

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

4
5 September 24, 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 District office, 15320
11 Minnetonka Boulevard, Minnetonka, Minnesota.
12

13 **MANAGERS PRESENT**

14
15 Sherry White, Jim Calkins, Pam Blixt, Richard Miller, Kurt Rogness, William Olson,
16 Brian Shekleton.
17

18 **MANAGERS ABSENT**

19
20 None.
21

22 **OTHERS PRESENT**

23
24 Lars Erdahl, District Administrator; Becky Christopher, District Lead Planner – Project
25 Manager; Brett Eidem, District Cost-Share Grant Administrator; Chris Meehan, District
26 Engineer; Michael Welch, District Counsel.
27

28 **MATTERS FROM THE FLOOR**

29
30 None.
31

32 **APPROVAL OF THE AGENDA**

33
34 *Manager Miller moved and Manager Calkins seconded to approve the agenda. Upon*
35 *vote the motion carried 6-0.* Manager Shekleton stated that he could provide an update
36 on the Hiawatha Golf Course reconstruction plans in the update section of the agenda.
37

38 *(Manager Blixt arrived, 6:48 p.m.)*
39

40 **INFORMATION ITEMS AND CORRESPONDENCE**

41
42 Manager White noted the receipt of communications from the Trust for Public Land, the
43 City of Long Lake regarding the completion of its wellhead protection planning, and the
44 City of Wayzata, which sent a thank you note for Manager White’s participation in its
45 lake effect designer selection.

46

47 **CONSENT AGENDA**

48

49 *Manager Shekleton moved and Manager Miller seconded approval of the consent*
50 *agenda, consisting of approval of the September 10, 2015, minutes; approval of the*
51 *surety-account and general-checking account check registers, encompassing items*
52 *35960 through 36043 (check 35959 voided) for a total of \$774,718.76, payroll direct*
53 *deposits totaling \$154,836.14, and electronic fund withdrawals totaling \$1,160,990.47,*
54 *for a total expense amount for the period August 28 through September 24, 2015, of*
55 *\$2,090,545.37; acceptance of the 325 Blake Road checking account report; and*
56 *adoption of the following resolution:*

57

58 **Resolution 15-081, Cost Share Funding for Shir Tikvah Synagogue Stormwater**
59 **Management Project**

60

61 *NOW, THEREFORE, BE IT RESOLVED, that the MCWD Board of*
62 *Managers authorizes the administrator, on advice and consent of*
63 *counsel, to sign a cost -share funding agreement with Shir Tikvah,*
64 *providing reimbursement funding of 50 percent of the documented costs*
65 *for construction of stormwater BMPs, not to exceed a project total of*
66 *\$10,731.50 from the Cost Share Program fund, contingent on a signed*
67 *maintenance agreement with Shir Tikvah that includes a final landscape*
68 *design plan and educational signage that is approved for Cost Share*
69 *purposes by the property owners and District staff.*

70

71 *Upon vote, the motion carried 7-0.*

72

73 **REGULAR AGENDA**

74

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

76

77 Manager White stated that the City of Wayzata picked the design firm of Civitas with
78 several local partners in its September 15 announcement of the completion of its lake
79 effect design review process. She noted that there is a grand opening for the Cottageville
80 Park project September 30. She commended to the managers' attention a communication
81 from Sharon Plumm from Springsted on the review process for the administrator,
82 suggesting dates and an October 27 closed-session performance review. Manager White
83 also noted congratulations to fellow watershed organization Nine Mile Creek Watershed
84 District, which is celebrating the grand opening of its new Discovery Point facility.

85

86 Manager Calkins reported on the most recent Policy and Planning Committee meeting,
87 stating that the committee met last week and commending to the managers' attention the
88 detailed minutes in the packet for this evening. He said the committee continues to

89 review the comprehensive plan strategic framework, looking at both organizational and
90 strategic perspectives, as well as updated flowcharts of the process, which now have
91 funding and costs tied to them. He stated that at the October 8 meeting of the Board of
92 Managers there will be a presentation and a resolution for approval of the process for the
93 plan update. He said there will also be project updates at that meeting.

94
95 Manager Shekleton stated that shortly before the September 15 community meeting on
96 redevelopment options and ideas for the Hiawatha Golf Course redesign, the Minneapolis
97 Park and Recreation Board announced that it had discovered much higher groundwater
98 levels and greater amounts of pumping on the course than had previously been
99 understood, which changed the tone of the meeting.

