

# Bassett Creek Watershed Management Commission

## Minutes of the Meeting of April 19, 2007

### 1. Call to Order

The Bassett Creek Watershed Management Commission (BCWMC) was called to order at 11:35 a.m., Thursday, April 19, 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>	Len Kremer
<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>	Commissioner Richard Johnson		

Also present:

- Scott Brink, City of St. Louis Park
- Terrie Christian, Association of Medicine Lake Area Citizens
- Lane Christianson, City of Minneapolis
- Jeannine Clancy, BCWMC Technical Advisory Committee, City of Golden Valley
- Lois Eberhart, BCWMC Technical Advisory Committee, City of Minneapolis
- Jack Frost, MCES
- Lee Gustafson, BCWMC Technical Advisory Committee, City of Minnetonka
- Tom Mathisen, BCWMC Technical Advisory Committee, City of Crystal
- Richard McCoy, BCWMC Technical Advisory Committee, City of Robbinsdale
- Bob Moberg, BCWMC Technical Advisory Committee, City of Plymouth
- Elizabeth Thornton, Alternate Commissioner, City of Plymouth

### 2. Approval of Agenda and Consent Agenda

Chair Welch removed the April financial statement from the Consent Agenda. Ms. Loomis moved to approve the Consent Agenda as amended. Ms. Peterson seconded the motion. The motion carried unanimously.

### 3. Administration

A. Presentation of the April 19<sup>th</sup> meeting minutes. Minutes approved under the Consent Agenda.

B. Financial Statements.

Chair Welch commented that the April financial statement shows that the BCWMC has expended \$25,000 in 2007 in both the Erosion/Sediment and in the Long-term Maintenance funds. He said he thought the Commission had not transferred those funds yet in 2007. Chair Welch said the TMDL studies budget shows \$35,000 expended in 2007. He said he didn't think the Commission had transferred the \$35,000 out of the TMDL fund yet for 2007 but that there have been some

TMDL study expenditures. Ms. Loomis said she would check with Deputy Treasurer Sue Virnig about those items.

Chair Welch asked Mr. Kremer about the Twin's Stadium cost being allocated to the Proposed CIP Projects under the Second Generation Projects. Mr. Kremer said Ms. Virnig did that to separate the review costs for the Twin's Stadium rather than including it in the amount that will be reimbursed by the Ball Park Authority.

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

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

<u>Checking Account Balance</u>	<u>204,279.71</u>
<b><i>TOTAL GENERAL FUND BALANCE</i></b>	<b><i>158,504.87</i></b>
Investment Balance	1,783,993.22
<u>Commercial Paper (due 5/15/07)</u>	<u>990,129.17</u>
<b><i>TOTAL CONSTRUCTION ACCOUNT BALANCE</i></b>	<b><i>2,774,122.39</i></b>

- C. **Presentation of Invoices for Payment Approval.** Chair Welch announced that the invoices would be included in a single roll call vote after any questions about the invoices are asked and answered. Chair Welch asked why in Barr's invoice the Medicine Lake TMDL discussions are assigned to Water Quality. He recommended the Commission and Barr set a policy in place about deciding and designating what items are assigned to the TMDL budget.

Mr. Kremer said the work done on the Medicine Lake TMDL study work scope was assigned to water quality since the Commission has not yet decided to move ahead with that TMDL. He said since the Commission decided to go ahead with the Sweeney Lake TMDL, Barr's time on that project was assigned to the TMDL budget. Chair Welch asked if the Commission would want the costs for work on potential TMDLs to be part of the TMDL study budget. Ms. Black said yes and that the work on potential studies could be labeled as potential studies to differentiate them from the approved studies.

Chair Welch asked Mr. LeFevere if he saw any issues with that allocation. Mr. LeFevere said no. Mr. Kremer said Barr could incorporate those allocations in its future invoices.

Chair Welch commented that there was a typo on page 3 or Barr's invoice the Golden Valley pavement management plan was denoted Twin's Stadium.

Invoices:

- i. Barr Engineering Company – February Engineering Services - invoice for the amount of \$17,037.06.
- ii. Barr Engineering Company – March Engineering Services - invoice for the amount of \$25,831.39.
- iii. Kennedy & Graven – Legal Services - invoice for the amount of \$3,138.49.

