

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

4
5 August 27, 2015

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 6:45 p.m. at the MCWD, 15320 Minnetonka
11 Boulevard, Minnetonka, Minnesota 55345.

12
13 **MANAGERS PRESENT**

14
15 Sherry White, Pam Blixt, Richard Miller, Kurt Rogness, Jim Calkins, William Olson,
16 Brian Shekleton.

17
18 **MANAGER ABSENT**

19
20 None.

21
22 **OTHERS PRESENT**

23
24 Lars Erdahl, District Administrator; Anna Brown, District Planner-Project Manager;
25 Elizabeth Brown, District Permitting Technician; Renae Clark, District Planner-Project
26 Manager; Brett Eidem, District Cost Share Grant Administrator; Eric Fieldseth, District
27 AIS Program Manager; Michael Hayman, District Planner-Project Manager; Darren
28 Lochner, District Education Program Manager; Telly Mamayek, District
29 Communications and Education Director; James Wisker, District Planning and Projects
30 Director; Chris Meehan, District Engineer; Michael Welch, District Counsel.

31
32 **MATTERS FROM THE FLOOR**

33
34 None.

35
36 **APPROVAL OF THE AGENDA**

37
38 Manager White suggested moving consideration of permit 15-415 and authorization to
39 enter into a cooperative agreement with Japs-Olson Company and the City of St. Louis
40 Park up on the agenda and that item 10.2 be revised to include separate actions for
41 consideration of permit 15-266 and discussion of a possible partnership with Lennar
42 Corporation. *Manager Miller moved, and Manager Olson seconded, approval of the*
43 *agenda as amended. Upon vote, the motion carried 5-0 (Managers Blixt and Shekleton*
44 *absent for the vote.)*
45

46 **CONSENT AGENDA**

47

48 *Manager Miller moved, and Manager Rogness seconded, approval the consent agenda.*

49

50 Manager Calkins requested removal of the resolution to authorize an agreement with
51 Himle-Rapp to develop a crisis communications plan be removed from the consent
52 agenda. Michael Welch said that nonsubstantive typographical errors in the minutes of
53 the August 13, 2015, meeting would be corrected. Managers Miller and Rogness assented
54 to the changes to the motion. (*Manager Blixt arrived at this time 6:48 p.m.*)

55

56 *Upon vote, the motion carried 6-0 (Manager Shekleton absent for the vote), approving*
57 *the minutes of the August 13, 2015, meeting of the Board of Managers and the check*
58 *register, encompassing check numbers 35858 through 35958 in the amount of*
59 *\$929,671.14, payroll direct deposits in the amount of \$156,160.25, and electronic fund*
60 *withdrawals in the amount of \$39,069.18, for a total expense of \$1,124,900.57;*
61 *approving the surety account; accepting the 325 Blake Road checking account report;*
62 *and adopting resolution 15-069 providing as follows:*

63

64 ***Resolution 15-069, Authorization of Cost Share Funding – 2015 Homeowner BMP***
65 ***Cost Share Projects***

66

67 ***NOW, THEREFORE, BE IT RESOLVED, that the MCWD Board of***
68 ***Managers authorizes the administrator to execute, on advice and***
69 ***consent of counsel, a cost-share funding and maintenance agreement,***
70 ***with provision for appropriate signage, for the Walter Residence project,***
71 ***providing reimbursement of 75 percent of the documented costs for***
72 ***construction of stormwater BMP's, not to exceed \$7,500, contingent on***
73 ***final approval by cost-share program staff of a landscape design plan***
74 ***for the project;***

75

76 ***NOW, THEREFORE, BE IT FURTHER RESOLVED that the MCWD***
77 ***Board of Managers authorizes the administrator to execute, on advice***
78 ***and consent of counsel, a cost-share funding and maintenance***
79 ***agreement, with provision for appropriate signage, for the McGary***
80 ***Property project, providing reimbursement of 75 percent of documented***
81 ***costs of construction of stormwater BMPs, not to exceed \$10,000,***
82 ***contingent on final approval by cost-share program staff of a landscape***
83 ***design plan for the project.***

84

85 **REGULAR AGENDA**

86

87 **Board, Committee and Task Force Reports**

88

89 **President's Report**

90

91 Manager White said the Wayzata Lake Effect Signature Project Design Team Selection
92 Committee, of which she was a member, made its recommendation to the Wayzata City
93 Council that will be made public when the council chooses a design team September 15.
94 Manager White mentioned the Clean Water Summit in September and wondered which
95 managers will be able to attend. She also noted that tickets to the Watershed Heroes
96 program are now available.

97

98 **Policy and Planning Committee Report**

99

100 Manager Calkins said at its most recent meeting the committee reviewed the watershed-
101 plan framework and heard a presentation on the relationship between the permitting and
102 planning functions, with specific focus on prospects in the Six Mile Creek subwatershed.

103

104 Manager Miller added that he and Manager Rogness went on a recent Lake Minnetonka
105 Conservation District tour and viewed with attendees some of the work the District has
106 done at Big Island, which he said was impressive.

