

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

4
5 February 11, 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 Treasurer Richard Miller at 6:47 p.m. at the District offices, 15320
11 Minnetonka Boulevard, Minnetonka, Minnesota.
12

13 **MANAGERS PRESENT**

14
15 Richard Miller, Kurt Rogness, James Calkins, William Olson, Pam Blixt.
16

17 **MANAGERS ABSENT**

18
19 Sherry White, Brian Shekleton.
20

21 **DISTRICT STAFF AND CONSULTANTS PRESENT**

22
23 Lars Erdahl, Administrator; Anna Brown, Planner-Project Manager; Kelly Dooley, Water
24 Quality Manager; Eric Fieldseth, AIS Program Manager; Telly Mamayek, Director of
25 Communications and Education; James Wisker, Planning and Projects Director; Chris
26 Meehan, Engineer; Michael Welch, Counsel.
27

28 **APPROVAL OF THE AGENDA**

29
30 *Manager Olson moved to approve the agenda and Manager Calkins seconded. Upon*
31 *vote, the motion carried 4-0.*
32

33 **INFORMATION ITEMS AND CORRESPONDENCE**

34
35 Manager Miller asked whether the managers would like to discuss the Lake Nokomis
36 Water Quality Improvement Project biomanipulation update, information on which was
37 provided in the packet of meeting materials by Kelly Dooley. Manager Calkins noted that
38 he reviewed the report and had no questions for staff.
39

40 With regard to the staff informational report in the packet on an effort to correct the
41 names of three water bodies in Plymouth, Manager Miller said that Manager Shekleton
42 asked that counsel be directed to look into whether MCWD policy had been violated by
43 staff's appearing before the Plymouth City Council and the Hennepin County Board of
44 Commissioners on the matter without board authorization.

45 **CONSENT AGENDA**

46

47 Manager Miller stated that the only item on the consent agenda is the minutes of the
48 January 28 meeting of the Board of Managers. Michael Welch noted that counsel will
49 correct the reference to a “proximate land entrance” at line 128 of the minutes to
50 “proximate land interest.” *Manager Calkins moved and Manager Olson seconded*
51 *approval of the minutes with the typographical correction noted by counsel. Upon vote,*
52 *the motion carried 4-0.*

53

54 *(Manager Blixt arrived at 6:50 p.m.)*

55

56 **REGULAR AGENDA**

57

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

59

60 Manager Calkins reported on the most recent meeting of the Citizens Advisory
61 Committee, which took place last night and was attended by 10 members of the
62 committee. He stated that the committee reviewed updates MCWD is making to maps of
63 the watershed and elected a slate of officers for the upcoming year. Bill Bushnell was
64 reelected as chair and Peter Rechelbacher reelected vice chair. Jerry Ciardelli and Sylvia
65 Carlson are the other officers. Manager Calkins stated that the committee discussed
66 attendance of CAC members at meetings of the Board of Managers, and contemplated
67 rearranging its schedule to ensure that the committee would have a chance to discuss
68 board meeting topics and information prior to discussion by the managers. The
69 committee also expressed interested in having Louis Smith provide the Watershed 101
70 presentation at an upcoming meeting. Manager Miller commented that staff should work
71 with the CAC on either schedule adjustments or organizing meeting material in a manner
72 responsive to the CAC’s interest in timely commenting on topics coming before the
73 Board of Managers. Manager Miller commented further on the importance of facilitating
74 the CAC’s ability to continue to provide valuable input to the board.

75

76 Manager Olson reported on a meeting he attended with representatives of the City of
77 Victoria and Laketown Township on MCWD’s work in the Six Mile Creek
78 subwatershed. He noted that all of the councilmembers and township representatives
79 attending strongly supported the work that the District has under way and were impressed
80 with staff’s presentations.

81

82 Manager Calkins stated that he attended a presentation by the Minnesota Department of
83 Transportation on construction and upgrade projects coming up on Highway 169 from the
84 Crosstown to Highway 55. He said that the agency discussed replacing a bridge at Nine
85 Mile Creek with a six-lane causeway and that a study is under way to look at expanding
86 Highway 169 to six lanes throughout the stretch under discussion. Manager Calkins noted
87 the importance of MCWD taking advantage of the opportunity to coordinate with

88 MnDOT with regard to water resources management issues and expressed interested in
89 coordinating efforts with the Nine Mile Creek and Bassett Creek watershed
90 organizations.

91
92 Manager Miller reviewed the upcoming schedule of meetings and noted no changes.