- iv. Amy Herbert – Recording Administrator Services - invoice for the amount of \$3,607.48.
- v. Finance and Commerce – Publication of Minor Plan Amendment Hearing Notice – invoice for the amount of \$121.02.
- vi. Lakeshore Communications – Publication of Minor Plan Amendment Hearing Notice – invoice for the amount of \$115.05.
- vii. Simple to Grand – Catering for March 15<sup>th</sup> BCWMC Meeting – invoice for the amount of \$403.67.
- viii. Mobile Lock and Safe – Disabling Lock on BCWMC filing cabinet – invoice for the amount of \$178.00.

Ms. Black moved to approve payment of the invoices. Ms. Peterson seconded the motion. By call of roll the motion carried unanimously.

#### 4. Public Hearing

Ms. Black moved to reconvene the public hearing on the proposed minor plan amendment to BCWMC's Watershed Management Plan to add two projects to the BCWMC's Capital Improvement Program (CIP). Ms. Peterson seconded the motion. Ms. Herbert announced that no written public comments were received by the Commission. Chair Welch called three times for comments on the minor plan amendment. No comments were presented. Ms. Black moved to close the public hearing. Ms. Peterson seconded the motion. The motion carried unanimously.

Ms. Loomis wanted to know the cost per pound of phosphorus removal for the Lakeview Park Pond project. Mr. Kremer said he didn't recall the exact amount but the cost was more than the cost per pound of phosphorus removal for the Northwood Lake East Pond. Mr. Kremer suggested the Commission keep a running total of the costs and to list them in a memo so the figures are always available.

Ms. Black moved to approve resolution 07-08 approving the Watershed Management Plan amendment and resolution 07-09 ordering the West Medicine Lake Park Pond and the Northwood Lake East Pond improvements. Ms. Langsdorf seconded the motion.

Ms. Loomis voiced a concern about projects using treatment from the West Medicine Lake Park Pond to offset treatment on another site. She asked if the BCWMC will continue to approve cumulative treatment and suggested the Commission review this issue and consider making a policy on it.

Ms. Black said she had recently attended presentations discussing non-degradation standards versus TMDL standards. She said the idea currently being presented is that TMDL standards will likely supercede non-degradation standards. Ms. Black said the Commission should keep this in mind when reviewing projects that show they meet non-degradation standards because meeting non-degradation standards might not be all that needs to be done once the TMDL studies are completed. Ms. Black said that with this information in mind the Commission may need to set policies with regard to how it reviews projects.

Mr. LeFevere said the resolutions 07-08 and 07-09 do not certify the tax levy to the county. He reminded the Commission that that certification can be done later in the year as long as the

county's deadline is met. Mr. LeFevere said the Commission may want to consider paying for this Plymouth project faster, meaning in 2008, by increasing the 2008 levy to include that project and using that to even out the future levies.

By call of roll, the motion carried unanimously.

## 5. Communications

A. **Citizen Input on Non-agenda Items:** Ms. Terrie Christian of AMLAC (Association of Medicine Lake Area Citizens) announced that the monitoring of Medicine Lake that took place two days ago showed no curlyleaf pondweed.

B. **Chair**

- i. Chair Welch announced that Shane Missaghi has left his position with the City of Plymouth. Chair Welch expressed his appreciation of Mr. Missaghi's contribution to the BCWMC.
- ii. Chair Welch announced that the Ramsey-Washington WaterFest will be on Saturday, May 19.
- iii. Chair Welch reported that the environmental fair that the BCWMC participated in at Pilgrim Lane Elementary School in Plymouth was well attended by the community.