107

108 Manager White noted the schedule for upcoming meetings and events.

109

110 **Permits Requiring a Variance or Discussion**

111

112 **Permit 15-413 and Authorization to Enter into a Cooperative Agreement with Japs-Olson**
113 **Company and the City of St. Louis Park**

114

115 James Wisker presented the permit and proposed cooperative agreement. He provided
116 background on the redevelopment project proposed by Japs-Olson, which is an expansion
117 of the company's printing operation on 32.45 acres of commercial properties on
118 Excelsior Boulevard. He said that the company plans to conduct the redevelopment in
119 stages, with the first stage involving the relocation of employee parking from the west
120 side of the building to the former Appliance Smart location on the east, directly adjacent
121 to the District's Minnehaha Greenway. He said that the agreement with the District
122 provides for compliance with some regulatory requirements, and the application and
123 agreement are the product of a process that began in 2013 when District staff engaged
124 Japs-Olson and began discussing possibilities for integrating its redevelopment plans with
125 the District's long-term plans for providing stormwater management for large portions of
126 this area, which features one of the most degraded stretches of Minnehaha Creek. In

127 February 2014 the District entered a letter of understanding with Japs-Olson to work
128 together to pursue a collaborative approach to the redevelopment project.

129

130 Mr. Wisker reviewed the permit application, noting that the report proposes that an
131 exception for a portion of the stormwater management to be provided by the 325 Blake
132 Road stormwater facility when it is built, which would be accessed via the Powell Road
133 diversion recently completed by the District. In the meantime, Japs-Olson would
134 redevelop the Appliance Smart site for parking, utilizing filtration islands to provide
135 some of the required stormwater treatment. Additional islands will be incorporated if
136 parking commitments made to the City of St. Louis Park end up being utilized for actual
137 parking. He noted that this is a condition of the approval proposed. Mr. Wisker stated that
138 the exception is related to timing with regard to the redevelopment, because the
139 redevelopment of the Japs-Olson facility phase II on the west side of the building would
140 take place sometime in mid-2016, while the 325 Blake Road stormwater facility is not
141 likely to come online until 2018. He pointed out, though, that as part of its construction
142 on the east side of its property, Japs-Olson will be constructing a diversion to facilitate
143 providing stormwater treatment for four acres of Meadowbrook Road on the Appliance
144 Smart site. The cooperative agreement provides for the District to take fee ownership of
145 the Appliance Smart site when constructed and underlying property, with the District
146 assuming maintenance responsibility for the stormwater facility in perpetuity. In this
147 sense he said, Japs-Olson is providing stormwater treatment before it is required, in
148 addition to conveying the 3.7 acres of land to the District's corridor in the area. Mr.
149 Wisker reviewed the conditions on the approval outlined in the staff report.

150

151 In response to a question from Manager Olson, Mr. Wisker restated that the gap between
152 the time when the 7.5 acres on the western side of Japs-Olson facility is redeveloped and
153 the time stormwater from it is treated at the Cold Storage property is 18 months. He
154 pointed out again though that during that time additional treatment will be provided for
155 stormwater draining from Meadowbrook Road. Manager Miller stated that he believes
156 that this is a very exciting and worthwhile effort, and he is glad to see it move forward.

157 ***Manager Miller moved, and Manager Shekleton seconded, adoption of resolution 15-***
158 ***071, approving permit 15-413 with the conditions outlined in the staff memo and***
159 ***authorizing the president to enter into the cooperative agreement with the Japs-Olson***
160 ***Company and the City of St. Louis Park.***

161

162 In response to a question from Manager Calkins, Mr. Wisker explained that the properties
163 in the area are contaminated and the Appliance Smart site in particular has been identified
164 as containing lead, polycyclic aromatic hydrocarbons and other pollutants, and
165 underneath the site runs a plume of solvent from the Schloss facility to the north. Because
166 of these condition, infiltration is not allowed and the stormwater facility will be
167 constructed to provide filtration instead. Chris Meehan added that instead of 1 inch of
168 stormwater infiltration the facility will provide 2 inches of filtration, in keeping with the
169 District's established schedule for abstraction from certain specific stormwater

170 management practices. In response to a question from Manager Blixt, Mr. Wisker
171 explained that the cost of long-term maintenance of the stormwater facility has been
172 factored into the District's agreement with the company and the City of St. Louis Park.
173 Mr. Meehan added that the plans for the stormwater facility include a series of ponds, and
174 maintenance will be facilitated by a 1- to 2-foot thick cover over the liner at the bottom of
175 the pond that will prevent infiltration and also allow for maintenance without removing
176 the liner. In response from a question from Manager Shekleton, Mr. Wisker pointed out
177 that the property with parking on it would not be conveyed to the District – only the
178 stormwater facility. Japs-Olson would continue to maintain the parking facility and
179 associated stormwater filtration islands in keeping with the recorded declaration. In
180 response to a question from Manager Olson, Mr. Wisker stated that small sections of
181 Meadowbrook Road will need to be opened to create the diversion to the facility to be
182 constructed. Michael Welch clarified the District will not be providing a letter of credit
183 but rather one of the conditions of permit approval is that the District and city will share a
184 letter of credit provided by the company.