93
94 **ACTION ITEMS**

95
96 Purchase of 2016 Jeep Cherokee

97
98 Manager Miller said that the Board of Managers are asked to consider authorizing the
99 purchase of a new Jeep Cherokee through the state Cooperative Purchasing Venture.
100 ***Manager Rogness moved and Manager Calkins seconded the motion to advance***
101 ***adoption of the resolution authorizing the purchase of a 2016 Jeep Cherokee for the***
102 ***District fleet from the state Cooperative Purchasing Venture to the consent agenda for***
103 ***the meeting of February 25. Upon vote, the motion carried 5-0.***

104
105 Contract for 2016 Minnehaha Creek Cleanup

106
107 Telly Mamayek appeared before the Board of Managers and observed that the District
108 creek cleanup event has grown substantially over the 10 years it has been taking place,
109 with substantial increases in the number of sites and number of volunteers participating.
110 Staff is proposing no change in the scope of work for managing the event from prior
111 years, but the amount of the contract is increased to cover expenses associated with the
112 event. ***Manager Calkins moved and Manager Blixt seconded the motion to advance***
113 ***adoption of the resolution authorizing an agreement with KC Consulting for \$16,000***
114 ***for the 2016 Minnehaha Creek cleanup to the consent agenda of February 25. Upon***
115 ***vote, the motion carried 5-0.***

116
117 Contract with Himle Rapp for Outreach Analysis and 50th Anniversary Planning

118
119 Ms. Mamayek introduced Laurie Bauer from Himle Rapp. The managers welcomed Ms.
120 Bauer and Manager Miller noted his appreciation of the work Ms. Bauer provided on the
121 development of the District's vision and mission statement. Ms. Bauer stated that the
122 proposal is to analyze District outreach efforts to ensure the effectiveness and efficiency
123 of its efforts to increase awareness, understanding and stewardship in the watershed. She
124 said the company will examine the District's events, communications, resources and
125 feedback to identify potential issues and opportunities for improvement. She said the
126 scope of work proposed also includes development of a strategic outreach plan for the
127 District's 50th anniversary in 2017. Ms. Bauer stated that the District does tremendous
128 work in connecting with residents in the watershed and that these efforts are critical to its
129 success.

130

Minutes of the Regular Meeting
Minnehaha Creek Watershed District
Board of Managers
2-11-2016

131 Manager Miller suggested that the completion of the District's comprehensive plan in
132 2017 should coincide with the 50th anniversary and be a part of the strategic messages
133 woven into the 50th anniversary celebration. He noted the importance of celebrating the
134 District's accomplishments at the same time that it broadly announces its plans and
135 intentions for future work. Lars Erdahl added that staff has been collecting case studies
136 and partner stories to support the 50th anniversary communications. Ms. Mamayek added
137 that the scope of work in front of the Board of Managers will allow staff to more
138 strategically use resources it has for communications supporting the District's mission,
139 vision and purposes. ***Manager Olson moved and Manager Blixt seconded the motion to***
140 ***advance the resolution authorizing a contract with Himle Rapp for \$15,000 to conduct***
141 ***an analysis of the District's outreach activities and develop a 50th anniversary outreach***
142 ***strategy to the consent agenda of February 25. Upon vote, the motion carried 5-0.***

143
144 Agreement with U.S. Army Corps of Engineers and Scope of Work for Six Mile Creek
145 Subwatershed with Wenck
146

147 Anna Brown appeared before the Board of Managers and described the two-part
148 resolution before the Board of Managers, which staff is asking the managers to adopt
149 tonight. Ms. Brown stated that staff has made tremendous progress in working with the
150 Army Corps of Engineers in developing a plan for strategic analysis of the Six Mile
151 Creek subwatershed based on the success the District had in the Greenway Corridor and
152 using that model for development of partnerships in the Six Mile Creek subwatershed.
153 She stated that the process staff is looking to undertake involves convening partners and
154 stakeholders in the area to develop a sophisticated and complete understanding of the
155 natural resources needs in the area, then integrating those needs into other partners' and
156 governmental entities' work, then combining all of this information to develop a strategic
157 investment plan in keeping with the District's Balanced Urban Ecology framework. The
158 District has been working with the Corps of Engineers on a scope of work for analysis of
159 the resources in the Six Mile Creek subwatershed that could lead to development of a
160 programmatic general permit from the Corps of Engineers that would be issued to the
161 District to facilitate the District's emerging regulatory model. It would allow the District
162 to issue approvals under the general permit to provide stakeholders and property owners
163 with greater flexibility and quicker permit reviews. She said that the basis for this
164 potential programmatic permit development would be the work the Corps of Engineers
165 would undertake to identify mitigation and restoration opportunities in the subwatershed.
166 The process would utilize federal section 22 funding, and would possibly identify project
167 opportunities that are likely to be good candidates for federal funding under other
168 programs. She noted that this is likely to be the first of several scopes the staff will be
169 bringing before the Board of Managers seeking planning assistance for work in the
170 subwatershed.

