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3 **MINUTES OF THE REGULAR MEETING OF**  
4 **THE MINNEHAHA CREEK WATERSHED DISTRICT**  
5 **BOARD OF MANAGERS**

6 **September 25, 2014**

7  
8 **CALL TO ORDER**  
9

10 The regular meeting of the Minnehaha Creek Watershed District Board of Managers was called  
11 to order by President Sherry White at 6:45 p.m. at the District offices, 15320 Minnetonka  
12 Boulevard, Minnetonka, Minnesota 55345.

13  
14 **MANAGERS PRESENT**  
15

16 Sherry Davis White, Pam Blixt, Richard Miller, Jeffrey Casale, William Olson, and Brian  
17 Shekleton.

18  
19 **MANAGERS ABSENT**  
20

21 James Calkins.

22  
23 **OTHERS PRESENT**  
24

25 David Mandt, District Operations Manager; James Wisker, District Director of Planning,  
26 Michael Hayman, Planning Specialist; Tom Dietrich, District Representative; Courtney Hall,  
27 District Technician/Wetland Specialist; Brett Eidem, Cost Share Specialist; Renae Clark,  
28 Projects Manager; Becky Houdek, Planning Specialist; Michael Panzer, District Consulting  
29 Engineer; and Louis Smith, District Counsel.

30  
31 **MATTERS FROM THE FLOOR**  
32

33 None.

34  
35 **APPROVAL OF AGENDA**  
36

37 *It was moved by Manager Miller, seconded by Manager Shekleton, to approve the agenda as*  
38 *distributed. Upon vote, the motion carried, 5-0. (Managers White, Miller, Shekleton, Olson,*  
39 *and Blixt present).*

40  
41 **CONSENT AGENDA**  
42

43 Manager Shekleton requested that the minutes for September 4 and September 11 be pulled from  
44 the consent agenda. *It was moved by Manager Miller, seconded by Manager Shekleton, to*  
45 *approve the remaining items on the consent agenda, including the General Check Register,*

46 *check numbers 34844 – 34947; the Surety Account Register (no checks issued); acceptance of*  
47 *the 325 Blake Road Checking Account report;*

48

49 **Resolution 14-075, Ordering of the 54th Street Fish Bypass Channel Project:**

50

51 *NOW, THEREFORE, BE IT RESOLVED, that pursuant to Minnesota Statutes*  
52 *§ 103B.251 and the WMP, the MCWD Board of Managers orders the Project,*  
53 *with a total estimated cost of \$118,750; and*

54

55 **Resolution 14-076, Authorization to Hire HLB-Tautges Redpath to Complete the 2013**  
56 **MCWD Annual Financial Audit:**

57

58 *NOW, THEREFORE, BE IT RESOLVED that the Minnehaha Creek*  
59 *Watershed District Board of Managers; hereby authorizes the District*  
60 *Administrator to sign the attached letter of engagement with HLB Tautges*  
61 *Redpath for auditing services for the year ending December 31, 2014 and with*  
62 *the provision that the audit be completed and submitted to the MCWD Board of*  
63 *Managers no later than March 31, 2015.*

64

65 **Upon Vote, the motion carried, 5-0.**

66

67 **REGULAR AGENDA**

68

69 **BOARD, COMMITTEE, AND TASK FORCE REPORTS**

70

71 President's Report: President White reviewed the upcoming meeting schedule and  
72 recommended several changes, including:

73

74 October 2: Operations and Program Committee Meeting, *Cancel*; October 9: Board Workshop;  
75 October 16, Policy and Planning Committee Meeting, *Cancel* in lieu of Watershed Heroes  
76 Awards; October 23: Board of Managers meeting; and October 30: Board Retreat. *It was moved*  
77 *by Manager Miller, seconded by Manager Shekleton to approve the meeting schedule with*  
78 *these changes. Upon vote, the motion carried 5-0.*

79 President White noted that Manager Blixt had asked for information about legal fees and  
80 referred to Mr. Smith. Mr. Smith noted that legal costs are a matter of public information,  
81 but the detailed descriptions of attorney activities are subject to the attorney-client  
82 privilege, which may only be waived by the Board of Managers. He noted that legal fees  
83 in 2014 are running approximately 7 percent higher than 2013, and that the increase has  
84 related in large part to activities concerning the discharge of the former Administrator,  
85 governance questions raised by the Citizen's Advisory Committee, and responding to  
86 adata practices request. Manager Miller asked who had made the data practices request,  
87 and Mr. Smith stated that that information is private data.