185

186 Manager White extended her appreciation to Bob Murphy of Japs-Olson for his
187 commitment to working with the District. *Upon vote, the motion carried, 7-0.*

188

189 **Public Hearing and Presentations**

190

191 **Lake Minnetonka Shoreline Gardening Guide**

192

193 Darren Lochner of the District staff introduced Sam Geer whose organization produced
194 the Lake Minnetonka Shoreline Gardening Guide, with support from the District's
195 Cynthia Krieg grant fund. Mr. Lochner stated that Mr. Geer works with a firm called
196 Urban Ecosystems and he is the principal author of the publication. Mr. Geer and Mr.
197 Lochner presented an overview of the book and plans for its distribution. Mr. Geer
198 described how the book provides information on stabilization of shorelines with plantings
199 that promote infiltration of stormwater and prevent migration of pollution into
200 waterbodies. He said the book focuses on Lake Minnetonka because of the tremendous
201 amount of shoreline and opportunity for shoreline stabilization on the lake, and tries to
202 account for various aesthetic views with regard to lakeshore plantings rather than trying
203 to make all shorelines look completely naturalized. He also described the various sections
204 of the book and how they work together and indicated that the book will be available on
205 Amazon. Mr. Lochner noted that the District purchased a number of copies at cost. In
206 response to questions from Manager Miller, Mr. Lochner noted that the book will be for
207 sale for \$22 and that the brief brochure version that has been prepared in conjunction
208 with the book will be used to get people interested in the concept. Mr. Lochner also
209 confirmed that the Cynthia Krieg fund provided \$25,000 to support the book. The
210 managers discussed ways to more broadly distribute the book and directed Mr. Lochner
211 to bring back a proposal for such an effort at a future meeting. The managers thanked Mr.
212 Geer for his effort on the book and presentation.

213

214 **Permits Requiring a Variance or Discussion (continued)**

215

216 **Approval of permit 15-266 for Laketown 9th Development in Victoria and Discussion of**
217 **Potential Partnership with Lennar Corporation**

218

219 Anna Brown and Beth Brown of the District staff appeared before the Board of
220 Managers. Anna Brown stated that Beth Brown will present the permit report from the
221 regulatory department for the Board of Managers' consideration, then she will present the
222 basic framework for a possible partnership with Lennar for the restoration and
223 enhancement of degraded wetlands in the Six Mile Creek subwatershed.

224

225 Beth Brown presented the permit report, noting that before the board this evening is
226 approval of the Wetland Conservation Act sequencing request and approval of an erosion
227 and sediment control permit from the District with certain conditions. She stated that the
228 report also presents the broader District regulatory analysis under the stormwater
229 management, floodplain, wetland protection, and waterbody crossings rules. She said that
230 the approval of a permit under these rules is contingent on completion of the WCA
231 replacement-plan approval process, which has not yet been fully initiated for the
232 development. She also mentioned that staff will be requesting a waiver from the Board of
233 Managers this evening to allow Wenck Associates, the District engineer, to work under
234 contract to Lennar to develop a wetland restoration design. Beth Brown reviewed the
235 sequencing analysis for the project, noting that the applicant satisfied all criteria for
236 sequencing approval for 0.97 acres of impacts to Wetland Conservation Act regulated
237 wetlands and public waters wetlands, impacts to which are regulated by the Department
238 of Natural Resources, which has waived jurisdiction to the District. Staff is
239 recommending approval of sequencing, as well as approval under the District erosion and
240 sediment control, with conditions outlined in the staff report, and approval under the
241 other District rules, conditional on completion of Wetland Conservation Act replacement-
242 plan application process for either banking or project-specific replacement and approval
243 of a replacement plan, along with other conditions outlined in the staff report.

244

245 Anna Brown continued, noting that in terms of the replacement of the impacts, Lennar
246 identified an opportunity to purchase wetland credits from a qualifying bank in the
247 Mississippi Metro hydrologic-unit-code area, but has provided application for a
248 replacement plan approval for a preferred option, which relies on an agreement with the
249 District to restore wetlands on a 12 acres of wetland on an adjacent parcel. She noted that
250 the adjacent parcel also has both Wetland Conservation Act-regulated wetlands and
251 public waters wetlands. She stated that the concept is for the District to work with Lennar
252 to integrate restoration of these wetlands with Lennar's development of the Laketown 9th
253 project, with the District taking over maintenance and monitoring of the replacement
254 wetlands at some point to ensure success. She stated that the wetland disturbance
255 associated with the Lennar development is for a road for the project. Along with restored

256 upland and buffer area, Lennar's total obligation is to provide roughly four acres of
257 replacement credits. Ms. Brown stated that the District identified restoration on the
258 adjacent parcel in 2010 as a capital improvement project and in fact ordered the project,
259 but ultimately could not secure the necessary land rights to complete the work. The
260 District and the City of Victoria entered a memorandum of understanding in 2014 to
261 explore opportunities to work together, which facilitated the discussion with Lennar
262 leading to the partnership concept staff is presenting this evening. Anna Brown stated that
263 staff has been working with legal counsel to ensure that there is a firewall between the
264 District's regulatory function in reviewing the Lennar project and its planning arm, which
265 is developing the restoration project. She stated that a term sheet has been developed and
266 discussed with Lennar but that three areas in particular remain to be resolved: the balance
267 of compliance responsibility between the District and Lennar, the acquisition of land
268 rights necessary for the project and the party who will acquire the land rights, and the
269 structure of banking as a fallback option. Ms. Brown noted that Paul Tibone from Lennar
270 Corporation and Ben Landhauser from the City of Victoria are in attendance this evening
271 to answer any questions the managers may have. Ms. Brown noted that staff also has
272 provided the managers with a number of letters of support that have been received,
273 including one received today from the United States Army Corp of Engineers, for the
274 proposed restoration partnership.
275