C. **Commissioners:**

- i. Ms. Black directed the Commission's attention to her summary included in the meeting packet about a meeting she attended on April 3<sup>rd</sup>. She said the meeting was about legislation that would give the Three Rivers Park District the power to form joint powers agreements with organizations that have water management authority. Ms. Black said discussion at the meeting turned to watershed management organizations and the Three Rivers Park District's frustration with WMOs' inaction on moving forward with projects that impact the Three Rivers Park District. Ms. Black said there was also talk about how to eliminate watershed management organizations (WMOs) and convert them into watershed districts. Ms. Black said the outcome of the meeting is that the Three Rivers Park District is stepping back from the legislation and will talk with the surrounding WMOs to see if there are other ways to work out these issues. She said the Board of Water and Soil Resources (BWSR) was represented at this meeting and the BWSR representative remarked that BWSR would be looking at the Office of Legislative Auditor's watershed management program evaluation this summer and would be looking at watershed management organizations and whether any changes should be made to make WMOs more effective. Ms. Black said the BCWMC should make sure it is represented in this process.

D. **Committees:**

- i. Mr. Mathisen reported that a new group has formed called the Minnesota Cities Stormwater Coalition. He said he recently attended the first meeting of the Coalition and that it has a membership of 96 cities out of a possible 150 cities. Mr. Mathisen noted that the cities of Crystal, Golden Valley, St. Louis Park, and New Hope are part of the Coalition, which is organized through the League of Minnesota Cities. Mr.

Mathisen said the coalition has a budget of \$75,000. He stated that at the Coalition meeting it was mentioned that the Pollution Control Agency is looking at regulating water quality in wetlands. Mr. Mathisen suggested the BCWMC discuss the idea of backing up from TMDLs and instead focusing on a single issue like phosphorus.

- ii. Ms. Langsdorf pointed out the Joint Education and Public Outreach Committee meeting report included in the packet. She stated that the group decided not to apply for the MetroBlooms grant. Ms. Langsdorf said the request for proposals for the joint survey have been sent out and that the next Joint EPOC meeting will be in September. She said the next BCWMC Education and Outreach Committee meeting will be on Monday, April 23, at 9:00 a.m. in the Council Conference Room at Golden Valley City Hall.

Ms. Langsdorf commented that the BCWMC needs to find space to keep its table top display. Mr. Mathisen offered space for the BCWMC to keep its display at the City of Crystal's Community Center and asked Ms. Langsdorf to contact him about it.

Ms. Langsdorf also pointed out that the meeting packet included a communication from Ron Struss regarding the "Minnesota Water – Let's Keep it Clean campaign."

**E. Counsel: No communications.**

- F. **Engineer:** Mr. Kremer said he distributed an outline of the Medicine Lake TMDL work scope to the MS4s in the Medicine Lake watershed and the Three Rivers Park District. He said he received comments back from John Barten of the Three Rivers Park District and from the City of Minnetonka. Mr. Kremer said he and Mr. Barten will get together to work on details of the work scope. Mr. Kremer reported that Tim Larson of the MPCA is requesting \$100,000 from 2007 MPCA funds for the Medicine Lake TMDL study. Mr. Kremer reminded the Commission that Bassett Creek is impaired for biota and Tim Larson asked if the BCWMC is interested in budgeting for the Bassett Creek biota TMDL study in 2007.

Mr. Kremer recommended the Commission does not proceed with the Bassett Creek biota TMDL at this time. Mr. Kremer recommended the Commission retrieve the data that determined that Bassett Creek was impaired for biota. He said there may be additional information the Commission should collect to see the extent of the impairment.

Ms. Black agreed with not proceeding with that TMDL at this time but said her reason is due to budget considerations. Ms. Black asked when the Commission would collect the data that determined the impairment and how much would it cost. Mr. Kremer said the process entails retrieving the raw data that is at the Minnesota Pollution Control Agency. Ms. Black asked if the associated costs would come out of the TMDL budget. Mr. Kremer said it could or that there is a Studies budget item that the costs could be assigned to.

Ms. Black said the BCWMC should hold off on this biota TMDL until the Commission is further down the road with the Sweeney Lake and Medicine Lake TMDL studies. She said that she is in favor of retrieving and looking at the data that determined Bassett Creek was impaired for biota. Mr. Kremer said reviewing that data could possibly result in a recommendation that the Commission undertake additional sampling in 2008.

Chair Welch directed staff to retrieve and review the data that determined Bassett Creek is impaired for biota. Mr. Kremer said he would also contact Tim Larson to inform him that the BCWMC is not interested in pursuing the TMDL study for Bassett Creek at this time.