171
172 Ms. Brown said another component of the work the Corps of Engineers will undertake
173 involves compiling visually appealing maps, and staff is considering requesting the hiring

Minutes of the Regular Meeting
Minnehaha Creek Watershed District
Board of Managers
2-11-2016

174 of a planning assistant to coordinate this effort. She said that the Wenck scope of work
175 that is also before the managers involves providing support for and analysis of the work
176 completed by the Corps. She said Wenck will also analyze future conditions in the
177 subwatershed and review outputs from the Corps work product for consistency and
178 concurrence with existing District plans, data and policies.

179
180 In response to a question from Manager Blixt, Ms. Brown stated that the general permit
181 from the Corps of Engineers is not unprecedented, and that the permit would allow the
182 MCWD regulatory department to provide approvals under authority from the Corps. She
183 turned to counsel for further explanation. Michael Welch stated that the general permits
184 are issued quite regularly by the Corps, and that, for example, regional general permits
185 provide for certain scopes of work to be conducted without individual project approval
186 from the Corps. He said it is rather rarer for a specific local governmental entity to
187 receive a general permit for a specific regional subwatershed, and that other such
188 agreements have focused on specific projects creating restored wetlands for credit.

189
190 James Wisker appeared before the Board of Managers and clarified that the work
191 proposed in the scope of work in front of the Board of Managers and the resolution
192 before the Board of Managers this evening is just to create information and analysis
193 necessary for the possibility of a general permit – not for developing a general permit. In
194 response to a question from Manager Calkins about the Army Corps of Engineers’
195 priorities in the Six Mile Creek subwatershed, Ms. Brown stated that there are no specific
196 projects that the Corps is interested but rather habitat creation generally. She stated that
197 the section 206 funding that has been identified as a possibility for specific projects is
198 specifically focused on habitat restoration and may not end up being the best fit for a
199 District project. In response to a further question from Manager Calkins, Ms. Brown
200 confirmed that the Corps of Engineers’ priorities are ecosystem-based. Mr. Wisker added
201 that the Corps of Engineers is utilizing a subwatershed assessment methodology. He said
202 that the Corps’ work will take all local information and priorities into account with regard
203 to wetland and stream projects, and the District will be sure that all necessary and proper
204 and complete information is provided. He said that when the work is completed the
205 District will develop wetland and stream projects that will be driven by the District’s
206 priorities. The next step will be to work with the regional office in St. Paul to identify
207 programs that could potentially fund those projects. Manager Calkins confirmed that
208 there is no particular focus on a resource such as Halsted Bay, but rather the Corps’
209 process focuses on identifying local priorities. In response to a further question from
210 Manager Calkins, Mr. Wisker confirmed that the District will be driving the strategic-
211 planning approach used, which is very different from the approach the District took with
212 working with the Corps of Engineers in the Painter Creek subwatershed. Manager
213 Calkins also noted that Department of Natural Resources is a significant partner that
214 needs to be engaged in the project and whose priorities need to be identified and
215 incorporated. Mr. Wisker confirmed that there is a need to bring DNR in, along with the
216 Department of Health and the Pollution Control Agency, and to include their priorities in

217 the work product. *Manager Calkins moved and Manager Olson seconded the adoption*
218 *of resolution 16-009, approving the planning assistance to states agreement with the*
219 *United States Army Corps of Engineers and authorizing execution by the president,*
220 *treasurer and administrator, as necessary, and authorizing the administrator to enter*
221 *an agreement with Wenck Associates to provide technical assistance to the Six Mile*
222 *plan development in an amount not to exceed \$51,490. Upon vote, the motion carried*
223 *5-0.*
224

225 **BOARD DISCUSSION ITEMS**
226

227 AIS Regional Inspection Pilot Update
228

229 Eric Fieldseth appeared before the managers and stated that the item on the agenda this
230 evening is an update on a concept that was discussed with the Operations and Programs
231 Committee in early November. He said staff has been seeking to develop a project for
232 proposal to the Initiative Foundation for funding for aquatic invasive species inspection
233 work. He said the District to date has funded cost-share assistance for inspections by
234 other watershed governmental entities, which has not been entirely effective in achieving
235 the District's goals. He presented a map identifying the area District staff intends to focus
236 on in the development of the new proposal to the Initiative Foundation if the board
237 approves. The focus would be on providing mandatory inspections for Lake Zumbra,
238 Steiger Lake and Auburn Lake at a centralized location, as well as continuing inspections
239 at Christmas Lake. The Zumbra, Steiger and Auburn Lake regional inspection area would
240 be at Lake Minnetonka Regional Park and would be developed in collaboration with the
241 Three Rivers Park District. He said the concept is to require mandatory inspections at the
242 two stations – one of which would have inspections capability only while the other, at
243 Christmas Lake, would have inspections and decontamination available. He said it is
244 necessary under state law for the DNR to approve the District's plan for these mandatory
245 regional inspections and staff has been working with DNR staff on developing a plan that
246 can be approved. He said the concept is to use a sort of proof-of-inspection system which
247 will be applied not only to boats but also other water-related equipment as defined in
248 statute. He said enforcement would be by local governmental entities with peace officers
249 and that the chief of the Three Rivers Park District force offered support for the project
250 without specific commitment to it.
251