276 Manager Miller commented on the progress staff has made on developing partnerships
277 with the private sector in recent years and commended staff for its efforts in that regard.
278 He also thanked the representative from Lennar for the company's willingness to work
279 with the District. In response to a question from Manager Olson, Mr. Welch explained
280 that there is a clause in the District's contract with Wenck that precludes the company
281 from contracting with applicants for District permits. It is necessary for the Board of
282 Managers to waive that provision for Wenck to work with Lennar on the restoration
283 design. ***Manager Olson moved, and Manager Calkins seconded, approval of permit 15-
284 266 and Lennar's application for Wetland Conservation Act sequencing approval,
285 upon vote the motion carried 7-0.***
286

287 ***Manager Miller moved and Manager Olson seconded approval for staff to continue
288 working with Lennar Corporation to develop a partnership for wetland restoration that
289 would meet replacement plan requirements for the Lennar Laketown 9th project. Upon
290 vote, the motion carried 7-0.***
291

292 ***Manager Miller moved, and Manager Rogness seconded, to waive the conflict of
293 interest clause in the Wenck Associates contract with MCWD for the purposes of the
294 project only. Upon vote, the motion carried 7-0.***
295

296 **Action Items**

297

298 **Diamond Lake Alleyway Initiative**

299

300 Mr. Eidem presents a project that, he said, will create the second blooming alley in the
301 City of Minneapolis. He said it builds on work around Diamond Lake was supported by
302 the District and conducted under the auspices Go Blue project several years ago. Mr.
303 Eidem explained the education and outreach benefits from the project, which principally
304 revolve around grassroots distribution of information and demonstration of stormwater
305 management practices among neighbors. Nine property owners are ready to install a total
306 of 14 best management practices. Mr. Eidem recommended that the managers authorize
307 the administrator to enter an agreement for not to exceed \$16,295.63 for the project.

308 ***Manager Calkins moved, and Manager Rogness seconded, adoption of resolution 15-***
309 ***073, for the Diamond Lake alleyway initiative.*** In response to a question from Manager
310 Blixt, Mr. Eidem explained that the District provided Cynthia Krieg funding to support
311 an analysis by Metro Blooms of the Diamond Lake subwatershed and identification of
312 block leaders in the area. Manager Blixt suggested that in prioritizing areas for cost-share
313 funding the program should also consider flooding. Mr. Eidem explained that the goal is
314 to show the city the broad interest in this kind of treatment system and promote access to
315 the more cost-effective approach of using the alleys themselves, which are operated by
316 the city, for construction of BMPs. In response to a question from Manager Shekleton,
317 Mr. Eidem explained that while only one pound of phosphorus will be reduced from the
318 project, roughly 158,000 gallons of stormwater will be infiltrated. ***Upon vote, the motion***
319 ***carried, 7-0.***

320

321 **Crisis Communications Plan Update**

322

323 Manager Calkins explained that he removed this item from the consent agenda because of
324 the concerns he expressed when the proposal came before the Board at the workshop. He
325 does not believe that it is a cost-effective expenditure by the District to enter a contract
326 with Himle Rapp to update the crisis communications plan, nor is it necessary. In
327 response to a question from Manager White, Manager Calkins stated that he did not
328 necessarily have data to support his position, but as he articulated before he does not
329 believe that the presentation and circumstances described justify updating the crisis
330 communications plan at a cost of \$18,000. Manager Calkins also stated that he does not
331 believe an item should be on the consent agenda when the vote to advance the item is less
332 than unanimous. ***Manager Shekleton moved and Manager Rogness seconded adoption***
333 ***of resolution 15-070, authorizing the administrator to enter a contract with Himle***
334 ***Rapp for not to exceed \$18,000 to update the District's crisis-communications plan. On***
335 ***a roll call vote, the managers voted as follows:***

336

Minutes of the Regular Meeting
 Minnehaha Creek Watershed District
 Board of Managers
 8-27-2015

	AYE	NAY	ABSTAIN	ABSENT
337 Pam Blixt		X		
James Calkins		X		
Richard Miller		X		
William Olson		X		
Kurt Rogness	X			
Brian Shekleton	X			
Sherry White	X			

