

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

4
5 August 25, 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 President Sherry White at 6:45 p.m. at the District office, 15320
11 Minnetonka Boulevard, Minnetonka, Minnesota 55345.
12

13 **MANAGERS PRESENT**
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15 Sherry White, Brian Shekleton, Richard Miller, Pamela Blix, Kurt Rogness, William
16 Olson, and William Becker.
17

18 **MANAGERS ABSENT**
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20 None.
21

22 **DISTRICT STAFF AND CONSULTANTS PRESENT**
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24 Lars Erdahl, Administrator; James Wisker, Planning and Projects Director; Telly
25 Mamayek, Communications and Education Director; Rachel Workin, Permitting
26 Technician; Renae Clark, Planner-Project Manager; Katherine Sylvia, Permitting
27 Program Lead; Tiffany Schaufler, Project and Land Program Manager; Chris Meehan,
28 Consulting Engineer; Louis Smith, District Counsel.
29

30 **MATTERS FROM THE FLOOR**
31

32 None.
33

34 **APPROVAL OF THE AGENDA**
35

36 President White noted the deletion of the Metro MAWD Summer Tour under Item 8.1 of
37 the agenda, as this was addressed at a previous meeting. *It was moved by Manager*
38 *Olson, seconded by Manager Becker, to approve the agenda with this change. Upon*
39 *vote, the motion carried 5-0 (Managers Blixt and Shekleton absent at this point of the*
40 *meeting).*
41

42 **CONSENT AGENDA**
43

44 President White requested that the minutes of August 11 be pulled from the Consent
45 Agenda. *It was moved by Manager Miller, seconded by Manager Rogness, to approve*
46 *the remaining items on the Consent Agenda, including approval of the general*

47 *checking account, consisting of checks 36835 through 36916 in the total amount*
48 *payable of \$374,244.61; approval of direct deposits of \$153,55; withdrawals of*
49 *\$37,065.63; the surety account checks 1442 through 1444 in the amount of \$28,070.00;*
50 *and the 325 Blake Road checking account.*

51
52 *Upon vote, the motion carried, 5-0.*

53
54 **REGULAR AGENDA**

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

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58 President's Report:

59
60 President White noted receipt of the information about the Minnesota Association of
61 Watershed Districts resolution process and an invitation for a representative from the
62 District to serve on the Resolutions Committee. President White expressed her interest in
63 serving. *It was moved by Manager Miller, seconded by Manager Rogness, to appoint*
64 *President White to serve on behalf of the District on the MAWD Resolutions*
65 *Committee. Upon vote, the motion carried, 5-0.*

66
67 Policy and Planning Committee Report:

68
69 Manager Miller noted that the Committee met earlier this evening and reviewed strategic
70 planning issues. He expressed his appreciation for the focus, alignment, and mission
71 oriented approach developed through this staff-led process, which also identified
72 important areas for improvement. He noted that the next step would be to develop policy
73 issues and program direction, and that all of this process would be completed by January.
74 He thanked the staff for good work and urged that we keep the momentum going
75 forward. (Manager Blixt arrived at this point in the meeting, 6:49 pm.)

76
77 The managers noted the upcoming meeting schedule.

78
79 **Public Hearings and Presentations**

80
81 Public Hearing for Wolfe Lake Condominiums

82
83 Ms. Telly Mamayek appeared before the Board of Managers. She noted that Brent Eidem
84 had presented this project at the August 11 meeting. She noted the distribution of a
85 revised resolution at this evening's meeting, and noted a letter of support from the City of
86 St. Louis Park. Ms. Mamayek also noted that the Citizen Advisory Committee had
87 reviewed this project on July 6 and July 13.

88
89 No member of the public appeared to comment on the proposed cost share project.

90

91 Resolution 16-066: Authorization of Cost Share Funding-Wolfe Lake Condominiums

92
93 President White referred to the resolution, noted as item 11.1 on the agenda. *It was*
94 *moved by Manager Rogness, seconded by Manager Miller to adopt the resolution as*
95 *distributed at the meeting as follows:*

96
97 ***NOW, THEREFORE, BE IT RESOLVED, that the Minnehaha Creek***
98 ***Watershed District Board of Managers pursuant to Minnesota Statutes***
99 ***section 103B.251 and the MCWD plan, orders the Wolfe Lake***
100 ***Condominiums cost-share project with a total estimated cost-share***
101 ***contribution from MCWD of \$16,368, contingent on acquisition of***
102 ***necessary property access and use rights from the city of St. Louis Park***
103 ***and;***

