

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

4
5 April 13, 2017

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 6:52 p.m. on April 13, 2017, at the MCWD
11 offices, 15320 Minnetonka Boulevard, Minnetonka, Minnesota.

12
13 **MANAGERS PRESENT**

14
15 Sherry White, Richard Miller, Bill Becker, William Olson, Kurt Rogness, Jessica Loftus.

16
17 **MANAGER ABSENT**

18
19 Brian Shekleton.

20
21 **DISTRICT STAFF AND CONSULTANTS PRESENT**

22
23 Lars Erdahl, Administrator; Eric Fieldseth, AIS Program Manager; Katherine Sylvia,
24 Permitting Program Lead; James Wisker, Planning and Project Director; Chris Meehan,
25 Engineer; Michael Welch, Counsel.

26
27 **MATTERS FROM THE FLOOR**

28
29 None.

30
31 **APPROVAL OF AGENDA**

32
33 Manager White added a discussion of correspondence with the City of Victoria to the
34 agenda. *Manager Olson moved and Manager Becker seconded approval of the agenda*
35 *as amended. Upon vote, the motion carried 6-0.*

36
37 **CONSENT AGENDA**

38
39 *Manager Miller moved and Manager Rogness seconded approval of the consent*
40 *agenda, consisting of: approval of the minutes of the March 23, 2017, meeting; and*
41 *adoption of the following:*

42
43 *Resolution 17-028: Authorization to Execute the Minnehaha Preserve Operations and*
44 *Maintenance Plan –*
45

46 ***NOW, THEREFORE, BE IT RESOLVED, that the District***
47 ***Administrator is authorized, on advice from District Counsel, to execute***
48 ***the Minnehaha Preserve Operations and Maintenance Plan.***
49

50 ***Resolution 17-029: Authorization to Release the Annual Report to the Board of Water***
51 ***and Soil Resources –***

52
53 ***NOW, THEREFORE, BE IT RESOLVED, that the Minnehaha Creek***
54 ***Watershed Board of Managers accepts the 2016 Annual Report and***
55 ***authorizes its release, along with the District’s 2016 audit, to BWSR.***
56

57 ***Upon vote, the motion carried 6-0.***

58
59 **REGULAR AGENDA**

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61 **Board, Committee and Task Force Report**

62
63 *President’s report:* President White said she attended the Minnesota Association of
64 Watershed Districts legislative breakfast, but will defer to Manager Rogness and
65 Manager Becker, who also attended, for a report on the event. She highlighted some
66 items on the schedule of upcoming events, including the April 29 storm drain stenciling
67 event, which is the first of the District’s 50-year anniversary events. She hoped managers
68 will attend. She stated that the next event is May 6. The second policymakers event is
69 coming up in May and Metro MAWD meets Tuesday, April 18, at Capital Region
70 Watershed District. She said the District will need to appoint two delegates and an
71 alternate for the meeting at the MAWD summer tour in June. She noted that the tour
72 conflicts with the District’s second meeting in June, so the managers will need to
73 determine whether to defer the meeting. She also noted that Perry Forster from Riley-
74 Purgatory-Bluff Creek Watershed District will be at the next managers meeting to discuss
75 some of the issues coming up on the MAWD summer tour agenda for which a business
76 meeting is necessary. She noted that earlier in the month she visited the Minnehaha
77 Preserve Greenway with a friend, who was duly impressed.
78

79 *Executive Committee report:* President White noted that the Executive Committee met
80 earlier in the evening with the auditor, who will appear later in the agenda to present his
81 report on the 2016 audit.
82

83 *Policy and Planning Committee:* Manager Miller observed that the entire board attended
84 the meeting earlier this evening so he didn’t feel the need to add any report.
85

86 *Citizens Advisory Committee:* Manager Becker reported on the Citizens Advisory
87 Committee meeting from last night, stating that there was good attendance and the group
88 discussed some of the City of Orono’s plans for the Big Island Nature Park. He said that

