asked for comments on whether the BCWMC should contact the MPCA to say that the BCWMC is in favor of conducting a TMDL study on Wirth Lake soon. Mr. LeFevere said the Wirth Lake TMDL study's assignment of loads would be an offensive weapon by specifying responsibility for who does what. He said moving the process up moves the day up that some responsibility may be assigned to Mn/DOT.

Ms. Black said the BCWMC doesn't know yet what the Commission's costs over and above the contractors' costs will be for the TMDLs and the unknown for budgeting purposes makes her hesitant about the Wirth Lake TMDL study.

Mr. Mathisen said one possibility is that the MPCA could use the Wirth Lake TMDL as a beta test site for getting Mn/DOT involved and therefore would want to put the Wirth Lake TMDL at the top of the pack. Chair Welch said he would contact Tim Larson at the MPCA and have a conversation about the Wirth Lake TMDL study. Mr. LeFevere said if the TMDL process results in a mandate to Mn/DOT, the legislature may get involved if Mn/DOT reacts by saying it can't proceed without help.

Ms. Clancy said there is not adequate funding for the mandates to be carried out. Ms. Clancy said if there is a Wirth Lake TMDL, she will be saying to the Golden Valley city manager, who will be saying to the mayor and city council, there is a concern by the Golden Valley Public Works staff about the extra work load on the city staff due to a second TMDL. Chair Welch asked her if she is in support of the TMDL or not. Ms. Clancy said she has run out of other ideas and therefore sees the TMDL as the only next step.

Ms. Black asked what year the Commission is thinking for the Wirth Lake TMDL. Chair Welch said he will have a conversation with Mr. Larson.

Ms. Chandler said there was a Lake and Watershed Management Plan done for Wirth Lake in 1996 and Barr Engineering doesn't think anything has changed in the watershed. She said the plan has a model and lots of water quality data. Ms. Chandler said a little work would need to be done with the model to parse out the loads to the MS4s and the public participation piece would need to be conducted. Chair Welch asked Barr Engineering for a ballpark cost estimate for the Wirth Lake TMDL early enough so that he could have a conversation with Tim Larson prior to the June meeting.

- iii. **TAC's Recommendations Regarding the Biota TMDL Study.** Ms. Chandler clarified that the TAC didn't discuss this issue at its May meeting but that the BCWMC had directed Barr to put together the biota information that was included in the May 8, 2007 memo from the TAC to the Commission, which was in the meeting packet.

Ms. Chandler said the Commission Engineer recommends that the BCWMC delay preparing a TMDL study of Bassett Creek. She said the Engineer recommends looking at the existing data this year to give the Commission an idea of what information it already has and collecting additional fisheries and macroinvertebrates data in 2008 at four locations along the creek. Ms. Chandler said the result would be better data from which to determine whether the creek or portions of it are impaired or not. She said these ideas have been discussed with Tim Larson of

the MPCA.

Chair Welch asked what is included in the \$55,000 water quality budget proposed for 2008. Ms. Chandler said the \$55,000 includes the \$20,000 proposed for the collection of fish samples and macroinvertebrate data. Ms. Chandler said the Commission could also choose to assign the \$20,000 cost to TMDL studies. Chair Welch remarked he thought that would be appropriate. Ms. Chandler said in that case \$20,000 could be removed from the proposed 2008 water quality monitoring budget (line 10 in the draft operating budget).

Chair Welch said the TMDL for Bassett Creek isn't a forgone conclusion. He recommended that in addition to the TAC's recommendation on page 3 in the May 10, 2007 Engineer's Memo that the Biota TMDL be delayed until 2009 or that the BCWMC get Bassett Creek delisted based on what is found. Chair Welch also asked what reviewing the 1970s data will do for the BCWMC. Ms. Chandler said Mr. Kremer has found that the 1970s timeframe is really significant to fisheries staff and is probably the best historical basis to use as a comparison for current data. Ms. Chandler said macroinvertebrate sampling has been occurring since 1980. She said the Commission Engineer recommends looking at the 2000 data, which is the same year as the fish sampling data that indicated Bassett Creek is impaired.

Chair Welch asked what the \$20,000 includes. Ms. Chandler said perhaps the fisheries data is more expensive to collect but she is not sure.

Ms. Black recommended the Commission make a decision on this item as part of the 2008 Operating Budget discussion.

Ms. Chandler said two things would need to be done this year. She said one thing is looking at the existing data. Ms. Chandler said the cost for that work could come out of the Surveys and Studies budget item. Ms. Chandler said the second item is sending the MPCA a letter summarizing that information and the proposal of what should happen in regard to the TMDL.

Ms. Loomis asked if it would make sense to wait to conduct further monitoring if it turns out to be a dry year.

