

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

4  
5                                   September 22, 2016  
6

7                                   **CALL TO ORDER**  
8

9                                   President Sherry White called the regular meeting of the Minnehaha Creek Watershed  
10                                   District Board of Managers to order at 6:48 p.m. at the District offices, 15320  
11                                   Minnetonka Boulevard, Minnetonka, Minnesota.  
12

13                                   **MANAGERS PRESENT**  
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15                                   Sherry White, Brian Shekleton, Richard Miller, Bill Becker, William Olson, Pam Blixt,  
16                                   Kurt Rogness.  
17

18                                   **MANAGER ABSENT**  
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20                                   None.  
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23                                   **DISTRICT STAFF AND CONSULTANTS PRESENT**  
24

25                                   Lars Erdahl, Administrator; Brett Eidem, Cost-Share Program Administrator; Telly  
26                                   Mamayek, Communications and Education Director; Tiffany Schaufler, Project and Land  
27                                   Program Manager; James Wisker, Planning and Project Director; Chris Meehan,  
28                                   Engineer; Michael Welch, Counsel.  
29

30                                   **MATTERS FROM THE FLOOR**  
31

32                                   None.  
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34                                   **APPROVAL OF AGENDA**  
35

36                                   Manager White added an update on water levels in Lake Minnetonka and Minnehaha  
37                                   Creek, and a weather station easement discussion to the agenda. *Manager Olson moved*  
38                                   *and Manager Shekleton seconded approval of the agenda as amended. Upon vote, the*  
39                                   *motion carried 7-0.*  
40

41                                   **INFORMATION ITEMS AND CORRESPONDENCE**  
42

43                                   Manager White noted that the Board of Water and Soil Resources sent notice of an  
44                                   opportunity to nominate an outstanding watershed district employee, to be awarded at the  
45                                   annual conference in December. She said the deadline for nominations is November 1.  
46

47 **CONSENT AGENDA**

48

49 Manager White stated that the proposed consent agenda consists of approval of the  
50 minutes of the September 8, 2016, meeting; approval of the general checking account and  
51 surety account, the former including checks 36917 to 36977 for a total amount of  
52 \$247,079.81 and payroll direct deposits of \$145,453.41 and electronic fund withdrawals  
53 of \$1,659,403.75, for a total of \$2,051,936.97; and acceptance of the 325 Blake Road  
54 checking account. Manager White stated that on line 223 of the September 8 minutes, the  
55 reference to the start date for zebra mussel treatment in Lake Minnewashta should be  
56 September 18, not August 18. *Manager Rogness moved and Manager Becker seconded*  
57 *approval of the consent agenda. Upon vote, the motion carried 7-0.*

58

59 **REGULAR AGENDA**

60

61 Telly Mamayek came before the Board of Managers with an unscheduled item,  
62 announcing that Brett Eidem, the MCWD's cost-share program administrator, is leaving  
63 the District as of September 30, 2016. Mr. Eidem came before the Board, stating that he  
64 is moving to the Mississippi Watershed Management Organization to serve as a water  
65 resources planner. He offered his heartfelt thanks to staff and the managers for the  
66 tremendous vision of the future they share, the shared success of the cost-share program,  
67 and for the support during his 10-year at the District. Ms. Mamayek added that staff will  
68 work with District consultants to shepherd the program through the rest of the year, then  
69 potentially post Brett's position when the strategic review is complete next year. The  
70 managers recognized Mr. Eidem's contributions to the District's success.

71

72 Manager White stated that she, Lars Erdahl and Renae Clark met with the mayor and new  
73 city manager at the City of Wayzata. She noted that the deadline for submission of  
74 proposed resolutions for the Minnesota Association of Watershed Districts is October 14;  
75 the managers' next meeting is the day before. She requested that managers send ideas for  
76 resolutions to the administrator by Thursday, September 29.

77

78 Manager Miller reported on the most recent meeting of the Planning and Policy  
79 Committee, stating that the minutes in the packet from the September 8 meeting are very  
80 complete, and that he expects the same from the meeting that was held this evening. The  
81 managers discussed the fact that materials for the Planning and Policy Committee  
82 meeting were not available via the District's Dropbox folder. Mr. Erdahl indicated he  
83 would follow up. The next Planning and Policy Committee meeting is October 13.