## 6. New Business

- A. **Draft BCWMC 2006 Annual Report.** Chair Welch reminded the Commission to send comments about the draft annual report to Ms. Herbert by Friday, May 4<sup>th</sup>.
- B. **City of Minnetonka Request for Time Extension to Complete Revisions to Water Resource Management Plan.** Mr. Kremer said Brad Wozney of the Board of Water and Soil Resources (BWSR) said the decision on whether or not to grant the time extension is up to the Commission. Mr. LeFevere said his only concern is if BWSR had any problem with it and since Mr. Wozney of BWSR has indicated it has no issues with the time extension then Mr. LeFevere doesn't see any issue with granting an extension. Ms. Sundberg moved to grant the time extension to the City of Minnetonka. Ms. Loomis seconded the motion. The motion carried unanimously.

## 7. Old Business

- A. **Discuss Modifying the CIP to Add Channel Restoration Projects.** Mr. Kremer stated that the meeting packet contains a copy of a January 10, 2007 memorandum to the Commission from Karen Chandler listing the recommendations from the Technical Advisory Committee. He said that pages 2 and 3 of the memo outline the issue. Mr. Kremer said one issue the TAC looked at was the amount of funds the BCWMC has available for channel maintenance projects through annual assessment of \$25,000. He reported that the TAC is concerned about the amount of time it would take to accumulate funds to address the larger channel maintenance projects. Mr. Kremer said the TAC discussed the idea of adding the larger channel maintenance projects to the CIP and recommended the BCWMC add the seven projects listed in the memo to the Commission's CIP. Mr. Kremer said that the cities of Crystal and Minneapolis have not completed their stream bank assessment yet.

Mr. Kremer reported that he discussed this possible BCWMC CIP modification with BWSR regarding whether it would be a major or a minor plan amendment. He stated that BWSR staff have suggested that it be handled a minor plan amendment since the modification is consistent with the Commission's Watershed Management Plan and its intentions of improving water quality. Mr. Kremer said if there are objections to it being handled as a minor plan amendment, the BCWMC would possibly have to go back and treat it as a major plan amendment.

Chair Welch commented that one decision in front of the Commission is the broad policy issue of whether the Commission adds these kinds of projects to its CIP. He said the Commission would also need to decide how to fund those projects if it does add them. Chair Welch said the Commission would also need to decide if it would treat the modification as a minor or a major plan amendment. He said the Commission would also need to consider budget and which projects to add.

Mr. Mathisen asked Mr. Kremer how much credit cities could take for channel maintenance for phosphorus removal in terms of credit for MPEDS permits. Mr. Kremer responded that the contribution of phosphorus and sediment for a reach of channel can be determined. Mr. Kremer said his understanding is if for example the Lake Pepin TMDL is going to allocate phosphorus reductions to political entities or to watersheds, the TMDL would start with a base year and would assign a goal and then any reductions achieved would count against that goal. Mr. Mathisen said he doubts that the reduction levels would be reached just by ponding. Mr. Kremer said a variety of things would probably have to be done.

Chair Welch asked how many small channel maintenance projects have been undertaken through the BCWMC channel maintenance fund. Mr. Kremer responded that two projects have been funded and \$20,000 has been spent. Mr. Clancy added that the city of Golden Valley has undertaken a few other projects but has not submitted the receipts to the BCWMC yet.

Ms. Loomis said the channel maintenance projects need to be done one way or another. She said the projects could be done through assessments but it would cause everyone's assessment to go up. She said the city of Golden Valley pays for its assessment through the storm water utility fees it charges the residents. Ms. Loomis said she was originally opposed to raising the tax levy to fund the channel maintenance projects but now she thinks it is a better way for the residents of Golden Valley to pay because the tax is tax deductible but the storm water fees are not.

Ms. Loomis says she supports adding the channel maintenance projects to the BCWMC's CIP and paying for them through the county tax levy. She said she would like the BCWMC to find a way to maintain a level tax levy fee and to pay for the other CIP projects from that fee and to then take the excess amount and put it in a channel maintenance fund. She said her concern about the ad valorem is that she doesn't want taxpayers to see their tax go up and down. Ms. Loomis said a steady rate is better for taxpayers.