88

89

90 **CITIZEN IS ADVISORY COMMITTEE:**

91

92 President White noted that the recent CAC meeting included a discussion of AIS remedial  
93 activities at Christmas Lake; the E-Grade metrics, test areas, and application; review of three cost  
94 share requests; discussion of attendance at the Minnesota Association of Water Districts annual  
95 meeting; review of CAC bylaws; and a review of Mr. Spartz' memo on the status of CAC  
96 requests, which will be discussed at the October CAC meeting. President White noted that  
97 Manager Olson is designated to be the liaison to the October CAC meeting, with Manager Blixt  
98 in November, and Manager Calkins in December.

99

100 **PERMITS REQUIRING A VARIANCE OR DISCUSSION**

101

102 Permit-14-385: Minnehaha Vista

103

104 Mr. Tom Dietrich appeared before the Board of Managers and reviewed the permit application.  
105 He noted that the permit was on the Board agenda due to a request for hearing by a citizen, not a  
106 variance. Mr. Dan Schmidt of Sathre Bergquist was present on behalf of the applicant. Mr.  
107 Dietrich reviewed the application, noting that it meets the requirements of District rules and  
108 recommended approval.

109

110 Mr. Vincent Troy, 14852 Timberhill Road, appeared before the Board of Managers and  
111 expressed his concern that with heavy flooding this past spring and especially in the month of  
112 June, the development at this site may create further flooding problems. Mr. Schmidt reviewed  
113 the project, noting that the low floor elevation would be at 933, four feet above the ordinary high  
114 water mark. Manager Olson confirmed that the building would have a walkout basement.  
115 Manager Shekleton confirmed with Mr. Dietrich that the project has been approved by the City  
116 of Minnetonka as presented. Mr. Troy noted the value of warning not only this permit applicant,  
117 but future property owners, of the risk of flooding. Mr. Smith noted that in some cases, where a  
118 permit applicant requests a variance from the low floor elevation, the District may require that  
119 the variance be recorded in a declaration in the chain of title. In this case, there is no variance,  
120 and such a recording of a declaration would not appear warranted. Manager Blixt stated that she  
121 felt such a condition would not be useful or necessary in this case, and President White  
122 concurred. (Manager Casale arrived at this point in the meeting, 7:13 p.m.)

123

124 ***Following discussion, it was moved by Manager Miller, seconded by Manager Shekleton to***  
125 ***approve the permit with conditions recommended by staff. Upon vote, the motion carried, 6-0.***

126

127 Resolution 14-079, Authorization to Execute Cooperative Agreement with Three Rivers Park  
128 District for Ravine Stabilization in Minnetonka Regional Park

129

130 Mr. Tom Dietrich appeared before the Board of Managers and reviewed the proposed  
131 cooperative agreement. He noted erosion concerns along the ravine, and the proposed agreement

132 seeking to align authority and expertise among the City of Minnetonka, Three Rivers Park  
133 District, and the District.

134

135 Manager Blixt asked about the total cost of implementation of the envisioned project. Mr.  
136 Dietrich stated that the cost is not yet known; Mr. James Wisker stated that there is a \$300,000  
137 line item in the budget, and grant funding may be sought as necessary. Mr. Wisker noted that no  
138 grant funding has yet been promised. Manager Blixt asked how the District prioritizes its  
139 requests for clean water funding given limited opportunities. Manager Miller noted that this was  
140 an important point, but in this case, there is no financial commitment involved in the cooperative  
141 agreement. ***Following discussion, it was moved by Manager Shekleton, seconded by Manager***  
142 ***Olson, to approve Resolution 14-079, authorizing the execution of the cooperative agreement.***  
143 Manager Shekleton noted the value of early involvement with these partners, and Mr. Wisker  
144 stated that it is helpful for the parties to work through the various regulatory issues in this  
145 fashion. ***Upon vote, the motion carried, 6-0.***

