

1 **MINUTES OF THE REGULAR MEETING OF**
2 **THE MINNEHAHA CREEK WATERSHED DISTRICT**
3 **BOARD OF MANAGERS**

4
5 October 27, 2016
6

7 **CALL TO ORDER**
8

9 The regular meeting of the Minnehaha Creek Watershed District Board of Managers was
10 called to order by President Sherry White at 6:55 p.m. at the District offices, 15320
11 Minnetonka Boulevard, Minnetonka, Minnesota.
12

13 **MANAGERS PRESENT**
14

15 Sherry White, Brian Shekleton, Richard Miller, Bill Becker, William Olson, Pam Blixt,
16 Kurt Rogness.
17

18 **MANAGERS ABSENT**
19

20 None.
21

22 **DISTRICT STAFF AND CONSULTANTS PRESENT**
23

24 Lars Erdahl, Administrator; James Wisker, Planning and Project Director; Michael
25 Hayman, Planner-Project Manager; Anna Brown, Planner-Project Manager; Chris
26 Meehan, Engineer; Michael Welch, Counsel.
27

28 **MATTERS FROM THE FLOOR**
29

30 None.
31

32 **APPROVAL OF AGENDA**
33

34 *Manager Miller moved and Manager Rogness seconded approval of the agenda. Upon*
35 *vote, the motion carried 7-0.*
36

37 **INFORMATION ITEMS AND CORRESPONDENCE**
38

39 Hennepin County Commissioner Jan Callison made her annual visit to an MCWD
40 meeting and reported on recent activities and developments in Hennepin County. She
41 said that the Ridgedale library will be closing next spring for an update that is expected to
42 take 10 months to a year. She updated the managers on early voting results, noting that
43 there are 750,000 voters in Hennepin County and as of Monday, October 24, 99,000
44 ballots had been issued and 56,000 completed ballots had been received. She said that the
45 county board recently approved the Blake Road Project and that when completed, the
46 street will be turned over to the City of Hopkins. She said property marketable value has

47 returned to close to 2008 levels but if you take out new construction taxable values have
48 not really returned to 2008 levels.

49
50 Commissioner Callison said the commission recently adopted a 2017 budget of slightly
51 more than \$87 million. She said the budget is just a slight increase from last year, but the
52 county will need to levy 4.5 percent more property tax because areas of need in the
53 budget are not supported by other funding sources. She cited body cameras for the
54 sheriff's department, which will cost between \$5 and \$6 million in the next few years;
55 child protection services, which has rapidly grown in recent years; and staffing for the
56 METS system for administration of the MNsure state health insurance program. She
57 noted that this will be the second year of a greater than 4 percent increase in Hennepin
58 County property tax.

59
60 The managers thanked Commissioner Callison for her appearance, and Manager White in
61 particularly noted that the District is very pleased to have a Hennepin County weather
62 station in the watershed. She said staff is making good use of data from the station.

63
64 **CONSENT AGENDA**

65
66 *Manager Shekleton moved and Manager Miller seconded approval of the consent*
67 *agenda, consisting of approval of the minutes of the October 13, 2016, meeting;*
68 *approval of the general checking account and surety account, the former including*
69 *checks 36978 to 37062 for a total amount of \$286,152.31 (voided checks 32725, 35221,*
70 *35289, 35417 and 36568), payroll direct deposits of \$214,097.43 and electronic fund*
71 *withdrawals of \$99,177.06, for a total of \$599,426.80; acceptance of the 325 Blake*
72 *Road checking account; and adoption of the following resolutions:*

73
74 **Resolution 16-081, Authorization to Hire Redpath and Company to Complete the**
75 **2016 MCWD Financial Audit**

76
77 *NOW, THEREFORE, BE IT RESOLVED that the Minnehaha Creek*
78 *Watershed District Board of Managers hereby authorizes the District*
79 *Administrator to sign the attached letter of engagement with Redpath*
80 *and Company for auditing services for the year ending December 31,*
81 *2016 and with the provision that the audit be completed and submitted to*
82 *the MCWD Board of Managers no later than March 31, 2017.*

83
84 **Resolution 16-080, Authorization to Execute an Agreement with Great River**
85 **Greening to Perform Vegetation Restoration within the Minnehaha Creek Preserve**