89 Brian Girard, a member of the CAC, has been appointed to a committee formed by the
90 city to look at the future of Big Island. He noted the importance of monitoring the
91 activities of the committee for the District's interest generally and specifically with
92 regard to its easement rights in the park. Manager Miller noted his concurrence with
93 Manager Becker's assessment of the importance of the Orono Big Island committee's
94 work. **Manager Miller moved and Manager Becker seconded to direct the**
95 **administrator to attend meetings of the committee.** Lars Erdahl stated that staff has
96 strategically been allowing the process in Orono to unfold without seeking direct District
97 involvement other than making the city aware of the District's easement interest in the
98 property. He said Mr. Girard will be able to provide the CAC and the managers with
99 updates on the committee's work. He stated that it may be necessary for the District to
100 make a presentation on its property rights at some point. Manager Miller said that
101 communications and documents can be relatively easily ignored, and he believes that it is
102 important for the District to have a presence on the committee. After further discussion,
103 the managers agreed that the administrator should use his discretion to take the
104 appropriate action with regard to participation in the Orono committee and attendance at
105 committee meetings. **Manager Miller and Manager Becker concurred in the**
106 **amendment of the motion to direct the administrator to engage and participate as**
107 **appropriate in discussions of reprogramming Big Island Nature Park. Upon vote, the**
108 **motion carried 6-0.** Manager Becker continued, noting that the CAC is concerned with
109 the enforcement of existing laws on the application of aquatic herbicides. He said that the
110 CAC also received a presentation from Michael Hayman on the District's capital plan for
111 its updated comprehensive plan. The CAC is interested in learning how it can contribute
112 to the development of the capital plan before it is sent out for the statutory 60-day review.
113

114 **MAWD report:** Manager Rogness said the MAWD legislative breakfast had a
115 significantly different tone this year than it did last year, when the mood was generally
116 optimistic. He said attendees are concerned that the legislature will not provide funding
117 for buffer law enforcement and there was quite a bit of disappointment about progress on
118 environmental issues generally, mirroring the national dialogue. He said that he met with
119 his senator, Scott Dibble, and representative, Paul Thissen. Manager Becker added that
120 there is significant concern among MAWD members about bond funding for flood-
121 control projects. Manager Rogness and Manager Becker reported that their understanding
122 is that a bill to reorganize metropolitan watershed organizations will not move forward
123 this year.
124

125 Audit Presentation 2016

126

127 Mark Gibbs from Redpath appeared before the Board of Managers and provided a report
128 on Redpath's audit of the District's 2016 financial performance. He stated that the audit
129 resulted in an unmodified opinion, which is the most desirable outcome. He highlighted
130 several findings of the audit, including the net positive financial position shown on page
131 12 of the report and reduction in fund balance at the end of 2016. He stated that new this

132 year is a statement of the District's employee retirement fund obligation as a liability, as
133 directed by the General Accounting Standards Board. He said that there are some
134 findings with regard to late payment of one invoice on page 66 in the audit, but that
135 finding has already been addressed through a change of protocol.

136

137 In response to questions from Manager Miller, Mr. Gibbs confirmed that checks drawn
138 on the District's checking account and payroll draws are both prepared by a third-party
139 accountant, and that the District's financial practices and controls are consistent with or
140 better than those utilized by comparable organizations. The managers thanked Mr. Gibbs
141 for his presentation.