338

339 *The motion failed.*

340

341 Cooperative Agreement with Three Rivers Park District and Minnetrista for Ravine
 342 Stabilization

343

344 Renee Clark presented a recommendation from staff for authorization to enter a
 345 cooperative agreement with Three Rivers Park District and the City of Minnetrista for
 346 cooperation on construction of ravine stabilization measures in Three Rivers Park
 347 District. Ms. Clark showed the location of the work to take place, noting that some work
 348 will occur on private property and that the park district and city are acquiring the
 349 necessary easements for that work. She said that the original partnership among the three
 350 entities was for design and permitting, and that this further cooperative agreement merely
 351 commits the District to provide staff assistance and approval of the operations and
 352 maintenance plan for the construction of the repairs. She emphasized that no funding
 353 from the District will be contributed to the construction. Ms. Clark added that Wenck
 354 produced the design for the project under a waiver provided by the Board of Managers
 355 similar to that requested on the Lennar project. In response to a question from Manager
 356 Miller, Ms. Clark stated that the City and Three Rivers Park District funded the design as
 357 well and no District funds were involved in the project. (*Manager Shekleton left at this*
 358 *time.*) ***Manager Olson moved and Manager Blixt seconded adoption of resolution 15-***
 359 ***074, authorizing the administrator to enter into a cooperative agreement with Three***
 360 ***Rivers Park District and the City of Minnetrista for ravine stabilization work in***
 361 ***Minnetonka Regional Park.*** In response to a question from Manager Calkins, Ms. Clark
 362 conformed that no piping would be installed to stabilize the ravines. ***Upon vote the***
 363 ***motion carried 7-0.***

364

365 Hand Removal of Flowering Rush

366

367 Eric Fieldseth presented a continuation of the District’s established program for removing
 368 invasive flowering rush from certain areas of Lake Minnetonka by hand. Mr. Fieldseth
 369 explained that the flowering rush occupies less than an acre of the lake, and he presented
 370 stem count and biomass weight information, chronicling the progress of the flowering
 371 rush in the lake. He noted that the data are very inconclusive but the wet weight biomass

372 numbers seem to show a more progress toward controlling the flowering rush. He said
373 staff would like to have more data to have a good sense of whether the hand removal is
374 indeed effective. **Manager Calkins moved and Manager Olson seconded adoption of**
375 **resolution 15-075, authorizing the administrator to enter into an agreement with**
376 **Waterfront Restoration for not to exceed \$24,000 for hand removal of flowering rush.**
377

378 In response to a question from Manager Blixt, Mr. Fieldseth said that the District does
379 look for flowering rush in other waterbodies and so far has found it only in Lake
380 Minnetonka and the creek. Manager Olson added that the effort is founded in the concept
381 that the District wanted to take on at an invasive species that it had a chance of
382 eliminating from the watershed. Manager Calkins added that the District had reason to
383 believe it could be successful given the small area infested by the flowering rush.
384 Manager Calkins continued, noting that there were no biomass numbers from 2015 yet,
385 and that the variability in the data is consistent with the variable nature of nature. In
386 response to a question from Manager Calkins, Mr. Fieldseth said that use of the herbicide
387 has been tried in Maxwell Bay of Lake Minnetonka without conclusive results. Manager
388 White suggested that the resolution should be revised to remove the speculation with
389 regard to the increase in flowering rush being due to lower lake levels, given that the
390 District did not have conclusive information in this regard. **Manager White moved, and**
391 **Manager Miller seconded, to so amend the resolution. Upon vote, the amendment**
392 **passed 7-0. Upon vote, the main motion passed 7-0.**
393

394 Authorization to Enter Into Grant Agreement with Initiative Foundation for Aquatic
395 Invasive Species Work
396

397 Eric Fieldseth reviewed staff's prior presentation of the proposal to enter into an
398 agreement to receive funding from the Lessard-Sams Outdoor Heritage Council through
399 the Initiative Foundation for aquatic invasive species control work. After discussion of
400 the project with the managers in May, staff met with Three Rivers Park District and
401 Carver County, two of MCWD's closest collaborators on AIS issues. Both organization's
402 staffs recognize the innovative nature of the proposed centralized inspection station and
403 launch-site-area parking restrictions that the District was proposing but neither would
404 commit to pursuing adoption of an ordinance to implement the program. As a result, staff
405 revised the proposal to focus on purchase of a decontamination unit that would be
406 available to anyone who wanted to have their boat decontaminated. Mr. Fieldseth stated
407 that the Department of Nature Resources has some decontamination units but their
408 locations are not widely publicized. Staff's revised new project proposal would involve
409 broadcasting the location of a decontamination unit and boaters would have a place they
410 know they could go if denied access because of AIS. He said staff is pursuing a
411 partnership with Hennepin County to locate the unit near a launch on Lake Minnetonka,
412 but those discussions have not produced a commitment from the county to host the
413 decontamination unit. Mr. Fieldseth said it may be necessary to revise the proposal again.
414 He pointed out the education benefits available through the new project and a couple of

Minutes of the Regular Meeting
Minnehaha Creek Watershed District
Board of Managers
8-27-2015

415 corollary projects – namely, the home lake program, which would allow for quicker
416 inspections and bypassing inspections for boaters who maintain a watercraft on a
417 particular waterbody, and the self-inspection certification program, allowing boaters who
418 have experience with AIS identification to bypass inspections at launches. He said that
419 the program would also include additional funding for the District’s roaming-inspector
420 program and a pilot effort at establishing a clean access, as well as improved signage at
421 public accesses regrading AIS. Finally, Mr. Fieldseth added that the require match would
422 come from funding the District has already committed to its AIS program for 2016.