Ms. Loomis moved for Barr to review the historical data at the estimated cost of \$2,000 and to prepare for Commission review at the next meeting a draft letter to the MPCA stating the Commission's proposal. Ms. Black seconded the motion. The motion carried unanimously [City of St. Louis Park was absent from the vote].

- iv. **TAC's Recommendations Regarding the Channel Restoration Projects.** Ms. Chandler explained that the TAC recommended two reaches be added to the CIP – one to be added in 2008 and one to be added in 2009. She said the one proposed to be added in 2008 is located in the City of Golden Valley and is in the Sweeney Lake branch. She stated that the one proposed to be added in 2009 is a branch of Plymouth Creek. Ms. Chandler reported that the City of Plymouth added an additional reach and commented that cities will be adding projects as they get out and inspect the reaches in their cities.

Ms. Mathisen said there are a lot of projects out there and the TAC decided to wait until next year to discuss projects proposed for 2010. He also commented that there was a very good work session with the Crystal City Council on the topic of adding channel restoration projects to the CIP. Ms. Langsdorf reported that the Crystal City Council was very supportive of going

ahead with adding the high-priority channel restoration projects to the CIP and therefore increasing the ad valorem tax.

Mr. Mathisen remarked that the City of Crystal has just completed its field survey. Ms. Langsdorf said the photos from the survey likely helped the council members understand what was happening in the city. She also commented that it certainly helped that Mr. Kremer was there to explain historically about the flood control projects improvements that had been done years ago with federal money.

Mr. Mathisen said the Crystal City Council asked about the numbers in term of the increase to the CIP. He said he reported to the Council that the amount being discussed by the BCWMC was adding \$500,000 to increase the CIP to \$1 million.

Chair Welch asked Mr. LeFevere what are the procedural next steps. Mr. LeFevere said the BCWMC directed him at the last meeting to check with Hennepin County to gauge its interest in selling bonds. He reported that he spoke with Joel Settles of Hennepin County and did not receive a definitive answer. Mr. LeFevere said Mr. Settles thought a bond issue would be do-able but that he would talk with the director of the County's budget. Mr. LeFevere said the amount he discussed with Mr. Settles was \$4.5 to \$5 million. Mr. LeFevere said the County did not give the BCWMC a commitment. He said the way the BCWMC's CIP works is that no plan amendment is required to change the year of a project. Mr. LeFevere said the BCWMC could stretch the money out at a rate of \$500,000 per year for projects and at any point the BCWMC could accelerate that if the County decides it is willing to sell bonds.

Mr. LeFevere said that Barr usually puts the paperwork together for a plan amendment. He reminded the Commission that Mr. Kremer spoke with BWSR staff, who indicated they considered this proposed change to the BCWMC's CIP a minor plan amendment. Mr. LeFevere remarked that treating the change as a minor plan amendment speeds the process up by several months. He said the risk is that BWSR could decide it is a major plan amendment after it reviews the minor plan amendment submission and the amendment process would have to start over again. Mr. LeFevere said the Commission could treat this change as a major or a minor plan amendment. He said if the Commission has time it could consider treating the change as a major plan amendment but the Commission could try treating it as a minor plan amendment based on what BWSR said.

Chair Welch said the entities most likely not to see the proposed change to the BCWMC's CIP as a minor plan amendment would be the cities. He commented that the Commission seems to be hearing from certain factions of the cities that the projects need to be done and done soon.

Mr. Mathisen said the Commission will be going through this process forever so it should try a minor plan amendment to set the stage for a streamlined process.

Chair Welch said the amendment process costs money and its hard to make an argument for doing the major plan amendment process just because the Commission feels like it should.

Ms. Loomis moved that the Commission take the TAC's recommendation and through a minor plan amendment process add to the CIP the Sweeny Lake Branch project in the City of Golden Valley for 2008. Ms. Black seconded the motion. The motion carried unanimously.

Mr. LeFevere commented that the more text describing the projects the Commission has in its plan, the more likely BWSR will be able to look back and say this is a minor plan amendment. Mr. LeFevere said it might be a good idea to not only treat this amendment process as the

addition of one specific project but to treat it as a long-term generic project so that BWSR has something to point to in the plan to support conclusion that it is a minor plan amendment.

Ms. Chandler said in terms of time it wouldn't take any longer to add both the 2008 and 2009 projects this year. Mr. LeFevere responded that the risk with that is that part of the amendment process is the County's board approval of the plan. He said the Commission would want to include projects that have enough detail to meet the County's comfort level.

Mr. Mathisen commented that photos really display erosion problems and perhaps some photos could be included in the information that goes to the Hennepin County Board. Mr. Mathisen said there was discussion between the cities at the TAC meeting about which cities would be able to get the work done in 2008 and 2009. He said there would be pressure on the first city and wondered if there would be a problem if the first city would want to switch.

