



MINUTES
 March 11, 2010

I. A meeting of the West Mississippi Watershed Management Commission was called to order by Secretary/Treasurer Karen Jaeger on Thursday, March 11, 2010, at 2:40 p.m., at the Clubhouse at Edinburgh, 8700 Edinbrook Crossing, Brooklyn Park, MN.

Present were: Abiy Assefa, Brooklyn Center; Dean Heng, Brooklyn Park; Jon Knutson, Champlin; Karen Jaeger, Maple Grove; Steve Parks, Osseo; Ed Matthiesen, Wenck Associates, Inc.; and Judie Anderson, JASS.

Also present: Shelley Schwaninger, Brooklyn Center, and Bill Walraven and Todd Tuominen, Champlin.

Not represented: None.

II. Motion by Knutson, second by Heng to approve the **revised agenda**. * *Motion carried unanimously.*

III. Motion by Knutson, second by Parks to approve the **minutes of the February 11, 2010 meeting**. * *Motion carried unanimously.*

IV. Reports from Officers.

A. Motion by Parks, second by Knutson to approve the **Treasurer's Report**. * *Motion carried unanimously.*

B. Motion by Parks, second by Knutson to approve the **March claims**. * Claims totaling \$6,234.70 were *approved by roll call vote: ayes - Assefa, Heng, Knutson, Jaeger and Parks; nays - none.*

V. **Open Forum.** No one wished to speak.

VI. Communications.

The Commissioners reviewed the **Communications Log**. * Matthiesen noted that the Highway 610 project is underway.

VII. Water Quality.

The **2010 Monitoring Agreement with Hennepin County** will be considered at the April meeting.

VIII. Watershed Management Plan.

A. The Technical Advisory Committee (TAC) reviewed five potential projects for the **2010 CIP**.*

Shingle Creek Projects	Project Cost	Commission Share	Grant Funding
Wetland 639W Construction	\$570,000	\$142,500	\$300,000
New Hope 45 th Avenue Pond	\$550,000	\$137,500	\$160,000
Shingle Creek Restoration, CR 10 to I-694	\$430,000	\$107,500	\$105,237
Minneapolis 37 th Avenue Greenway	\$4,000,000	\$250,000	
SC Total	\$5,550,000	\$637,500	\$565,237
West Mississippi Project			
Champlin Stream Stabilization at Mill Pond	\$500,000	\$125,000	
WM Total	\$500,000	\$125,000	
COMBINED TOTAL	\$6,050,000	\$762,500	\$565,237

Two projects, the 37th Avenue Greenway and Champlin projects, are being added to the CIP through the current Major Plan Amendment; the other three already reside on the CIP. The Wetland 639W and the New Hope 45th Avenue Pond projects were both rescheduled from 2009 to 2010.

To begin the CIP process, the TAC heard presentations from the cities, reviewed the projects and determined they meet the criteria for Commission cost-share. All the proposed projects are expected to be constructed in 2010-2011. The TAC recommended that the Commission proceed with all five projects. Motion by Knutson, second by Parks directing Staff to proceed with the Champlin stream stabilization project in the West Mississippi watershed. *Motion carried unanimously.* The next step in the CIP process is the presentation of feasibility reports to the TAC in late May for Commission consideration in June.

B. On March 1, 2010, LeFevere, Diane Spector and Matthiesen met with Michael Welch, chair of the Bassett Creek WMC and Jim Haertel and Brad Wozney of BWSR about the proposed **Cost Share Program (CSP)**.^{*} They discussed how to craft plan language that would meet statutory requirements, minimize the need for future plan amendments, maintain eligibility of projects for grant funds, and provide the flexibility the Commissions desire. LeFevere's March 5, 2010 memo^{*} provided relevant information for the Commissioners to consider.

Since amending a CIP takes time and involves administrative expenses for the Commissions, if possible, it is preferable to undertake capital projects without having to amend the CIP. If it is necessary to amend the CIP, it is preferable to qualify it as a "minor plan amendment" which, in some cases, can be accomplished in a short amount of time, as opposed to a "major plan amendment" which takes about nine months to complete.

The Commissions' Management Plan provides that a change in year for construction of an identified capital project is not considered a plan amendment. That provision of the Commissions' plan has not been contested. Therefore, if the CIP included a large number of projects (a "wish list") in later years, the Commissions could move a project forward from that list if circumstances changed and made construction of the project possible. Such a change in year of construction of a project would not require a plan amendment. If a project is defined in sufficient detail in the Management Plan to meet the definition of a "capital improvement program" under Minn. Stat. §103B.205, subd. 3, no plan amendment is required. If a project is identified in the Management Plan but does not have sufficient detail to meet statutory requirements, only a minor plan amendment is required.