423

424 Manager Miller said he would not support entering the agreement with the Initiative
425 Foundation because he is hearing that partners are not supporting the District’s efforts.
426 Some of the District’s key partners have purchased decontamination units and installed
427 them, but have not utilized funding the District has made available for such programs.
428 After further discussion, Mr. Fieldseth reported that no private entities have purchased
429 decontamination units and located them at their facilities to be available to the boating
430 public. One marina has purchased a decontamination unit for use on its own boats. With
431 regard to the other elements of the project, Mr. Fieldseth reported that the partners are
432 interested in these elements, but were not interested in imposing parking restrictions.
433 Still, staff has worked with the Initiative Foundation to come up with the best possible
434 program. ***Manager Olson moved and Manager Rogness seconded adoption of***
435 ***resolution 15-076, authorizing the administrator to enter into a grant agreement with***
436 ***the Initiative Foundation for a \$382,000 AIS grant.*** In response to a question from
437 Manager Blixt, Mr. Fieldseth noted there is also an evaluation element to the grant.
438 Manager Olson noted that the AIS program has had substantial funding carryover from
439 year to year. He asked whether the Initiative Foundation would react if these carry over
440 continues. Mr. Fieldseth reported that in previous years, the District made available
441 grants to partners, and these were not utilized. In the next two years, the District will be
442 utilizing the funds itself, minimizing the risk that the carryovers will continue. In
443 response to a question from Manager White, Mr. Fieldseth stated that the District prefers
444 to contract for its AIS inspection activities, but staffing decisions have yet to be made for
445 the work under the Initiative Foundation proposal. In response to a further question from
446 Manager White, Mr. Fieldseth stated that it’s unclear whether the District would own the
447 decontamination unit under the proposal; he is working on the operational plan with
448 David Mandt. Craig Dawson appeared before the managers and stated that cost for the
449 program includes storage of the decontamination unit during the winter. In response to a
450 question from Manager Blixt, Mr. Fieldseth said the additional funding for roaming
451 inspectors will allow for more inspections at additional lakes in the watershed. In
452 response to a question from Manager Blixt regarding when the Initiative Foundation
453 needs to know whether or not the District is going to enter into the grant agreement, Mr.
454 Fieldseth said the Initiative Foundation has already provided one extension and it is
455 preparing for its next round of funding proposals in September. He thinks it is likely the
456 District would have to reapply if this agreement is not entered.

457

Minutes of the Regular Meeting
Minnehaha Creek Watershed District
Board of Managers
8-27-2015

458 In response to a question from Manager Calkins, Mr. Fieldseth confirmed that the
459 funding for the program comes from the Lessard-Sams Outdoor Heritage Council. In
460 respond to a further question from Manager Calkins, Mr. Fieldseth noted that the
461 decontamination unit to be purchase is a high-pressure high-temperature spray unit that
462 provides decontamination at a known location, along with proof of inspection and
463 decontamination. He said, in response to further questions from Manager Calkins, that
464 the effectiveness of such systems depends on the type of watercraft. With regard to the
465 effectiveness of this addition to the District's AIS program, Mr. Fieldseth said that the
466 decontamination unit is a critical missing tool from the District program. He said that
467 with the addition of these tools, the program will have a higher likelihood of success. He
468 acknowledged, though, that providing onsite inspections and decontamination would still
469 be the most effective possible approach, but this is not cost effective for the District.
470 Manager Olson reiterated that the three touch points for the AIS program are prevention
471 of exiting lakes from invasion, intervention when lakes are infested and control of
472 infestation. With regard to a question from Manager Olson as to what the Initiative
473 Foundation would bring to the Christmas Lake effort, Mr. Fieldseth said that continued
474 work by the District on Christmas Lake is already in the District's work plan and would
475 be pursued as cost-share with the City of Shorewood and the Department of Natural
476 Resources. Craig Dawson added that the District's plans have been reduced somewhat to
477 speak to the Initiative Foundation's interest in gaining experience with some of the
478 methods proposed in the District's work plan. He said that what's being proposed now to
479 the Initiative Foundation is not dissimilar to what was proposed to the Lessard-Sams
480 Outdoor Heritage Council two years ago, when the District pursued such funding directly
481 itself. Mr. Dawson said that the staff believes that one decontamination station is a
482 manageable initial approach.

483
484 Joe Schneider appeared before the Board of Managers and stated that he in addition to
485 being a resident on Christmas Lake, he is on the Initiative Foundation's review
486 committee for proposals and he's excited about the District's proposal. He said no
487 regional inspection and decontamination station has been tried yet in the state. He said
488 these elements are critical to the statewide AIS approach, and he encourages the District
489 to give it a try. Manager Miller stated that at Christmas Lake it makes sense to take a
490 control approach, given that there it is a small lake with limited access. He said that the
491 current proposal to the Initiative Foundation relies on boaters going out of their way to
492 obtain decontamination and he does not believe it will be effective. Manager Shekleton
493 added that he also is having a difficult time seeing how the program proposed will be
494 successful, and he does not believe the District should enter into the agreement. He said
495 the Department of Natural Recourses has not change course from its initial statement of
496 commitment in 2013 regarding AIS prevention efforts, which made it clear that boaters'
497 access to lakes should not be compromised. He stated that he does not think the
498 Christmas Lake program is replicable. Manager Shekleton said that District staff has
499 developed a model, but does not have an access point that it controls such that it can
500 successfully implement the model and does not have the necessary support from the state

Minutes of the Regular Meeting
Minnehaha Creek Watershed District
Board of Managers
8-27-2015

501 regulatory program or partners. Mr. Dawson stated that the District staff put together the
502 best proposal it could in the environment it is working in. Manager Shekleton emphasized
503 that staff has indeed put together the best-possible approach, but it still is not going to be
504 successful in his mind.