146

147 Resolution 14-080: Authorization to apply for BWSR Clean Water Fund Competitive Grants

148

149 Ms. Becky Houdek appeared before the Board of Managers and reviewed the request for board  
150 action. Manager Olson noted that based on past presentations at the Minnesota Association of  
151 Watershed Districts on clean water funding, he is very supportive of the District's involvement  
152 in requesting these grants. ***It was moved by Manager Olson, seconded by Manager White, to***  
153 ***adopt Resolution 14-080, authorization of the applications for the clean water fund***  
154 ***competitive grants.***

155

156 Manager Blixt asked for a review of the amounts requested for these grant applications. Ms.  
157 Houdek described three grant applications which would total approximately \$365,000. Manager  
158 Blixt noted that this is a very competitive process, and that it is unlikely that all three grants  
159 would be approved. Therefore, Manager Blixt wondered if it would be more appropriate to focus  
160 on one top priority and ask for more funding. President White asked whether there would  
161 typically be a penalty for submitting multiple applications, and Manger Blixt stated that this was  
162 not her understanding. Manager Miller suggested that it did not seem appropriate to pick only  
163 one project, but better to support various applications whenever a community requests the  
164 District's involvement and support. Ms. Houdek noted that many of these types of projects are  
165 also pursuing District cost share support, and that the approach typically has been to make each  
166 application as strong as possible and hope for the best. ***There being no further discussion, upon***  
167 ***vote, the motion carried, 6-0.***

168

169 Resolution 14-081: Authorization to Provide a Letter of Support for the City of Minneapolis to  
170 Apply for BWSR Clean Water Fund Grant

171

172 Mr. Brett Eidem appeared before the Board of Managers and reviewed the request for board  
173 action, noting that he had distributed a revised budget. Manager Miller noted that alleys are a  
174 major source of flooding, and he is supportive of this effort generally, but unsure of the \$150,000  
175 contribution in the future. He noted that city stormwater utility funds are considerable, and that

176 something more comprehensive in approach, like what is done in Chicago, might yield a more  
177 meaningful effort. Mr. Eidem noted that implementing these projects on private property were a  
178 demonstration approach in an effort to build support for more investment in green community  
179 infrastructure. Manager Shekleton noted that the City funding contribution seems comparatively  
180 low, but also noted the nonbinding nature of this resolution concerning the funding contributions.  
181 ***There being no further discussion, it was moved by Manager Olson, seconded by Manager***  
182 ***Shekleton, to adopt Resolution 14-081. Upon vote, the motion carried, 6-0.***  
183

## 184 **BOARD DISCUSSION ITEMS**

### 185 Blake Road Corridor Planning and Projects Presentation

186  
187  
188 Mr. James Wisker and Michael Hayman appeared before the Board of Managers and introduced  
189 Ms. Kersten Elverum from the City of Hopkins; Ms. Katie Walker, Hennepin County  
190 Community Works; Mr. Tom LaSalle, Mr. Roland Aberg, Mr. Jerry Sherman, Mr. Larry  
191 Blackstad, Michael Panzer, and Major Gene Maxwell of Hopkins.

192  
193 Mr. Wisker reviewed the history of pollution in the area of Hopkins and St. Louis Park along the  
194 creek corridor, and the opportunity to work with the cities and others to integrate redevelopment  
195 with improvement of water resources. He noted the District's pollutant load reduction credit  
196 sharing approach as meant that cities' obligations for pollutant loading reductions have been  
197 shared, even when projects are not directly occurring in their jurisdictions. Mr. Wisker also  
198 reviewed the District's balanced urban ecology approach to this work.  
199

200 Ms. Katie Walker appeared before the Board of Managers and reviewed the work of the  
201 Southwest Community Works Steering Committee, development of transit station area action  
202 plans and specific plans for four station areas in terms of master development strategy.  
203