Mr. LeFevere remarked that if the Commission is going to do a project in 2008, it would need the minor plan amendment completed by September so it could certify the levy to the County.

Chair Welch asked if a minor plan amendment needs to be completed before the Commission can certify the levy. Mr. LeFevere said yes, it is specifically addressed in statute 103B.

- B. 2008 Operating Budget.** Chair Welch asked Commissioners to look at line 6 of the draft 2008 operating budget - plat review fees - and explained that the assumption is that the costs would be about \$45,000 which would be offset by fees. He commented that line 17 is budgeted for \$35,000. He explained that the Budget Committee, comprised of six members of the Commission, decided to offer the idea of an administrator again. Chair Welch said the Budget Committee did not think an administrator would cost only \$35,000 but that the administrator costs would only be \$35,000 above and beyond what the Commission has already budgeted. He said that he estimated \$25,000 could come out of the technical services line item and go to the administrator budget; \$5,000 could come out of the secretarial services/administration budget for the administrator budget; and, \$5,000, as a conservative estimate, could come out of the CIP budget since managing CIP projects would be one of the administrator's job tasks.

Ms. Sundberg asked about the Communications costs such as from line 23 through 33 in the draft operating budget. Chair Welch responded that those are fixed costs and he doesn't think the budgets for those items would decrease.

Chair Welch pointed out the Budget Committee put a contingency item back in the budget for 2008 as line item 35 at an amount of \$20,000. He said in 2006 the budget reserve was about \$84,000 and said it would be a policy decision for the Commission as to whether that is the right reserve amount.

Chair Welch said as reflected in line 53 of the draft budget the proposed total operating budget for 2008 would be close to \$1 million (\$989,000).

Chair Welch said the Budget Committee did not intend to present the administrator position as a forgone conclusion but wanted to budget for it in order to facilitate the discussion of the position.

Ms. Sundberg asked what the administrator responsibilities would entail. Ms. Black responded that the position would include responsibilities for BCWMC communications, coordination, finance, meeting organization. Chair Welch said a lot of the administrator's work would be with fielding

incoming inquiries from developers and Mn/DOT, attending Twins Stadium meetings, communicating with BWSR and the MPCA. He said he saw the following tasks the responsibility of the administrator: managing projects on a day-to-day basis for the Commission, fielding incoming calls, managing the TMDL and CIP projects and participation, managing the grant program, the initial phase of project and plan review, Web site maintenance, attending events on behalf of the Commission such as education and outreach events and the joint education and public outreach events.

Ms. Peterson said the idea is that the hourly cost of the administrator would be less than the hourly cost of the Commission Engineer, who has been performing some of the tasks that would be transferred to the administrator.

Ms. Sundberg asked if the Commission considers the administrator position to be a full-time job. Chair Welch said that isn't known yet and the Commission will have to do some investigation. He said there are a couple of important steps in the decision-making process such as getting the cities to weigh in on the idea. Chair Welch volunteered to write up a case statement on why the Commission thinks the administrator is a good idea. Ms. Black said the decision about the administrator position does need to be made soon if the Commission wants someone onboard for 2008 because the hiring process will take time.

Chair Welch said he spoke with Mr. Steve Woods of BWSR about the Commission's idea to add an administrator and he responded that generally organizations that have reached the size of the BCWMC do take the step of adding an administrator. Chair Welch said he asked Mr. Woods if he thought there were people who could take on the proposed job and Mr. Woods remarked that he really thinks there are. Chair Welch said he knows of at least one other organization that has its staff person through another organization, which alleviates some of the human resources responsibilities from the Commission. Ms. Sundberg said she thinks the Commission should look at the talent pool out there. Chair Welch said the Commission could contract through a city to hire a staff person.

Chair Welch pointed out the differences in the Commission's scope between now and in 2005 when the Commission last considered the administrator position. He said now the Commission has potentially three TMDL studies in the next eighteen months, a CIP budget of \$1 million per year, and more citizen contact. Chair Welch said he thinks that the position will cost more and will lead to the organization growing, but he said that it already is growing.

Chair Welch said the Commission would have to create a hiring Committee. Commissioners Loomis, Sundberg, Black, and Welch volunteered for the hiring committee.

Chair Welch asked Barr Engineering for more details on why \$20,000 was proposed for Surveys and Studies in 2008 and why technical services was estimated at \$119,000 for 2007 when the year before it was \$86,000. Chair Welch said part of the increase in technical services was because of the plan reviews but to remember that the review fees come back to the Commission and in 2006 that amount was close to \$60,000. Ms. Templeman also asked for a line item for budget item 6. Chair Welch asked if a footnote could be added to explain the categories in technical services. Ms. Black said Barr's invoice seems to provide the explanation of the Engineering line items.