505

506 In response from inquiry from Manager Olson, Manager Shekleton stated that the District
507 has been planning the expansion of its AIS approach for three years but that no one has
508 given the District authority to implement a lock-down control approach or a red lake-
509 green lake approach to AIS management. He said even Hennepin County, which has
510 access point onto Lake Minnetonka won't let the District put a decontamination unit in.
511 He said that the District has successfully identified the problem but doesn't have partners
512 to implement effectively. Manager White said she's very much on the fence with regard
513 to the proposal because she believes the District should make an effort at developing
514 effective tools, but she understands the concern about the use of public funds when the
515 District doesn't have sufficient support from partners. Manager Blixt said she is unsure
516 whether decontamination as described will be effective, but she said the addition of
517 inspectors might make a difference. She also believes that the District should be part of
518 research to document what does and does not work and feels that if the District doesn't
519 try certain approaches no, one else will. She is willing to try, but nervous.

520

521 Manager White summarized the arguments that the managers have weighed in assessing
522 whether to enter the agreement. She said that the fact that there is no guarantee of success
523 of the program cuts both ways, in that it's a risk the District should be willing to take but
524 on the other hand it undermines confidence with which the managers approach the
525 project. She stated that managers feel that the program as proposed may be replicable
526 statewide and that while the District lobbied for a stickering program on trailers carrying
527 watercraft, that program design did not prevail in the legislature. She said that the
528 program will use funds that the District has earmarked for AIS work that have not been
529 used so far and it places the District in a leadership role on AIS work, which has been one
530 of its goals and the cornerstone of its program design. On the other hand, she said, the
531 project appears to be driven by the availability of a grant, and the regulatory environment
532 is such that the District ends up standing by itself in attempting to pursue implementation
533 of AIS prevention and management systems. There is also the argument that the program
534 as designed will not be effective. Manager Calkins added that he does not believe that the
535 description was necessarily a balanced one, and he is long argued that the District should
536 take a leadership role, so he is conflicted with regard to this particular project. He
537 believes that prevention of AIS infestation is achievable but it may be achievable at a cost
538 that is not able to be dedicated. He said there may be other things that the District might
539 do, but that the program implemented so far is not achieving the District's goals. He
540 stated that the Christmas Lake effort appears to have failed, and there isn't the federal or
541 state political will to implement a program to prevent AIS infestations. He said that there
542 are too many holes in the program and that he's long felt that a red lake-green lake
543 program is the only model that will work. He does not think education signs at launches

Minutes of the Regular Meeting
 Minnehaha Creek Watershed District
 Board of Managers
 8-27-2015

544 are, effective because people don't read them and he feels that the District cannot give
 545 up, but he can't move forward with this program unless he believes that it will work. **On**
 546 **a roll call vote, the managers voted as follows:**
 547
 548

	AYE	NAY	ABSTAIN	ABSENT
Sherry White		X		
Brian Shekleton		X		
Kurt Rogness		X		
William Olson	X			
Richard Miller		X		
James Calkins		X		
Pam Blixt	X			

549
 550 ***The motion failed.***
 551

552 General Cooperative Agreement with Hennepin County Housing and Redevelopment
 553 Authority and the City of Hopkins
 554

555 James Wisker presented the staff recommendation for the managers to authorize the
 556 president to enter a cooperative agreement with Hennepin County Housing and
 557 Redevelopment Authority and the City of Hopkins for redevelopment along the
 558 Southwest Light Rail corridor, articulating support for the Southwest Corridor Investment
 559 Framework. Mr. Wisker said that the agreement follows from past work the District has
 560 done with the city and the county. It also is necessary, according to the county, for the
 561 HRA to utilize multijurisdictional investment program funds authorized by statute. He
 562 said that a subcommittee has been established to review proposals for design work and
 563 redevelopment. **Manager Miller moved, seconded by Manager Shekleton, to adopt**
 564 **resolution 15-077.** Manager Miller confirmed with Mr. Wisker that the consultant for
 565 the design work is not yet been selected. **Manager Miller moved and Manager Blixt**
 566 **seconded to amend the resolution to preclude a developer who is a member of the**
 567 **design consultant group selected be precluded from future work on redevelopment of**
 568 **the District's 325 Blake Road redevelopment.** Manager Miller explained that his purpose
 569 is to try to ensure that other potential respondents to a request for proposals for
 570 redevelopment are not put off from submitting because they believe that the developer in
 571 the consultant group selected for the design process has a leg up on winning the contract.
 572 Mr. Wisker stated that there are only two consultant groups remaining in the selection
 573 pool, one of which has a developer. He said the consultant to be contracted with will be
 574 selected next week. In response to a question from Manager White, Mr. Wisker stated
 575 that the District committed to sharing costs on the development of the design concepts up
 576 to \$50,000 or 50 percent of the cost. After discussion among the managers as to whether
 577 the amendment would be effective in ensuring that the District gets the best possible
 578 proposals for the redevelopment of 325 Blake Road, Manager Miller, with Manager