142

143 Six Mile Creek Subwatershed Carp Assessment

144

145 District staff member Eric Fieldseth appeared before the Board of Managers to introduce
146 the final report on the three-year study of carp proliferation, movement and recruitment in
147 the Six Mile Marsh subwatershed. He stated that the final report is in the packet for the
148 meeting this evening and that as hoped and expected, it provides a solid basis for the
149 District to develop a carp management plan for the subwatershed. Mr. Fieldseth provided
150 background for the project and said that the management plan will be implemented in
151 phases that will take place over a number of years and will involve an adaptive
152 management approach. Mr. Fieldseth introduced Peter Sorenson from the University of
153 Minnesota, who was the lead researcher for the study. Dr. Sorenson provided an
154 overview of the study, showing recruitment areas within the Six Mile Marsh
155 subwatershed and water resources in the subwatershed, locations for possible barriers to
156 control carp, removal measures to be taken and the 100 kilogram per hectare threshold at
157 which carp begin to damage a water resource. Dr. Sorenson provided some history of the
158 introduction of carp into the United States, and he discussed some particular features of
159 the fish, including its voraciousness, ability to compete and long lifespan, with
160 individuals sometimes living as long as 60 years. Dr. Sorenson introduced Justine
161 Dauphinais, who presented the study's findings and discussed next steps. She stated that
162 the District study included 122 whole-lake carp-population surveys. Ms. Dauphinais
163 turned the presentation over to her colleague Reid Swanson, who discussed carp
164 recruitment, which describes the ability of carp not only to breed but to successfully
165 integrate young into established carp populations. Mr. Swanson said Lundsten Lake is
166 likely a nursery for carp in the Six Mile Creek subwatershed. Ms. Dauphinais reviewed
167 the management strategy, noting that the District is going to have to first address
168 recruitment, then remove a number of the many, many carp that are in the system already.
169 She said that the work can be broken down into management units based on geography.
170 She said that the team recommends a barrier west of Halsted Bay to isolate the Six Mile
171 Creek subwatershed. Once that is in place, the District can start to remove carp from the
172 headwaters and move downstream through the system. She mentioned that recruitment
173 can be suppressed through aerating lakes to prevent bluegill winter kill because bluegill
174 in sufficient numbers can help control the carp population by eating carp eggs. She said

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175 recruitment can also be curtailed through use of barriers and showed locations in the
176 subwatershed where barriers could be effective. With regard to removal of adult carp she
177 said that 75 percent of the carp from the Parley-Mud-Halsted breeding and headwaters
178 areas would have to be removed.

179
180 Mr. Swanson reviewed several of the possible methods for removing carp, including
181 winter seining, stream trapping, baited trapping and application of piscicides in
182 connection with draw downs. He discussed the pros and cons of each method.

183
184 In response to a question from Manager Olson, Mr. Swanson stated that the District
185 researchers were able to tell the age of carp by using laboratory analyses of ear bones.
186 The managers discussed the possibility of using electronic barriers, which Dr. Sorenson
187 stated are not effective though sound barriers and bubble barriers may be effective in
188 controlling or moving carp populations. In response to a question from Manager Miller,
189 Mr. Swanson stated that if the District had unlimited funds the carp population could be
190 brought under control in a few years. Mr. Fieldseth added that the District's budget is
191 \$75,000 to \$100,000 for the first year of implementation and that it could invest upward
192 of \$200,000 to aggressively curtail the carp population in the Six Mile subwatershed. He
193 stated that Halsted's Bay is the biggest task, requiring ongoing work. With regard to a
194 question from Manager Olson, Dr. Sorenson stated that electro-fishing is effective for
195 research but not for removing carp. In response to a question from Manager White, the
196 researchers provided additional information about conditions that are necessary for carp
197 recruitment to be successful.

198
199 The managers complimented the researchers on their scope and depth of their efforts and
200 their clear and definitive presentation.

201
202 Permit 17-121: Minnehaha Preserve Enhancement

203
204 Katherine Sylvia presented the staff report on the application for a permit for addition of
205 a boardwalk extension, trail and parking area to the District's Minnehaha Creek Preserve
206 project. She stated that in accordance with District policy regarding permits for its own
207 projects, the application is before the Board of Managers for decision. Ms. Sylvia
208 reviewed the history of the work in the area, noting the partnership with the Japs Olson
209 Company next door to the project site which resulted in construction of a large filtration
210 basin to provide stormwater management for the Japs Olson expansion, and the trade of
211 treatment capacity on the Cold Storage property in exchange for Japs Olson deeding the
212 3.7 acres of property to the District that is the location of the filtration basin.