86
87 *NOW, THEREFORE, BE IT RESOLVED that the Minnehaha Creek*
88 *Watershed District Board of Managers authorizes the Board President,*
89 *on the advice of counsel, to execute an Agreement with Great River*

90 *Greening to perform invasive species removal within the Minnehaha*
91 *Creek Preserve and to supply the local cost-share element for that work.*

92
93 *Upon vote, the motion carried 7-0.*

94
95 **REGULAR AGENDA**

96
97 Board Committee and Task Force Reports

98
99 Manager White proposed that the Board of Managers adjust the regular meeting schedule
100 to meet on December 8 and 15 with committee meetings prior to both. The December 29
101 meeting would be cancelled. *Manager Olson moved and Manager Shekleton seconded*
102 *to approve the change to the District meeting schedule as proposed by Manager White.*
103 *Upon vote, the motion carried 7-0.*

104
105 Manager Miller reported from the Policy and Planning Committee meeting, stating that
106 all managers were present this evening at the meeting prior to the regular meeting except
107 Manager Blixt. He stated that again the minutes from the last meeting are very
108 comprehensive and he expects the same from the meeting held this evening. He noted
109 that comments are welcome from any manager on the committee minutes, and he
110 encourages managers who are unable to attend to review those.

111
112 Manager Blixt offered a report from the most recent Metropolitan Minnesota Association
113 of Watershed Districts meeting. She said there were presentations from the National Park
114 Service and Friends of the Mississippi River on the state of the river report, which she
115 described as a very comprehensive and engaging report on the Mississippi, one that she
116 recommends the managers have presented at a future meeting. She said the Metro
117 MAWD group also received a report from the Department of Natural Resources on water
118 reuse and the interagency workgroup that is seeking to develop and implement changes to
119 state rules to allow more reuse of stormwater. She said the Metro MAWD meeting also
120 covered recommendations for update to the organizational structure, specifically
121 involving hiring an additional staff person to conduct education and outreach activities
122 while Ray Bohn, the current executive director MAWD, retains lobbying responsibilities.
123 Mr. Bohn does not wish to continue handling administration. She noted that there is no
124 budget for the restructuring, and the proposed structure would be something
125 representatives to the annual meeting in early December will be able to vote on. In
126 response to a question from Manager White, Manager Blixt stated that no cost of these
127 changes has been described yet.

128
129 Manager Miller suggested that the managers be provided with a copy of the state of the
130 river report.

131

132 **ACTION ITEMS**

133

134 **Resolution 16-078: Victoria Cooperative Agreement**

135

136 Anna Brown appeared before the Board of Managers to present a draft cooperative
137 agreement with the City of Victoria for stormwater retrofit enhancements to existing
138 facilities in downtown Victoria. She said the resolution authorizes execution of the
139 cooperative agreement and takes two other actions: the managers' concurrence that the
140 cooperative agreement will serve as a regional stormwater management plan in
141 compliance with the District's stormwater rule and that the exception standard under the
142 District variances and exceptions rule is satisfied with regard to the delay in providing
143 stormwater treatment for development or redevelopment within the catchment area prior
144 to the time the retrofits are operational. The resolution also delegates authority to make
145 the exception finding to the administrator. She pointed out that a memo from the District
146 engineer has been provided tonight to the managers with analysis and findings supporting
147 the exception determination. She said the term sheet for the agreement was reviewed at
148 the October 13 Policy and Planning Committee meeting and the committee voted to
149 recommend that the managers approve the cooperative agreement. She stated that the
150 catchment area in question is the western half of downtown Victoria – a total of
151 approximately 22 acres. This area is currently served by stormwater management
152 facilities. But the 2011 adoption of a revisions to the stormwater management rule
153 introduced a volume-management requirement that the existing facilities do not meet.
154 The retrofit would provide treatment for 9.3 acres of expected hard surface in the
155 catchment area, and that in addition to meeting the District's rules, the retrofits will
156 provide treatment of outflow from Church Lake, which drains to East Auburn Lake,
157 which is listed as impaired for nutrients.