579 Blixt's consent, withdrew the amendment. Manager Miller emphasized that his goal is to
580 ensure that the District maximizes its return on its investment in the 325 Blake Road
581 property through a transparent effort to achieve that goal. *Upon vote, the motion to adopt*
582 *the resolution 15-077 was approved 7-0.*
583

584 **BOARD DISCUSSION ITEMS**

585

586 Meadowbrook Golf Course Ecological Restoration

587

588 Michael Hayman described the process and steps the District has engaged in with the
589 Minneapolis Park and Recreation Board for redevelopment and flood-damage repair
590 work at Meadowbrook Golf Course in Hopkins. Mr. Hayman provided an overview of
591 the 2014 flood damage and the three concepts developed with the MPRB for restoration
592 and improvement. Mr. Hayman noted that John Otterly, a neighbor of the golf course
593 who's been very engaged in development of restoration plans, is in the audience this
594 evening and may be able to answer questions from managers. Mr. Hayman reviewed
595 wetland and creek-restoration and -meandering plans, and enhancements to the golf
596 course that would address flooding and allow the course to be played during high-water
597 events, along with plans for development of trails. Mr. Hayman said that the stream-
598 restoration work is a continuation of the District's work in reaches 19 through 21, and
599 that the project would involve restoration of 7 to 9 acres of wetland and flood mitigation,
600 as well greenway expansion.
601

601

602 In response to a question from Manager Olson, Mr. Hayman explained that one of the
603 two crossings of the creek through the golf course is for golf and would be paid for by the
604 MPRB and the other is for trail purposes and would be paid for by the MCWD. Mr.
605 Hayman explained that of the total \$8.5 million project cost, \$1,554,217 would be
606 contributed by MCWD. He said District staff will be working with MPRB on a
607 cooperative agreement for the work to be presented to the managers. Mr. Hayman said
608 that the topic of which entity would receive wetland credits for the restoration work
609 had not been discussed. Mr. Hayman also added the Federal Emergency Management
610 Agency would be contributing \$1.71 million of the project cost for flood-damage repair.
611 Mr. Hayman explained that the project is expected to be let for bid in March 2016, with
612 construction starting on 15 holes and the new driving range in May and work completed
613 in November. Stream restoration and work on three additional holes would then take
614 place in the winter. Mr. Hayman explained that the board will conduct a public hearing
615 on the project at the September 10 meeting and consider ordering at that time.
616

616

617 Mr. Otterly of 4602 Anaway Drive in Edina appeared before the managers and stated that
618 he has lived in his present home since 1984 and is very excited about the collaboration
619 between MPRB and the District. He said that like many others his property was badly
620 affected by the flooding, and he is encouraged by the vision and the work of some of the
621 new people at MPRB. He stated that the golf course will charge higher fees to pay for

Minutes of the Regular Meeting
Minnehaha Creek Watershed District
Board of Managers
8-27-2015

622 some of the enhancement to the project. In response to a question from Manager Calkins,
623 Mr. Hayman confirmed that option C for restoration of the property, which was not
624 selected, featured a longer remeander, but because of the levy around Meadowbrook
625 Lake would require fill, which District and MPRB staff thought did not make sense. The
626 managers thanked Mr. Hayman for his presentation and expressed support for the project.

627

628 Administrator's Report

629

630 Lars Erdahl stated that it is not clear that the boat tour tentatively scheduled for
631 September 2 with state and county policymakers will take place because signups are
632 slow. He said the tour would look at Big Island and some residential cost-share shoreline
633 restoration projects and discuss the District's comprehensive-plan revision process and
634 the work in the Minnehaha Creek Greenway. Mr. Erdahl reminded managers of the Clean
635 Water Summit on September 15, and stated that preproposals for the Cynthia Krieg grant
636 program are due September 16. He said there will be a Cottageville Park open house on
637 September 22, which should be shortly after construction is completed. He stated that
638 Powell Road project construction is complete. Mr. Erdahl stated that the Watershed
639 Heroes event is October 1, and that he has received notice of the Minnesota Association
640 of Watershed District's legislative-resolution process, which calls for resolutions from
641 watershed members by October 16. Mr. Erdahl said he went to a workshop yesterday, the
642 first of four, on thresholds for negative impact to surface waters held by the Department
643 of Natural Resources and the Environmental Quality Board. He said the principal focus is
644 on groundwater appropriations.

645

646 In response to a question from Manager Olson, staff reported managers will receive
647 training on new iPads at the September 3 meeting. It was clarified that there will be a
648 public hearing on the budget and levy followed by the committee meeting.

649

650 ADJOURNMENT

651

652 *There being no further business, the regular meeting of the Board of Managers*
653 *adjourned at 11:13 p.m.*

654

655 Respectfully submitted,

656

657

658

659

660 Kurt Rogness

661 Secretary