Ms. Black commented that she is not a supporter of ad valorem taxes for a variety of reasons including that they have no relationship to the problem and they miss some of the greatest contributors to the problem such as roofs and parking lots. She stated that she thinks the Commission needs to add more money to the CIP fund. Ms. Black added that the Commission needs clear criteria about what types of projects will be funded and cities need to know for their budgeting purposes which projects will be funded and which types won't be funded. Ms. Black said there will also be ongoing maintenance for the projects, which is the responsibility of the cities as per the Joint Powers Agreement.

Mr. Johnson asked what projects the Commission is looking at and what projects the Commission is not looking at and why. Ms. Black responded that much of what the Commission is looking at funding includes large projects on Plymouth Creek or the main stem of Bassett Creek and that smaller projects on the tributaries feeding into the main stem are not being looked at.

[Commissioner Sundberg departs meeting].

Chair Welch remarked that the Commission hasn't adopted a policy yet and that the funds being considered would be new funds different from the current channel maintenance funds.

Mr. Kremer stated that in the Commission's Watershed Management Plan, the Commission designated certain areas it would take responsibility for in terms of channel maintenance and other areas it would not. He said the seven projects included in the January 10<sup>th</sup>, 2007 memo from Karen Chandler to the Commission are located either on Plymouth Creek, the main stem of Bassett Creek, or the North Branch, which the Commission agreed to take responsibility for. Mr. Kremer commented there are many minor tributaries that the Commission decided it would not take responsibility for.

Chair Welch asked if the Commission is tied to its Watershed Management Plan as the Commission looks at extending its CIP. Mr. Kremer said no. Mr. Kremer said that by adding the larger channel maintenance projects to the CIP the Commission is accelerating getting the projects done.

Ms. Peterson stated that the Commission could indirectly levy a fee through the cities' assessments. Chair Welch said it would start to get confusing if the Commission decides to fund some capital projects one way and other capital projects a different way.

Chair Welch said the question in front of the Commission is does it plan to change its policy and if it approves a change, then the Commission will discuss the budget. Mr. LeFevere commented that the minor plan amendment and the funding policy will go hand in hand.

Mr. Gustafson said that the responsibility already laid out in the Watershed Management Plan is that the Commission will take care of the Bassett Creek Main Stem, North Branch, and Plymouth Creek. Mr. Gustafson said it is not so much of a policy question because the policy is already there. He said the issue at hand is that the funding source is not adequate and so the issue is how the Commission will address that.

Chair Welch commented that if the Commission is going to put channel projects into the CIP it would be an implementation policy. Mr. Mathisen asked how he would talk to his city's council about this issue. He said that he thinks it would make the most sense for him to explain that the Watershed Management Plan directs responsibility for erosion control and water quality issues and that there needs to be more money in the current budget to handle all of the issues.

Ms. Black said she did present to the Plymouth City Council a proposed addition of \$500,000 to the BCWMC's CIP and she received no comments back. Ms. Black said unless she hears otherwise from the council members she believes the Plymouth City Council would support up to a half million dollar increase in the current funding level.

Mr. Mathisen reported that he has a work session scheduled with the Crystal City Council on May 1<sup>st</sup> and he would like the Commission's consensus about the dollar amount for the increase in the CIP budget.

Mr. Kremer said it's not possible to keep the levy exactly level since it is the sum of the projects for the upcoming year. Mr. LeFevere stated that the Commission could level it out by phasing projects. He said if cities are willing to front-end a project, the cost of that project could be leveled out over two years. He said the other possibility the Commission has not explored with Hennepin County is that the county has the authority to bond. Mr. LeFevere explained that the law provides that the Commission could do all these projects in one year and assess that to the county. He said the county would have to make its own decision on whether to levy the tax or bond for the fees to level it out. He said the Commission would have to check with the county about the possibility of bonding and that he doesn't think the county has done it in the past. Mr. Frost said Ramsey County has done it for Ramsey-Washington.

Mr. LeFevere announced that if the Commission wants to qualify for a tax levy this year for collection and settlement next year, the Commission would have to do it quickly and through a minor plan amendment because there would not be enough time for the major plan amendment process. He said the process minor plan amendment process would take probably four to five months.