100

101 **PUBLIC HEARINGS AND PRESENTATIONS**

102

103 **Metropolitan Council Environmental Services Stream Report**

104

105 Metropolitan Counsel Environmental Services staff Karen Jensen, Sam Paske, Jennifer
106 Kostrzeweski appeared before the Board of Managers and offered a summary of the data
107 and analysis that had been collected by the MCES' environmental quality assessment
108 group as part of its long-term stream-assessment project. Mr. Paske described the
109 function and place of the group within the Met Council broadly and within the
110 environmental services function of the organization. He noted its mission to ensure a
111 sustainable quality and supply of water in the metropolitan area. He said he hopes to
112 continue to align the work of the group with the District's work. He said last week the
113 Metropolitan Council issued a framework for the growth of the region focused on
114 sustainability and stewardship of water resources.

115

116 Ms. Jensen gave an overview of the stream-assessment work the MCES has conducted in
117 the metropolitan area, focusing on the assessment for Minnehaha Creek. She said the
118 project started in 1989 with stream-outlet monitoring and that the report analyzing the
119 data collected has just been completed and includes a section on each of the streams that
120 were monitored, one of which was Minnehaha Creek. She noted that the watershed outlet
121 monitoring program station in Minnehaha Creek has been damaged by vandalism, but the
122 District continues to operate a station nearby. Met Council has been using data from that
123 station and hopes to continue to do so. She provided an overview on water flow in the
124 metropolitan area, noting that 86 percent of the water flowing out of the area comes from
125 outside. She said this flow accounts for 75 percent of the pollutant load on average and
126 that 20 percent of the pollutant load is from nonpoint sources. She reviewed hydrology in
127 the watershed and pollutant loading and concentration trends for several different
128 pollutants. She noted some positive results and trends for Minnehaha Creek, but said that
129 with regard to some pollutants the group is not yet ready to draw any conclusions. She
130 also noted that she's been serving on the advisory committee for the District's Egrade
131 program and commended the District for its work with that project.

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133 In response from questions the managers Ms. Jensen and Ms. Kostrzeweski provided
134 more detail on some of the data. The group has been analyzing chloride and the trend in
135 the watershed is for increasing chloride in Minnehaha Creek, but analysis will continue
136 and no conclusions can be drawn because they not have not collected enough years of
137 data on chloride. In response to a question from Manager Blixt, Ms. Kostrzeweski
138 explained how the MCES collaborates with the Pollution Control Agency, providing it
139 with data and utilizing data collected by the MPCA to the greatest degree possible. Ms.
140 Jensen added that Met Council tries not to overlap with other organizations' programs,
141 noting that the watershed outlet monitoring program starting in collaboration with the
142 Minneapolis Park and Recreation Board and that MCES continues to partner with local
143 governments and others to collect data. She noted that the data that has been collected
144 does not allow MCES to show the effect of any particular best management practice, but
145 it does show trends at the outlet of the creek over time. She explained, in further response
146 to Manager Blixt's question, that the funding used in the Minnehaha Creek watershed is
147 from the Metropolitan Council and grants from the MPCA, as well as some Clean Water
148 Legacy funds. In response to a question from Manager Miller about why in the face of
149 increasing urbanization in the watershed the water quality is not deteriorating, Ms. Jensen
150 said that she thinks there are strong plans in place from local governments like the
151 District and that it may be that society has turned a corner with regard to management of
152 stormwater and its negative effect on water resources. Lars Erdahl explained that staff
153 reviewed this data with Met Council staff in a brown bag lunch session last week.

154

155 Manager Calkins stated that he was glad to hear that Met Council staff will continue to
156 conduct trend analysis on some of the pollutants in the creek because the water quality in
157 the creek is greatly affected by what is outletting to the creek from Lake Minnetonka. In
158 response to further questions from the managers, MCES staff explained that they work
159 very closely with the District and its water-quality research staff, and that their
160 continuous sampling is complimented by the grab sampling that the District does. She
161 said staff often goes out and collects samples at different points in a rainstorm and such
162 robust data collection is extremely helpful. In response to a question from Manager
163 Calkins, Ms. Kostrzeweski noted that where applicable water-quality standards are
164 referenced in the report. The MCES staff presented a summary report on Minnehaha
165 Creek to the managers and distributed copies. Following up from a comment from
166 Manager Blixt, the MCES staff noted that a master water supply plan has been approved
167 and adopted by Metropolitan Council. Mr. Paske said that chloride and nitrates are
168 emerging as pollutants of particular concern at Metropolitan Council. He stated that
169 another trend that is emerging is a movement from treatment of waters to improve their
170 quality to resource reclamation. The managers thanked the MCES staff for their
171 presentation.