104
105 ***NOW, THEREFORE, BE IT RESOLVED, that the MCWD Board of***
106 ***Managers authorizes the administrator, on advice and consent of***
107 ***counsel, to sign a cost-share funding agreement with Wolfe Lake***
108 ***Condominiums, providing reimbursement of 50 percent of the***
109 ***documented costs for construction of stormwater BMP's, and 30 percent***
110 ***of the plantings for the raingarden, not to exceed a project total of \$16,***
111 ***368 from the Cost Share Program fund, contingent on a signed cost-***
112 ***share funding and maintenance agreement between Wolfe Pointe***
113 ***Condominiums and the District.***

114
115 *Upon vote, the motion carried, 6-0.*

116
117 Public Hearing for Methodist Hospital Floodplain and Wetland Enhancement Project

118
119 Mr. James Wisker appeared before the Board of Managers and reviewed the background
120 for the project, including historic flooding concerns and cooperation at this site. Mr.
121 Wisker reviewed the project, including the proposed vegetation management within the
122 easement area. (Manager Shekleton arrived at this point in the meeting, 7:07 pm.)

123
124 There were no comments from members of the public.

125
126 Manager Blixt asked what would happen if no grants were received for plantings at this
127 site. Mr. Wisker stated that the District would be under no obligation for plantings, but
128 that good discussions are under way with Great River Greening. If no grants are received,
129 this issue would be revisited with some possible combination of land restoration funding,
130 partnership with the City and Park Nicollet, or other sources. In response to a question
131 from Manager Blixt, Mr. Wisker noted that vegetation management activities would
132 began no earlier than 2017.

133

134 President White closed the public hearing, and referred to the related resolution on the
135 agenda.

136

137 Resolution 16-072: Ordering of Methodist Hospital Floodplain and Wetland
138 Enhancement Project

139

140 *It was moved by Manager Miller, seconded by Manager Shekleton to adopt resolution*
141 *16-072 as follows:*

142

143 *NOW, THEREFORE, BE IT RESOLVED that pursuant to Minnesota*
144 *Statutes §103B.251 and the WMP, the Methodist Hospital floodplain*
145 *and wetland enhancement project is ordered;*

146

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

148

149 Permits Requiring Variance or Discussion

150

151 Permit 16-198: 1700 Shoreline Drive

152

153 Ms. Rachel Workin appeared before the Board of Managers and reviewed the permit
154 application. She noted that the application involves no exceptions or variances, but that
155 the public hearing is in response to a request from a member of the public. She noted that
156 the applicant met with neighboring property owners who requested the public hearing and
157 discussed alternative access and traffic concerns as well as wetland and drainage impacts.
158 Ms. Workin reviewed the permit application and noted compliance with District rules.

159

160 Upon invitation from President White, no member of the public came forward wishing to
161 speak on the permit. *It was moved by Manager Miller, seconded by Manager Rogness to*
162 *approve permit application 16-198 with the conditions recommended by staff.*

163

164 Manager Blixt noted water quality issues for nearby Tanager Lake and asked whether
165 there are any missed opportunities to improve water quality at this site. Ms. Workin noted
166 the wetland area on the shore and the proposed buffer meets District requirements. Mr.
167 Wisker added that this is not a missed opportunity in the sense that the water quality
168 problem at Tanager Lake is due to internal loading from sanitary discharge and the Long
169 Lake Creek Subwatershed. A small portion of the drainage to Tanager Lake comes from
170 this site, and the site does not lend itself to an opportunity for a regional stormwater
171 solution. *There being no further discussion, upon vote, the motion carried, 7-0.*

172

173 Permit 16-169: Painter Creek Cattle Crossing

174

175 Ms. Renae Clark appeared before the Board of Managers and reviewed the background
176 for the subject project. Ms. Katherine Sylvia appeared before the Board of Managers and
177 reviewed the permit application. She explained that the proposed project will fill only as

178 much as the previously existing cattle crossing, and reviewed photographs and slides to
179 provide related documentation. She also noted that the DNR has waived jurisdiction over
180 this matter. ***Following discussion, it was moved by Manager Rogness, seconded by***
181 ***Manager Shekleton to approve the permit application with the conditions***
182 ***recommended by staff.*** Upon a question from Manager Olson, Ms. Sylvia reviewed the
183 design of the cattle crossing structure. ***Upon vote, the motion carried, 7-0.***

184
185 President White directed the Board's attention to Resolution 16-070, item 11.2 on the
186 agenda.

