

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

April 13, 2017

CALL TO ORDER

The regular meeting of the Minnehaha Creek Watershed District Board of Managers was called to order by President Sherry White at 6:52 p.m. on April 13, 2017, at the MCWD offices, 15320 Minnetonka Boulevard, Minnetonka, Minnesota.

MANAGERS PRESENT

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

MANAGER ABSENT

Brian Shekleton.

DISTRICT STAFF AND CONSULTANTS PRESENT

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

MATTERS FROM THE FLOOR

None.

APPROVAL OF AGENDA

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

CONSENT AGENDA

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

Resolution 17-028: Authorization to Execute the Minnehaha Preserve Operations and Maintenance Plan –

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

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

NOW, THEREFORE, BE IT RESOLVED, that the Minnehaha Creek Watershed Board of Managers accepts the 2016 Annual Report and authorizes its release, along with the District's 2016 audit, to BWSR.

Upon vote, the motion carried 6-0.

REGULAR AGENDA

Board, Committee and Task Force Report

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

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

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

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

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

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

Audit Presentation 2016

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

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

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

Six Mile Creek Subwatershed Carp Assessment

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

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

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

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

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

Permit 17-121: Minnehaha Preserve Enhancement

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

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

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

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

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

Correspondence with City of Victoria

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

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

Administrator's Report

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

ADJOURNMENT

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

Respectfully submitted,



Kurt Rogness
Secretary