172

173 Public Hearing for Cost-Share Funding of City of Mound Street Reconstruction Project

174

175 Bret Eidem presented the staff recommendation to provide cost-share funding for the City
176 of Mound's 2015 street reconstruction projects in an amount of \$32,100. Mr. Eidem
177 reviewed past Mound street-reconstruction projects that the District has provided cost-
178 share funding for. He also noted that the District is working with nearby residents on
179 developing projects in the area near where the city proposes the present project, which he
180 said is in two separate neighborhoods of the city. He noted that Bob Bean, with Bolton
181 and Menck, is here to represent the city, along with Erick Hoverston, who is in the city's
182 public works department. Mr. Eidem said that the city has the equipment to maintain the
183 sump facilities to be installed, and that the District regulatory department has already
184 issued a permit for the work. Mr. Eidem added that the projects will not increase
185 impervious area in these fully developed parts of the city, therefore stormwater-quality
186 permits are not required under MCWD or state regulatory programs. He said the project
187 calls for the installation of nine stormwater-quality treatment devices and five new sump
188 manholes. He said a portion of the work area drains to Dutch Lake and another portion to
189 Lake Minnetonka. Mr. Eidem also described the plans for providing education through
190 signage in the project areas. He said that the Citizens Advisory Committee reviewed the
191 project and concurred with the staff recommendation.

192

193 Manager White opened the public hearing on the project. Mr. Eidem noted that the
194 hearing is required because the city will enter a long-term maintenance agreement with
195 the District for the facilities to be installed. Seeing no comments, Manager White closed
196 the public hearing. **Manager Rogness moved and Manager Calkins seconded the**
197 **adoption of Resolution 15-082, ordering the project and authorizing the administrator**
198 **to execute a grant agreement in an amount not to exceed \$32,100.**

199

200 In response to a question from Manager Olson, Mr. Bean and Mr. Hoverston described
201 the vacuum truck system that is used to clean out both the sumps to be installed and the
202 associated skimmers.. Mr. Hoverston noted that the city has its own vacuum and jetting
203 truck. In response to a further question from Manager Olson, Mr. Eidem explained that
204 the signage on the project site will not encourage anyone to utilize the sump system to
205 dump pollutants such as used oil. The managers discussed the various sump products that
206 are now in use and being installed in a number of different locations throughout the
207 watershed. Mr. Meehan stated there are quite a few products available now and the St.
208 Anthony Falls Laboratory has tested several of them. He said that no particular project
209 has emerged as clearly superior, and that it is largely the city's preference as to which
210 type of sump to install. Mr. Bean added that in this particular case the type of sump that
211 the city plans to install is a new product, the effectiveness of which the city is interested
212 in assessing. Mr. Hoverston add that its simplicity is attractive and there is no minimum
213 flow rate needed for the system to be effective. In response to questions from Manager
214 Calkins about comparing the performance of various systems, Mr. Meehan noted that
215 there are a number of public work conferences at which these types of systems are

216 discussed and compared. City staff indicated that they have installed other sumps and will
217 compare them with those that will be installed in this project at some of the 100 manholes
218 the city has. *Upon vote, the motion carried 7-0.*
219

220 **BOARD DISCUSSION ITEMS**

221

222 Review of Information Submitted for Comprehensive Plan Update

223

224 Becky Christopher advised the Board of Managers that her presentation this evening is
225 pursuant to a new process requirement in the watershed planning rules, Minnesota Rules
226 8410. She said the new rule requires that the District issue an early request for
227 information from two different groups: the state plan-review agencies and cities, counties
228 and soil and water conservation districts. She said this information-gathering is followed
229 by a public meeting, which is the purpose this evening. No action is recommended or
230 needed by the managers tonight. Ms. Christopher continued, noting that the District
231 received 14 responses and there were no significant surprises in the responses. Ms.
232 Christopher reviewed some of the major issues identified in the responses.
233