158

159 Ms. Brown walked the managers through the cooperative agreement, noting that the
160 managers' concurrence in the determination that the agreement is a regional treatment
161 plan under section 7 of the District stormwater rule is critical to the success of the project.
162 She stated that the District has, on behalf of the city, applied for a \$200,000 grant from
163 the Clean Water Land and Legacy Fund and will hear as to that request by the end of the
164 year. In response to a question from Manager Miller, Ms. Brown stated that District staff
165 found that the opportunity presented by the stormwater retrofit best fit the Clean Water
166 Land and Legacy funding opportunity as opposed to the Public Facilities Authority. Ms.
167 Brown added that under the agreement there is a November 1, 2017, construction
168 deadline for the retrofits. ***Manager Olson moved and Manager Shekleton seconded***
169 ***adoption of resolution 16-078.***

170

171 In response to a question from Manager Blixt, Ms. Brown stated that the proposal and
172 cooperative agreement provide for pursuing only options one and two best management
173 practice retrofits at a cost of roughly \$210,000. In response to a further question from

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174 Manager Blixt, Ms. Brown stated that the additional funding beyond the grant amount is
175 for design and related costs.

176

177 James Wisker came before the Board of Managers to provide additional information on
178 the staff decision to apply for Clean Water Legacy funding, noting that staff's pursuit of
179 grant funding for projects is in accordance with a presentation and memorandum from
180 Michael Hayman that was recently provided to the managers. The presentation and memo
181 showed how staff had analyzed a host of criteria to determine proper matches. He said
182 that the driver for turning to Clean Water Legacy funding for the Victoria project is fit.
183 With Public Facilities Authority funding there is a great deal of demand from very large,
184 multiyear stormwater and treatment infrastructure projects. He said the Victoria project is
185 relatively small and would not necessarily present the cost-benefit that would be
186 necessary for Public Facilities Authority funding. In response to a question from
187 Manager Olson, Chris Meehan explained the operation of the filtration system that will
188 be a critical element of the retrofit to the stormwater BMPs in Victoria. *Upon vote, the*
189 *motion carried 7-0.*

190

191 Resolution 16-079: Authorization to Amend Hennepin County Easement on District
192 Property to Install a Space Hazard Monitor

193

194 Michael Hayman appeared before the Board of Managers, noting that Laura
195 Domyancich, who worked on the easement amendment to be discussed tonight with
196 Hennepin County and District counsel, is under the weather this evening so he's filling
197 in. He noted that the proposed easement amendment would expand the area covered by
198 the easement granted to Hennepin County on the Gould property to 150 by 200 feet but
199 most of the infrastructure to be installed for the space hazard monitor is underground. He
200 said there would be a data logger and control structure that would be within the existing
201 fenced-off area on the property but District operations, including maintenance of
202 vegetation, would not be affected in any way. *Manager Olson moved and Manager Blixt*
203 *seconded to adopt resolution 16-079.* In response to a question from Manager Olson,
204 Mr. Hayman stated that the type of hazards to be detected by the system to be installed
205 are solar magnetic pulses and that the system will allow the county to provide a warning
206 to entities such as utilities in the event such pulses are detected. *Upon vote, the motion*
207 *carried 7-0.*

208

209 Staff Updates

210

211 Lars Erdahl provided the administrator's report, noting that a number of District staff
212 recently attended the BWSR Academy and several other staff attended the Aquatic
213 Invaders Summit in St. Cloud. The District's E-Grade Program will be presented in the
214 very near future to the National Association of Lake Managers. He added that researching
215 and monitoring staff from the District are meeting with lake association representatives
216 and county staff to inspect docks and lifts as they are being taken out of waterbodies in

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217 the watershed. He said that Mr. Wisker is going to speak about the District's Balanced
218 Urban Ecology program at an upcoming conference. Finally, Mr. Erdahl stated that any
219 managers who still wish to register to attend the Minnesota Association of Watershed
220 Districts annual meeting should contact Chris Lizee in the District office. In response to a
221 question from Manager Olson, Mr. Erdahl stated that he believes five or six District staff
222 attended the BWSR Academy this year.

223

224 **ADJOURNMENT**

225

226 There being no further business, the regular meeting of the Board of Managers adjourned
227 at 8:05 p.m.

228

229 Respectfully submitted,

230

231

232

233 Kurt Rogness

234 Secretary

DRAFT