213
214 Ms. Sylvia reviewed the proposed enhancements, noting that the boardwalk extension
215 will connect to the existing boardwalk and the District will add a trail connecting to the
216 boardwalk. She stated that the work triggers the District's waterbody crossings,
217 stormwater management and wetland protection rules. She reviewed compliance with the

218 stormwater management criteria, noting that 2,601 square feet of the 7,825 square feet of
219 imperviousness to be added for the parking lot does not drain to the filtration basin and
220 instead drains to Excelsior Pond, which is a lined pond that was constructed by the
221 District. The pond does not provide abstraction, but in accordance with paragraph 3(2)(b)
222 of the Stormwater Management Rule, the project provides the required phosphorus
223 removal.

224

225 She stated that because of grades on the property and the proximity of the stormwater
226 filtration basin, the buffer provided on the wetlands to the east do not meet the applicable
227 widths, noting that the wetland is rated Preserve in part and Manage 1 in part. She said
228 the trail will be titled away from the wetland and toward the filtration basin so runoff
229 from the trail will be treated, fulfilling one of the functions provided by buffer. Based on
230 this finding and the overall water resources benefits provided by the project, staff is
231 recommending approval of an exception for both the buffer shortfall and stormwater
232 abstraction shortfall. ***Manager Olson moved and Manager Miller seconded approval of***
233 ***permit 17-121.***

234

235 In response to a question from Manager Olson, Ms. Sylvia explained that the trail is not
236 included in the impervious-area calculations because the trail has vegetation on either
237 side of it, making it exempt from the stormwater criteria. Mr. Welch added that the
238 boardwalk by definition is not included in the impervious-area calculations. Manager
239 Miller discussed the history of the area and the development that was allowed to fill in
240 wetland on the other side of the project property in the early '90s. At the same time the
241 District had a policy of not making urban purchases so he is pleased to see the
242 development of this project as presented tonight. Mr. Welch noted that it is important to
243 recognize that the District owns the available capacity in the filtration facility as a
244 function of its agreement with Japs Olson. ***Upon vote the motion carried 6-0.***

245

246 Correspondence with City of Victoria

247

248 James Wisker came before the Board of Managers to discuss an exchange of
249 correspondence with the mayor of the City of Victoria. In 2014, high-water conditions
250 caused homes around Lake Zumbra in Carver County to experience significant flooding.
251 The homes are both very close to the lake and at low elevations. In response to a request
252 from the city and Carver County, the District agreed to serve in a technical advisory
253 capacity for efforts to find a solution to the flooding problem, but communicated that it
254 was not in position to solve the problem. He stated that the District recently presented the
255 results of the study, which showed that any remedial actions on Lake Zumbra would
256 cause additional encroachment on property downstream and in particular on property
257 owned by Three Rivers Park District. He stated that there was a March 1 meeting at the
258 city that looked at four or five remedial scenarios, but acknowledged that no permanent
259 solution is available. After the meeting the mayor of Victoria sent a letter that requested
260 that the District continue in its coordinating role with regard to flooding solutions. Mr.

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261 Wisker presented a draft letter to the managers stating that the principal thrust is that the
262 District will not put itself in a position of advocating for a particular solution involving
263 pushing additional water downstream onto Three Rivers Park District property to the park
264 district. Manager Olson noted that he thought the letter was well written and should be
265 sent as drafted.

266

267 Administrator's Report

268

269 Lars Erdahl stated that the Carver County master finance agreement will soon to be ready
270 to be brought before the county board for approval, then will be brought to the Board of
271 Managers for review and approval. Mr. Erdahl continued, noting that invitations for the
272 policymakers event have been issued and so far response has been strong. He stated that
273 the human resources strategic plan has been presented to the board liaisons to the human
274 resources planning effort and that with the addition of some further content in response to
275 that meeting, the plan will be brought to the board with a proposal to implement the plan
276 at the end of May. The report identifies human resources needs, gaps, and ideas to
277 address those gaps.

278

279 **ADJOURNMENT**

280

281 There being no further business, the meeting of the Board of Managers adjourned at 8:11
282 p.m.

283

284 Respectfully submitted,

285

286

287

288 Kurt Rogness

289 Secretary