204 Ms. Kersten Elverum appeared before the Board of Managers and thanked the District for the  
205 partnership work with the City of Hopkins. She noted there have been great results so far and  
206 more great outcomes are ahead. Ms. Elverum reviewed the history of City planning in this area  
207 and how working with the District and others to coordinate investment and improvements have  
208 led to important progress in pursuing the City's vision and plans for this area.  
209

210 Manager Miller stated that he felt all of this work is on a great policy platform to integrate the  
211 natural and built environment through partnership with community leaders and other investors.  
212 Ms. Elverum stated that she felt this partnership is the best example of the idea that the sum can  
213 be greater than the parts.  
214

215 Mr. Wisker reviewed specific issues and planning considerations at 325 Blake Road.  
216

217 **Resolution 14-077, Authorization to Enter Into Cooperative Agreement with Hennepin County**  
218 **and City of Hopkins on Establishing Master Development Strategy for the Blake Road**  
219 **Stationary**

220  
221 Mr. Wisker turned to the proposed cooperative agreement and described how it would facilitate  
222 working with Hennepin County Housing and Redevelopment Authority and the City of Hopkins  
223 in a master development strategy process. Manager Casale stated that this is very exciting, noting  
224 the great partnership with significant achievements including Cottageville Park, far exceeding  
225 the initial expectations developed in 2009. ***It was moved by Manager Casale, seconded by***  
226 ***Manager Miller, to adopt Resolution 14-077.***  
227

228 Manager Blixt noted various possible projects still in the creek corridor, and asked if we have  
229 identified our ultimate goal and when all of our objects will be accomplished. Mr. Wisker noted  
230 that this is a very important question, and that the District, County, and City of Hopkins have all  
231 been identifying critical elements to complete this vision of the creek corridor, including  
232 redevelopment of the Cold Storage site. Ms. Walker noted that the Hennepin County Board  
233 answers this question by going through a linear process of scoping, needs assessment,  
234 implementation, and measurement of outcomes. Mr. Wisker also noted that this is also similar to  
235 how the District approaches its Watershed Management Planning process and implementation.  
236 Manager Miller and Manager Shekleton noted the long term value of these creek corridor  
237 investments and thanked Hennepin County and the City of Hopkins for this partnership. ***There***  
238 ***being no further discussion, upon vote, the motion carried, 6-0.***  
239

240 Mayor Gene Maxwell appeared before the Board of Managers to express his appreciation for the  
241 great achievements achieved through this partnership. He noted that there are great possibilities  
242 at the Blake Road station area, and said that he hoped that the City could continue its  
243 collaboration with the District in future.  
244

#### 245 **STAFF UPDATES**

246  
247 Manager Miller noted that there have been recent discussions with the Minneapolis Park and  
248 Recreation Board about golf course improvements and potential collaboration with the District.  
249 ***It was moved by Manager Miller, seconded by President White, to designate Manager***  
250 ***Shekleton to lead these discussions on the Board's behalf.*** Manager Shekleton reviewed his  
251 discussions to date with representatives from the Minneapolis Park and Recreation Board. Mr.  
252 Wisker noted that further meetings are anticipated in the coming week. ***There being no further***  
253 ***discussion, upon vote, the motion carried, 6-0.***  
254

#### 255 **Approval of Meetings**

256  
257 ***It was moved by Manager Shekleton, seconded by Manager Miller to approve the minutes of***  
258 ***September 4, 2014 as distributed. Upon vote, the motion carried, 6-0.***  
259

260 Manager Shekleton referred to line 256 on page six of the minutes of September 11, 2014, and  
261 suggested that this line be amended to read "is not sure how best to structure external input."  
262

263 Manager Olson noted the need to correct the spelling of his name at line 171.

Minutes of the Regular Meeting  
Minnehaha Creek Watershed District  
Board of Managers  
9-25-2014

264

265 *It was moved by Manager Casale, seconded by Manager Shekleton, to approve the minutes of*  
266 *September 11, 2014 with these changes. Upon vote, the motion carried, 6-0.*

267

268 **ADJOURNMENT**

269

270 There being no further business, the regular meeting of the Board of Managers was adjourned at  
271 9:22 p.m.

272

273 Respectfully submitted,

274

275

276

277 Jeffery Casale

278 Secretary