Ms. Peterson said it is easier to discuss actual numbers with the city councils. Mr. LeFevere remarked that a component considered by the Commission when the original CIP budget was set was how much pain was everyone willing to accept each year. He said that everyone agreed on \$500,000 a year worth of pain and the CIP was developed around that amount. Mr. LeFevere said it would be helpful for the Commission to establish a new amount that accommodates the channel maintenance projects as part of the CIP.



Ms. Peterson asked if maintenance costs are 5% to 10% per year. Mr. Kremer responded that 5% per year for maintenance is a good estimate.

Ms. Thornton asked if the policy change would mean channel maintenance projects would be added to the CIP every year. Chair Welch answered that the policy change would add channel maintenance projects to the CIP and those types of projects would remain part of the CIP unless there was another policy change.

Ms. Clancy commented that two cities and one park board haven't submitted their stream bank inventories. She said that the City of Golden Valley did not include park board property in its stream bank inventory.

Chair Welch asked if the Commission is interested in directing staff to contact Hennepin County regarding the potential for bonding.

Mr. Gustafson said the benefit to bonding is that payments could remain relatively equal.

Mr. Kremer said the Minnehaha Creek Watershed District land acquisition is a bonding precedent in Hennepin County.

Chair Welch moved to direct staff to talk to Hennepin County regarding bonding and to direct staff to prepare documents for a minor plan amendment to add to the CIP the seven projects listed in the January 10<sup>th</sup> memo from Karen Chandler.

Mr. Johnson seconded the motion.

Ms. Black said she would like to see the draft CIP and budget framed in two ways: one scenario without bonding and the other scenario with bonding. Ms. Black also asked the TAC to discuss how many of the projects could realistically get done in one year.

Chair Welch said he thinks the BCWMC budget would look about the same and the bonding would be Hennepin County's deal. Mr. LeFevere said the Commission would stage its projects to have fairly equal levies and if the county wanted to bond, the Commission could do all the projects in one year and still have fairly level levies.

Mr. Mathisen asked how rigorous the cost estimates were on the seven projects listed in the January 10<sup>th</sup> memo from Karen Chandler.

Mr. Kremer said Barr Engineering has restoration information and some of that information was used to help the cities determine the project costs listed. He stated that detailed feasibility reports have not been done on the seven proposed channel maintenance projects.

Ms. Peterson asked if there is some sort of cost-benefit measure for the channel maintenance projects.

Chair Welch commented that he previously brought up the question of what is the Commission's set of criteria to measure the seven proposed projects versus proposed projects that come up later.

Ms. Black said these types of projects should decrease over time and the issue will become a maintenance issue. She added that maintenance has to be a critical piece for the cities to look at since the cities are responsible for maintenance.

Ms. Black asked if there needs to be language in the minor plan amendment indicating that some cities are still evaluating the projects they believe need to be added to the CIP and that the projects will be added over time.

Mr. Kremer suggested that it would make sense for the Commission to inform Hennepin County that this isn't the end of this process and there will be more projects coming over time.

Ms. Peterson asked if the proposed budget will be presented to the Commission in two ways – one including bonding and the other without the bonding. Mr. LeFevere said he doesn't want to make city councils too optimistic about bonding if Hennepin County isn't interested. He said he thinks the Commission could start with \$500,000, if that amount is this Commission's comfort level, and then any news about the possibility of bonding would be good news.

The motion carried unanimously [Commissioner Sundberg was absent from the vote].

Mr. Frost announced that there is a Department of Natural Resources program for shoreline habitat restoration. He said it is a small pot of money but the Commission may be able to get some sort of funding through that program.

**B. Review CIP Reserve Account Policy and \$250,000 Minimum Account Balance.** Mr. Kremer said he estimates the current balance in the CIP reserve account is approximately \$200,000. He said when the Commission adopted the policy it decided that it would review the policy on a regular basis to determine whether the policy was still appropriate. Mr. LeFevere said the Commission could leave the money where it is or spend some of it now. He said that given the number of projects coming up on the CIP it doesn't seem unreasonable to be building up a reserve. Chair Welch said there isn't action in front of the Commission on this issue unless someone feels a change needs to be made. No one recommended any changes and Chair Welch moved to the next agenda item.