84

85 Manager Becker stated that he attended the Citizens Advisory Committee meeting last  
86 Wednesday and a full complement of CAC members was in attendance to discuss water  
87 levels in Lake Minnetonka and receive a presentation on winter maintenance. The  
88 committee also looked at the District's annual report and discussed a possible violation at  
89 a permitted project on Mooney Lake. The committee also received a report on the

Minutes of the Regular Meeting  
Minnehaha Creek Watershed District  
Board of Managers  
9-22-2016

90 Watershed Association Initiative and a shoreline cost-share project on the Lake  
91 Minnetonka. He stated that prompted by the cost-share project reviewed, the managers  
92 may wish to adopt a policy regarding whether the District will support purchase of  
93 nonnative plant materials for use in cost-share projects.  
94

95 James Wisker updated the managers on the previously mentioned apparent violation of  
96 MCWD rules in Orono that staff is investigating. He said that during routine inspections  
97 in early August for permit 15-445 for Mooney Lake Preserve, staff found that the site was  
98 in compliance. In early September, however staff received reports of clearing and  
99 grubbing on the shoreline and discovered that the contractor had apparently gone through  
100 the area and cleared out vegetation and removed it. He noted that the District received  
101 complaints and engaged staff at the City of Orono, which has an applicable shoreline  
102 ordinance. MCWD staff has issued a notice of probable violation to the developer and  
103 developer's consultant. The next step in the process will be for staff to issue a compliance  
104 order and bring the matter before the Board of Managers for determination of a violation.  
105

106 In response to a question from Manager Becker, Mr. Wisker explained that the property  
107 at issue is indeed the former Doug Dayton property. The permit for the work came before  
108 the District and was the subject of litigation last year. In response to a further question  
109 from Manager Becker, the managers discussed with staff and counsel the fact that the  
110 property was meant to be subject to a conservation easement, but a change in state tax  
111 law with regard to conservation easements prompted the Dayton family to sell more of  
112 the property for development than originally planned. Manager Becker stated that the  
113 Board of Managers should consider investigating the tax issue for a possible legislative  
114 initiative – on its own or in collaboration with the Minnesota Association of Watershed  
115 Districts. Manager Blixt added that in light of the easements the District holds on land, it  
116 would be a good idea for the managers to have background on and an understanding of  
117 what tax consequences resulted from the change in law. The managers directed staff to  
118 prepare a memo on the matter for the October 13 meeting.  
119

120 Manager White reviewed the upcoming meeting and event schedule, noting that it  
121 remains as described in the agenda for the meeting this evening.  
122

123 Resolution 16-077: Award Contract for Jennings Bay Wetland Restoration and  
124 Floodplain Mitigation  
125

126 Tiffany Schaufler presented the bids submitted in response to the District's solicitation  
127 for bids for construction of floodplain mitigation in Minnetrista along Jennings Bay to  
128 compensate for both flood storage lost from the Bushaway Road/County State Aid  
129 Highway 101 project and the city's work to restore Enchanted Lane during the high water  
130 events of 2014. Ms. Schaufler stated that the city will reimburse \$25,000 to \$30,000 of  
131 the project costs. She stated that overall budget for the project is \$1.6 million. **Manager**  
132 **Miller moved and Manager Olson seconded adoption of resolution 16-077, awarding**

133 ***the contract for the Jennings Bay Wetland Restoration Floodplain Mitigation project***  
134 ***to Sunram Construction for a total of \$144,744; directing the administrator to return***  
135 ***and otherwise administer the bid bonds; authorizing the administrator to enter a***  
136 ***contract for the work; establishing a construction budget of not to exceed \$159,518 and***  
137 ***authorizing the administrator to authorize change orders bringing the total contract to***  
138 ***that amount; and authorizing the administrator to issue a notice to proceed to Sunram***  
139 ***on receipt of a signed contract and the required bonds and insurance documentation.***

140 In response to a question from Manager Olson, Ms. Schaufler stated that the District has  
141 significant experience working with Sunram, who worked on the Long Lake Creek  
142 restoration and has performed pond dredging for the District. She added that on the Long  
143 Lake Creek Wetland Restoration project, Sunram worked with RESPEC as the designer  
144 in a successful combination that is revised here for the Jennings Bay Project. ***Upon vote,***  
145 ***the motion carried 7-0.***

146  
147 Manager Becker complimented Ms. Schaufler on clear and straightforward presentation  
148 of the item to the Board of Managers, following on the clear development of the project.