A major plan amendment is only required if a project is not described in the plan at all. Therefore, it would be to the advantage of the Commissions to include as many projects in the CIP as possible and to describe them with as much detail as possible. This would make it more likely that the Commission could avoid having to go through a plan amendment altogether or, if a plan amendment is required, that it would only be a minor plan amendment. LeFevere recommended that the Commissions refer this suggestion to the TAC and Wenck to attempt to describe as many capital projects as can reasonably be done for inclusion in the CIP.

At the meeting with BWSR, Wenck's idea of a cost sharing program was also discussed. Under their proposal the Commission would specify a certain amount of money that would be available for qualifying capital projects on a cost-share basis. The CSP would then be listed as a project in the CIP so that expenditures for projects coming under the cost-share program would not require a plan amendment. BWSR seemed willing to consider the use of such a program to qualify capital projects. However, it was suggested that BWSR would probably not be comfortable with capital projects under such a program that amounted to more than 25% of the overall CIP. A CSP program may not be useful in many cases; however, there could be cases where it would be advantageous to have the program in place.

Motion by Knutson, second by Heng directing the Technical Advisory Committee to identify as many projects as possible for inclusion in the CIP. *Motion carried unanimously.* The TAC will meet on Thursday, April 22, 2010, to consider those projects and to continue discussion re the language of the proposed Cost Share Program major plan amendment.

LeFevere's March 4, 2010 memo^{*} responded to the Commissioners' discussion at their February meeting re **interpretation of the \$500,000 levy guideline in the CIP**. The CIP is included in the Commissions' shared Watershed Management Plan. Because, for the first time, the capital projects under consideration (see A., above) are in both the Shingle Creek and the West Mississippi watersheds, the question was asked whether the guideline applies to both Commissions together or to each Commission individually. The guideline was approved

by the Commissioners, so the Commissioners must decide what they intended. However, language in Section 7 of the Plan would suggest that it was the intent of the plan that the guideline would apply to each Commission rather than as a combined limit for both Commissions.

Furthermore, the tax levy for a capital project will be levied within one watershed, not both. A levy for a capital project in one watershed has no effect on taxpayers in the other watershed. Capital projects are listed together in a common CIP, but each Commission must undertake the projects within that watershed independently. LeFevre found nothing in the text that describes an intent to share the \$500,000 guideline limit or an explanation of how any sharing would occur. He also noted that the guideline is not a legal limitation on the authority of the Commissions to do projects or cause the levy of taxes by the County.

Motion by Parks, second by Heng stating that it is the sense of the Commission that the levy guideline contained in Appendix G of the Shingle Creek/West Mississippi Watershed Management Plan is meant to apply to each Commission independently and the intent of this motion is not to change the policy but rather to interpret the meaning of the intent of the policy. *Motion carried unanimously.*

IX. Project Reviews. There were no projects.

X. Education and Public Outreach Program.

A. Water Quality Education Grants. No applications were received.

B. West Metro Water Alliance (WMWA). A subcommittee has been appointed to draft bylaws to formalize the group. Following adoption of the bylaws, prospective members will be asked to:

1. Recognize the West Metro Water Alliance as a consortium of organizations working to provide coordinated education and outreach on water resources issues in the West Metro Area.
2. Authorize participation in the WMWA.
3. Designate a formal representative from the Commission to the WMWA.
4. Provide comments on the vision, mission, goals, and draft Plan and administrative structure.

The next meeting of the WMWA is scheduled for 8:30 a.m., Tuesday, April 13, 2010, at Plymouth Creek Center.

C. Motion by Knutson, second by Parks to accept the **2009 NPDES Activity Report.** * *Motion carried unanimously.* Staff will transmit the report to the member cities.

XI. Grant Opportunities.

XII. Other Business.

A. Motion by Knutson, second by Parks to **send flowers** to Commission chair Tina Carstens. *Motion carried unanimously.*

B. Adjournment. There being no further business before the Commission, motion by Parks, second by Knutson to adjourn. The meeting was adjourned at 2:50 p.m.

Respectfully submitted,



Judie A. Anderson
Recording Secretary
JAA:tim