234

235 Manager White asked for clarification on some of the comments submitted by the
236 Minneapolis Park and Recreation Board regarding recognition of the policy goals in park
237 master plans and cross-jurisdictional discharges. Ms. Christopher stated that the District
238 sits on the advisory committee for the park master plans and has good familiarity with
239 them and they have been prepared for a number of parks and are in preparation for a
240 number of others the watershed, and will be accounted for in the plan. In response to a
241 question from Manager Blixt, Ms. Christopher noted that the issue of multiple in different
242 watersheds was not brought up. Michael Welch noted the recent finalization of the state
243 Minimal Impact Design Standards, which is designed to address the issue that Manager
244 Blixt raises. The managers thanked Ms. Christopher for her presentation.

244

245 **STAFF UPDATES**

246

247 Administrator's Report

248

249 Lars Erdahl said that the process of reviewing the submissions to the District in response
250 to its recent request for qualifications for legal and engineering services has been
251 completed and staff recommends that the District continue to work with Smith Partners
252 as its legal advisor and Wenck Associates as its District engineer. Mr. Erdahl suggested
253 that the managers take action to approve those recommendations and authorize the
254 administrator to enter contracts. *Manager Rogness moved and Manager Olson seconded*
255 *authorization to select Smith Partners as the District's legal services provider and to*
256 *authorize the administrator to enter an agreement with Smith Partners. Upon vote, the*
257 *motion carried 6-1, Manager Calkins voting against. Manager White moved and*
258 *Manager Shekleton seconded to select Wenck Associates as the District's engineering*

259 *services provider and to authorize the administrator to enter an agreement with Wenck.*
260 *Upon vote, the motion carried 7-0.*

261

262 Mr. Erdahl stated that the District will soon go through similar processes to update its
263 government relations services and manage services provider agreements. Manager Miller
264 said he would like to see a report on the various technology services that the District
265 contracts for because it appears that it is a somewhat complicated array and he would like
266 to better understand what each does. Mr. Erdahl said that the ribbon-cutting for the
267 Cottageville Park is on September 30 and that the Watershed Heroes event is at 6:30 on
268 October 1 at the Bayview Center. Mr. Erdahl stated that the District has recently received
269 an invitation to participate in some work at the Aquatic Invasive Species Center at the
270 University of Minnesota, and that Mr. James Wisker of the District staff recently met
271 with the Park-Nicollet Green Team. He said Michael Hayman of the District staff made a
272 presentation at the American Planning Associations meeting in Brainerd on the
273 Minnehaha Creek Greenway project.

274

275 Manager Blixt stated that she would like to see the materials that were submitted in
276 response to the request for qualifications for legal and engineering services, as well as
277 Mr. Hayman's presentation to the APA. Manager Miller seconded the call for review of
278 the presentations and submissions. There was further discussion about the process for
279 selecting the legal services provider and engineer. ***Manager Miller moved and Manager***
280 ***Blixt seconded to reconsider the motion to approve the engineer and legal service***
281 ***providers and to authorize the administrator to enter contracts with both. Upon vote,***
282 ***the motion carried 7-0.***

283

284 Manager Miller stated that it was important for the managers to review the response to
285 the proposals and to have a discussion of the merits of the proposals on the public record.
286 He emphasized that he is very satisfied with the District's current consultants, but does
287 not wish to make this decision without a public review. Manager Blixt echoed Manager
288 Miller's thoughts. Mr. Erdahl stated that the process is one that is consistent with prior
289 processes for renewing the agreement with the consultants. Manager Calkins stated that
290 he concurs that staff has made a recommendation on the engineering and legal services in
291 the past, but he also feels that there should be board discussion and selection process that
292 is more robust. ***Manager Shekleton moved and Manager Miller seconded to table the***
293 ***motion to approve Smith Partners as legal services provider. Upon vote, the motion***
294 ***carried 7-0. Manager Shekleton moved and Manager Miller to table the motion to***
295 ***approve Wenck Associates as the District Engineer. Upon vote, the motion carried 7-0.***

296

297 **ADJOURNMENT**

298

299 *There being no further business, the regular meeting of the Board of Managers*
300 *adjourned at 8:30 p.m.*

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301
302 Respectfully submitted,
303
304
305
306
307 Kurt Rogness
308 Secretary

DRAFT