149

#### 150 Water-Level Update

151

152 Ms. Schaufler stated that Telly Mamayek has been getting the message out on flooding  
153 risks and creek flow to property owners downstream of the Grays Bay dam. She said 1 to  
154 2 inches of rain has fallen watershed-wide in recent days, with 1.1 inches in the Six Mile  
155 subwatershed, 1.4 inches in the Painter Creek subwatershed and 1.8 inches at  
156 Minneapolis-St. Paul Airport. She stated that the water level in the lake is 929.48, which  
157 is up 1.7 inches. She stated that this afternoon District staff increased the flow rate from  
158 the dam to 250 cubic feet per second from 150 cubic feet per second. Staff put the flow  
159 rate back to 150 feet per second based on a weekend forecast calling for more rain. She  
160 stated that she expects by morning the creek should be back within its banks. She  
161 reported that the National Weather Services is predicting that 2016 will be the wettest  
162 year ever.

163

164 In response to a question from Manager Becker, Ms. Schaufler stated that she can look  
165 into a month-to-month comparison of rainfall levels to document whether or not there has  
166 been a shift over history in the rainfall pattern over the course of a year. She added that  
167 staff is trying to provide capacity in the creek for an unexpected 0.81 inches of rain  
168 coming this Saturday night into Sunday morning. Manager Shekleton noted that the  
169 District should tell the story of how it manages the dam in response to weather  
170 predictions to prevent flooding. The managers discussed the ability of the District to  
171 potentially issue warnings via text messages and email like Amber Alerts.

172

173 Hennepin County Weather Station Expansion

174

175 Ms. Schaufler stated that Hennepin County has contacted the District about increasing its  
176 easement on District property at Six Mile Creek from the current 40-by-40-foot area to 20  
177 by 150 to install a space hazard monitor sensor. She stated that the installation would be  
178 underground except that there would be a small control and monitoring facility that  
179 would be above ground. She stated that the expansion of the area and the installation of  
180 the space hazard monitoring system would not affect the District's ability to utilize the  
181 property for all of the same uses it now utilizes. She stated that the space hazard monitor  
182 would be the only one in the north-central United States. In response to questions from  
183 managers, Ms. Schaufler explained that the county would be working with National  
184 Science Foundation funding for the expansion of the easement area and the added  
185 equipment. She stated that the area that is now fenced in on the property would not be  
186 expanded. She also noted that staff is not looking for any action from the Board of  
187 Managers tonight, but rather looking to the managers for direction as to whether staff  
188 should work with the county to develop this easement expansion. The managers directed  
189 her to do so.

190

191 Administrator's Report

192

193 Lars Erdahl reported that, as Ms. Schaufler reported, she and Laura Domyancich have  
194 been working hard on managing the dam and high-water issues and that staff facilitated a  
195 meeting with concerned residents. He said that the District will be moving to lower the  
196 lake level to 928.6 feet for the winter.

197

198 Mr. Erdahl reported that the District hosted a meeting for city planners last Tuesday and  
199 25 people attended. The program, which included presentations from the Hopkins and  
200 Victoria, was well received.

201

202 Mr. Erdahl noted that he and Manager White met with Mayor Mary DeLaitre of the City  
203 of Wayzata and the city manager, Jeff Dahl, to discuss the city's Lake Effect project. He  
204 said that the mayor and city manager were very complimentary of the District's  
205 engagement on the Bushaway Road project. Manager White added that the mayor shared  
206 the environmental assessment worksheet on the Lake Effect project, and that she  
207 provided it to Renae Clark.

208

209 Mr. Erdahl reported that he attended the Clean Water Summit along with roughly 200  
210 others, hearing a presentation on a Philadelphia project designed to deal with a  
211 stormwater infrastructure that is even older than the Twin Cities' and heard a report from  
212 a professor from Villanova, who discussed raingarden measurement that had been  
213 conducted on the university campus. Darren Lochner of the District staff presented on the  
214 Cottageville project.

215

Minutes of the Regular Meeting  
Minnehaha Creek Watershed District  
Board of Managers  
9-22-2016

216 Manager Blixt noted for the managers' interest an article by Steve Brandt of the Star  
217 Tribune on Camp Coldwater, adding that the National Park Services' restoration and  
218 improvement of the area has produced tremendous results well worth visiting.

219  
220 Manager Shekleton noted that the Minneapolis Park and Recreation Board along with  
221 several other partners including private interests kicked off a kayak-share program on the  
222 Mississippi River today.

223  
224

225 **ADJOURNMENT**

226  
227 There being no further business, the regular meeting of the Board of Managers adjourned  
228 at 7:40 p.m.

229

230 Respectfully submitted,

231

232

233

234 Kurt Rogness

235 Secretary

DRAFT