252 Manager Miller said that he would very much like to see resolutions of support from the
253 Three Rivers Park District as well as the relevant local governmental entities and lake
254 associations before staff advances a proposal to the Initiative Foundation. Mr. Fieldseth
255 said he wished to bring the concept to the Board of Managers to check in before going to
256 the cities to seek support. He said that the timing for the Initiative Foundation is such that
257 a letter of inquiry will be needed fairly soon. Manager Olson explained that in the past
258 the District has brought funding to such work and has developed concepts internally and
259 tried to promote them. This project is different inasmuch as the citizens brought the

Minutes of the Regular Meeting
Minnehaha Creek Watershed District
Board of Managers
2-11-2016

260 project to the District and asked it to develop it for proposal to the foundation. He said
261 that if this concept works, it will be a great opportunity to develop a model that could be
262 implemented statewide. Mr. Fieldseth added that no one has implemented mandatory
263 inspections yet and the District would be breaking ground in that regard. Manager Olson
264 noted that the District has received a couple of letters of support already. Mr. Fieldseth
265 explained that the project would involve \$300,000 over three years and showed the
266 budget breakdown, showing shifting of District funds rather than an increase in AIS
267 funds. He said that the local match required for the Initiative Foundation would be
268 roughly half paid by Minnehaha Creek funds and the rest from others. He said that at the
269 conclusion of the Initiative Foundation pilot, it will be possible but not mandatory for the
270 District to continue or expand the program.

271
272 In response to a question from Manager Calkins, Mr. Fieldseth noted that the lakes in
273 question are infested with carp, curlyleaf pond weed and milfoil. He said Steiger in
274 particular has a great deal of milfoil. In response to a further question from Manager
275 Calkins, Mr. Fieldseth said that programs implemented to date have provided roughly .35
276 inspections per hour at Zumbra and Steiger Lake and little bit more, .7 per hour, at
277 Auburn. Manger Calkins indicated his interest in taking a comprehensive approach with
278 the pilot and include canoes and kayaks. ***Manager Miller moved and Manager Olson***
279 ***seconded the approval of the development of the concept for a mandatory inspection***
280 ***program on the condition that staff seek resolutions of support from the Three Rivers***
281 ***Park District, the City of Shorewood, the City of Victoria and lake associations.***
282 ***Manager Calkins moved and Manager Miller seconded to amend the motion to require***
283 ***that program include inspection of kayaks and canoes. Upon vote, the motion to amend***
284 ***carried 5-0. Upon vote, the main motion as amended carried 5-0.***

285
286 Administrator's Report
287

288 Lars Erdahl stated that the Hennepin County natural resources grant that staff mentioned
289 some time ago was received in an amount of \$100,000 to continue stream and corridor
290 restoration work as part of the Meadowbrook golf course restoration. Mr. Erdahl noted
291 the Governor's Water Summit will take place February 27 and said several staff members
292 have secured spots at the summit and hoped managers were attending. He said that the
293 District creek cleanup is entering into the planning stage and he recently attended a
294 meeting at St. David's Episcopal Church about its growing involvement in the event,
295 which will take place this year on Sunday, July 24.

296
297 Mr. Welch sought clarification on Manager Miller's report of Manager Shekleton's
298 interest in having counsel review whether there was a violation of policy applicable to
299 staff by appearing before the Plymouth City Council and Hennepin County board on
300 proposed changes to names of three lakes in Plymouth. In response to a question from
301 Manager Calkins about the matter, Mr. Erdahl clarified that the item is largely
302 administrative in nature – correcting a prior mistake in naming lakes on the state list of

Minutes of the Regular Meeting
Minnehaha Creek Watershed District
Board of Managers
2-11-2016

303 public water resources. He said that the District is supporting an effort to correct the
304 names to what local residents and governmental entities use for the three lakes in
305 question. Mr. Welch clarified that the managers wish counsel to undertake the requested
306 review and report. The managers concurred.

307

308 **ADJOURNMENT**

309

310 *There being no further business, the regular meeting of the Board of Managers*
311 *adjourned at 8:03 p.m.*

312

313 Respectfully submitted,

314

315

316

317

318 Kurt Rogness

319 Secretary

DRAFT