187
188 Resolution 16-070: Authorization to Award Construction Contract for Painter Creek
189 Cattle Crossing

190
191 ***It was moved by Manager Becker, seconded by Manager Olson, to adopt Resolution***
192 ***16-070 as follows:***

193
194 ***NOW, THEREFORE, BE IT RESOLVED, that the District***
195 ***Administrator is authorized, on advice of counsel, to enter into a***
196 ***contract with Sunram Construction in the amount of \$59,834 for the***
197 ***creek crossing repair and five years of maintenance; and***

198
199 ***BE IT FURTHER RESOLVED that the Board establishes a project***
200 ***budget for repair and maintenance in the not-to-exceed amount of***
201 ***\$64,034 and authorizes the District Administrator, in his judgment and***
202 ***on the recommendation of the District engineer, to authorize change***
203 ***orders obligating the District up to that amount.***

204
205 ***Upon vote, the motion carried, 7-0.***

206
207 Permit 16-443: Jennings Bay Wetland Restoration/Floodplain Mitigation Project and
208 Authorization to Solicit Bids

209
210 Ms. Tiffany Schaufler and Ms. Katherine Sylvia appeared before the Board of Managers.
211 Ms. Schaufler reviewed the restoration project background. Ms. Sylvia reviewed the
212 permit as set forth in the request for board action. ***Following discussion, it was moved by***
213 ***Manager Olson, seconded by Manager Shekleton to approve permit 16-443 on the***
214 ***conditions recommended by staff. Upon vote, the motion carried, 7-0.***

215
216 Resolution 16-069: Approval of Design for Jennings Bay Wetland
217 Restoration/Floodplain Mitigation Project and Authorization to Solicit Bids

218
219 ***It was moved by Manager Miller, seconded by Manager Olson to adopt resolution 16-***
220 ***069 as follows:***

221

222 ***NOW, THEREFORE, BE IT RESOLVED, that the Minnehaha Creek***
223 ***Watershed District Board of Managers hereby approves the final design***
224 ***for the flood storage element of the Project; and***

225
226 ***BE IT FURTHER RESOLVED that the MCWD Board of Managers***
227 ***authorizes staff to solicit bids for construction.***

228
229 ***Upon vote, the motion carried, 7-0.***

230
231 Resolution 16-068: Authorization of Cost Share Funding Homeowner Grants

232
233 Ms. Telly Mamayek appeared before the Board of Managers and reviewed the cost share
234 application. ***Following discussion, it was moved by Manager Becker, seconded by***
235 ***Manager Rogness to adopt resolution 16-068 as follows:***

236
237 ***NOW, THEREFORE, BE IT RESOLVED, that the MCWD Board of***
238 ***Managers authorizes the administrator to execute, on advice and***
239 ***consent of counsel, a cost-share funding and maintenance agreement,***
240 ***with provision for appropriate signage, for the Hejmadi/Lyall Residence***
241 ***project, providing reimbursement of 75 percent of the documented costs***
242 ***for construction of stormwater BMP's, not to exceed \$5,000, contingent***
243 ***on final approval by cost-share program staff of a landscape design plan***
244 ***for the project;***

245
246 ***Upon vote, the motion carried, 7-0.***

247
248 Resolution 16-071: Approval of Memorandum of Agreement with the City of Edina and
249 Authorization of Consultant Contracts for Creating a Concept Plan

250
251 Ms. Renae Clark appeared before the Board of Managers to review the proposed Board
252 action. Upon a question from Manager Miller, Ms. Clark noted that the City had
253 approved the proposed agreement and that the community appears engaged with 25-30
254 residents appearing at the meeting. Manager Blixt inquired whether there is still a
255 whitewater feature included in the plan for this project. Ms. Clark said that it is included
256 although the precise nature of the feature is not yet determined. ***Following discussion, it***
257 ***was moved by Manager Miller, seconded by Manager Blixt to adopt resolution 16-071***
258 ***as follows:***

259
260 ***BE IT FURTHER RESOLVED the Board of Managers hereby***
261 ***authorizes the District Administrator, on advice of Counsel, to execute***
262 ***the project concept design contract with Hart Howerton, that will***
263 ***include Hart Howerton subcontracts with Interfluve and John***
264 ***Anderson, in the amount of \$101,500 and to task Wenck Associates in***
265 ***an amount up to \$12,900.***

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BE IT FURTHER RESOLVED the Board of Managers establishes a total project budget of \$119,400 and authorizes the Program Director, in his judgement and on the recommendation of staff, to authorize contract amendments obligating the District up to that amount.

Upon vote, the motion carried, 7-0.

Approval of August 11, 2016 Minutes

President White requested that line 258 be amended to state that the motion was to approve all four work plans presented on both August 4 and August 11. ***It was moved by Manager Olson, seconded by Manager Miller, to approve the minutes of August 11 with this change. Upon vote, the motion carried, 7-0.***

Administrators Report:

Mr. Erdahl reported on the following items:

- The District has received results of two surveys conducted by the Minnesota Association of Watershed Districts relating to education and training and also strategic and training;
- The Minnesota Aquatic Invasive Species Research Center is conducting a survey to solicit input for research needs;
- The Minnesota Aquatic Invasive Species Research Center is hosting a program showcase on September 12;
- Peter Moe has been recently named the Director of the University of Minnesota Landscape Arboretum.

ADJOURNMENT

There being no further business the meeting of the Board of Managers adjourned at 8:27 pm.

Respectfully submitted,

Kurt Rogness, Secretary