**C. BCWMC Permit Fee Policy.** Mr. Kremer stated that the meeting packet includes a three-page tabulation of the permit fees received by the Commission in 2006.

Ms. Black remarked that she has an issue with the fact that the Commission charges public entities more than what the Commission has spent on engineering review fees. She asked if there is a better way to estimate what the Commission will charge for the project reviews.

Mr. Kremer said some districts do charge exact fees incurred.

Mr. LeFevere said the Commission could set fees for payment with the permit application, which will result in some fees being high and some fees being low for projects. He stated that alternatively the Commission could set the fee as actual costs. However, he said, if the Commission would turn a project down, it could be hard to collect the fee. Mr. LeFevere said the Commission also could consider charging actual costs only for public entities.

Chair Welch said the policy could be changed so that public entities are not charged permit fees. Mr. LeFevere said that idea has been discussed by the Commission. Mr. Moberg commented that public entities are not charged ad valorem taxes.

Ms. Clancy said a system could be set up where the applicant sets up a deposit and the Commission draws off that deposit. Ms. Clancy said often times the expenses are a reflection of how well

prepared the plan is when it comes into the engineer.

Ms. Black said she liked the idea of the deposit but if the Commission were to go down that road the Commission should make the process as simple as possible.

Mr. LeFevere remarked that unless the deposit is very high for everybody, higher than it needs to be, someone would have to track the deposit and send out a request for more funds when the deposit is depleted.

Mr. Gustafson commented that it seems like that would create a process that adds a lot of administrative work. He said the BCWMC applicants are also applying for permits elsewhere and they are getting treated the same as they are here. Mr. Gustafson said some people are getting benefits and others aren't but the Commission is covering its costs, which was the goal.

Mr. Mathisen said two years ago the Minnesota Legislature passed legislation that cities have to prove by documentation that fees they charge for permits are fees that only covered costs. Chair Welch said that for Watershed Districts it is statutory that fees only cover costs.

Mr. LeFevere commented that the Commission can't convert a fee into a revenue measure. He said he thinks that one year's experience and the amount of extra money the Commission has is not so great that it would cause legal problems. He said the expenses documented in the permit fee report doesn't reflect all of the Commission's costs – the table only reflects the engineer's review fees – not the deputy treasurer's fee, auditor's fee, the administrative fees, or legal fees.

Chair Welch closed the topic and suggested the Commission review the permit fee table and discuss the permit fee policy annually.

- D. **BCWMC 2008 Budget – Schedule Budget Committee Meeting.** The Commission set the Budget Committee meeting for Thursday, May 10<sup>th</sup> at 4:00 p.m. at Golden Valley City Hall.
- E. **BCWMC Web Site Traffic Report.** Chair Welch said the Web site traffic report indicates the Bassett Creek WMO Web site ([www.bassettcreekwmo.org](http://www.bassettcreekwmo.org)) is popular. He said he suggested to Ms. Herbert a change on the Web site to make the Watershed Management Plan more accessible. Ms. Black said she would like the Education Committee to consider changing the BCWMC logo and to also look at the Web site and propose improvements.
- F. **BCWMC Watershed Tour.** Chair Welch announced that the Commission is considering taking the tour of the Bassett Creek Watershed in August and suggested including on the tour the coming year's CIP project sites, West Medicine Lake Park pond site, the Target site, and the seven channel erosion sites. He said the itinerary will need to make edits to this list according to what is not feasible or accessible. Chair Welch asked people if they were interested in a Saturday meeting or interested in a 4:00 p.m. tour. Mr. Mathisen suggested a noon tour. Chair Welch asked Ms. Herbert to add watershed tour planning as a topic for the May meeting.

## 8. May Meeting

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

- A. Final 2006 Annual Report
- B. CIP Modifications
- C. 2008 Operating Budget

## 8. Adjournment

Ms. Loomis moved to adjourn the meeting. Mr. Johnson seconded the meeting. The meeting adjourned at 2:00 p.m.

\_\_\_\_\_  
Michael Welch, Chair

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

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

Date: \_\_\_\_\_