Cheri Templeman asked why the water quality/ monitoring budget for 2008 was proposed to increase \$15,000 over 2007 estimated cost. Chair Welch responded that \$20,000 of the proposed 2008 water quality/ monitoring budget was for the biota sampling in Bassett Creek.

Ms. Chandler said line 38 of the budget is the TMDL budget and she said Mr. Kremer intended to

propose \$0 for 2008 instead of \$35,000 since the Commission already has a good amount in that budget carried over from previous years. Ms. Chandler also said the biota sampling could be charged to the TMDL studies budget item instead of the water quality/ monitoring.

Chair Welch directed Ms. Herbert to communicate to Deputy Treasurer Sue Virnig the changes in the proposed 2008 operating budget and to send the revised budget to all commissioners. He asked the commissioners that after they receive the revised budget to go back to their cities for feedback on it. He asked commissioners to pass on the feedback to Ms. Herbert and said the feedback will be discussed at the next meeting.

Chair Welch was in support of \$10,000 for contingencies since stuff just comes up. He proposed decreasing the water quality/ monitoring budget by \$20,000 and because the Commission will instead assign the charges for the biota collection to the TMDL budget. He said this change would mean line 10 water quality/ monitoring would decrease from \$55,000 to \$35,000.

Ms. Loomis said the only reason there was ever a contingency fund in the BCWMC's operating budget was because one year the Commission prepared two draft budgets – one with an administrator position and one without. She explained that the Commission wasn't sure where it was with the administrator position and ended up with extra money because it has budgeted an extra \$35,000 for that position so the Commission put it in a contingencies item. Ms. Loomis said she thought it was dangerous to put money in the budget just in case something comes up and that having a slush fund is not good public policy.

Mr. LeFevere commented that he thought it would not make sense to have a contingency budgeted within every line item but there should probably be a place for a contingency somewhere in the budget. Mr. LeFevere said that up to this point the Commission has only had routine legal expenses but sometime something could go wrong and even one minor lawsuit could generate a lot of costs. Ms. Loomis commented that she thought the Commission has insurance for that type of thing. Mr. LeFevere remarked that the Commission has insurance that covers it for some things and not for others and that if the Commission is the plaintiff the insurance doesn't cover the Commission at all.

Ms. Peterson asked if the budget reserve could serve as the contingency. Ms. Loomis said contingency items should come from a budget reserve not a contingency line item.

Ms. Loomis said rather than put money into a contingency item the Commission should put money to build up the budget reserve to \$100,000. Chair Welch said that compromise solution is fine and directed Ms. Herbert to direct Deputy Treasurer Sue Virnig to bring budget line 49 up to \$100,000.

Chair Welch recommended making a change to budget line 37 TMDL Studies. He suggested instead of \$35,000 for 2008 to budget \$10,000 for TMDL studies. Mr. Stauner agreed that a total of \$100,000 in the TDML budget is a pretty good base and agreed with Chair Welch's recommendation. The Commission agreed with budgeting \$10,000 in 2008 for TMDL studies.

Chair Welch mentioned that the budget reserve in the past was used to buy down the assessments meaning the assessments have been artificially low.

Chair Welch said Ms. Herbert has the Commission's changes to the proposed 2008 budget and will communicate them to Ms. Virnig and will distribute the revised budget to the Commission for further discussion and approval at the next Commission meeting.

C. Golden Valley Flood Proofing Agreement Extension. Chair Welch moved to approve the City

of Golden Valley's request for a time extension on the agreement between the city and the BCWMC on the flood proofing extension. Ms. Loomis seconded the motion. The motion carried unanimously.

- D. **BCWMC's Final 2006 Annual Report.** Ms. Herbert said she has e-mailed a PDF copy of the final 2006 annual report to the commissioners and will have bound copies available at the next meeting for anyone who requests one. She said the final annual report will be up on the Web site and that she will mail a copy to the city clerk of each member city. Chair Welch said he would like a bound copy.
- E. **Twin's Stadium Update.** Item deferred to June BCWMC meeting.
- F. **BCWMC Watershed Tour.** Chair Welch reminded the Commission it had discussed holding a watershed tour on Thursday, August 16th. He suggested holding a short meeting to handle the critical business items at the regular meeting time before loading the bus for the tour. Chair Welch granted Ms. Herbert the authority to put a deposit down for the bus reservation for the watershed tour starting at 11:30 a.m. on August 16th.

8. June Meeting

The following agenda items are currently scheduled for the May 17th, 2007 BCWMC meeting:

- A. BCWMC Training Workshop
- B. Final 2008 Operating Budget
- C. Letter to Mn/DOT
- D. Twin's Stadium

8. Adjournment

Ms. Black moved to adjourn the meeting. Ms. Loomis seconded the meeting. The meeting adjourned at 2:30 p.m.

Michael Welch, Chair

Amy Herbert, Recorder

Pauline Langsdorf, Secretary

Date: _____