1	MINUTES OF THE REGULAR MEETING OF
2	THE MINNEHAHA CREEK WATERSHED DISTRICT
3	BOARD OF MANAGERS
4	F.I 26, 2015
5 6	February 26, 2015
7	CALL TO ORDER
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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. in the District offices, 15320
11	Minnetonka Boulevard, Minnetonka, Minnesota 55345.
12	MANIA CIEDO DDECENIO
13 14	MANAGERS PRESENT
15	Sherry White, Brian Shekleton, Richard Miller, Jeffrey Casale, Pam Blixt, James Calkins
16	Sherry Winte, Brian Shekieton, Richard Winter, Jeffrey Casare, Fain Brixt, James Carkins
17	MANAGER ABSENT
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19	William Olson.
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21	OTHERS PRESENT
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23	Lars Erdahl, District Administrator; James Wisker, District Planning and Projects
24	Director; Tiffany Schaufler, District Project and Land Program Manager; Brett Eidem,
2526	District Cost-share Grant Administrator; Chris Meehan, District Consulting Engineer; Michael Welch, District Counsel.
27	Michael Welch, District Counsel.
28	MATTERS FROM THE FLOOR
29	WITTERS TROW THE LEGGE
30	Bill Bushnell, 940 Maplecrest Drive, Minnetrista came forward to speak about the
31	District's possible funding of improvements to the Bushaway Road reconstruction.
32	Manager White noted the public hearing on the matter later on the agenda and suggested
33	that Mr. Bushnell offer his comments then. He agreed.
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35	APPROVAL OF THE AGENDA
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37	Manager Miller moved, seconded by Manager Calkins, to approve the agenda. Upon
38 39	vote, the motion carried 5-0. (Manager Shekleton absent from the vote.)
40	INFORMATION ITEMS/CORRESPONDENCE
41	III ORIMITION HEREN COMMENT ON DENCE
42	Manager White noted the 2014 annual report and comprehensive plan self-assessment on
43	the list of information items.
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CONSENT AGENDA

Manager Blixt requested discussion of resolution 15-015, approval of cost-share funding for Promenade of Wayzata. Michael Welch noted a revision to the language of Resolution 15-014 to authorize the administrator to enter an agreement with Irish Titan for interactive web mapping, not hiring Irish Titan. Mr. Welch said minor typographical errors in the minutes of February 12 can be revised after approval by the managers.

Manager Miller moved, seconded by Manager Calkins, to approve the consent agenda, consisting of: approval of the check register for the surety account and the general checking account, the latter including checks 35330 through 35408 for a total of \$432,272.55, payroll direct deposits totaling \$109,744.50 and electronic fund withdrawals totaling \$25,278.02 for a total expense amount for the period February 1 through February 28 of \$567,295.07; acceptance of the 325 Blake Road checking account report; and adoption of the following resolutions:

Resolution 15-013, Request to approve Minnehaha Creek Watershed District Sign Master Plan and Sign Templates

NOW, THEREFORE, BE IT RESOLVED that the Minnehaha Creek Watershed District Board of Managers approves the Minnehaha Creek Watershed District sign master plan and sign templates.

Resolution 15-014, Authorization to Hire Irish Titan for Interactive Web Map Project

NOW, THEREFORE, BE IT RESOLVED that the Minnehaha Creek Watershed District Board of Managers authorizes the District Administrator to enter an agreement with Irish Titan for the interactive web map project for an amount not to exceed \$20,290.

Resolution 15-016, Approval of the 2014 Pay Equity Report

NOW, THEREFORE, BE IT RESOLVED that the Minnehaha Creek Watershed District Board of Managers has received the 2014 Pay Equity Implementation Report; approves the findings and directs Springsted to submit the results to the MN Department of Management and Budget.

Upon vote, the motion carried 5-0. (Manager Shekleton absent from the vote.)

REGULAR AGENDA

Board, Committee and Task Force Reports

Manager White, for her president's report, said that the District has some retreat opportunities coming up, and she asked managers for suggestions for topics. She said long-term organizational goals could be the focus of a retreat and that the Board has April 30 on the calendar as a fifth Thursday retreat, but she suggested that perhaps long-term goals would be best discussed in a Saturday retreat. She said that the Executive Committee will meet March 26, because the audit will be ready for review. For the purpose of that meeting, the committee will consist of the president, vice president and secretary. Finally, she noted that former Interim Administrator Jeff Spartz left a memo for the managers on the mediation process that she commended to everyone's attention.

Manager Calkins reported on the Policy and Planning Committee meeting of February 19, stating that the bulk of the meeting was devoted to the review of criteria for the cost-share program, which the committee passed forward with a resolution recommending approval to the Board of Managers. He said the committee's next topics will be related to the comprehensive plan, then it will turn again to subwatersheds.

Manager Miller added a report on the Southwest Light Rail Transit Task Force, stating that the task force is meeting periodically now and that the project has advanced ahead against federal criteria for funding. He said it also appears that the litigation with regard to the crossing over the Cedar-Isles lagoon appears to be coming to resolution.

Manager Calkins added a report noting that he has seen some new legislation that has come out of the blue, authored by Senator Tom Saxhaug, providing funding for urban and community forestry. He said that he thinks the legislation reflects a growing awareness of the role of trees in managing stormwater in urban areas.

PUBLIC HEARINGS AND PRESENTATIONS

Highway 101/Bushaway Road Causeway Reconstruction Project

James Wisker and Tiffany Schaufler presented background on the proposed funding of shoreline stabilization and stormwater management improvements for the reconstruction of Bushaway Road in Wayzata. Mr. Wisker said no action is being requested of the Board of Managers tonight. Manager White asked staff to review the cost-share project generally and options for the Grays Bay side of the causeway in particular before the managers hear comments during the public hearing. Ms. Schaufler reviewed three different scenarios for shoreline and wetland mitigation along the Grays Bay side of the causeway, noting that the Wayzata Bay side restoration is the same under each of the three scenarios. She said that staff-recommended approach is restoration of shoreline in select areas along the causeway where there is enough land to support it. She said staff

supports this option because it comes at a reasonable cost, can be permitted by the various regulatory entities and provides ecological value. She also noted that a plan amendment would be required for some of the other options presented because of increased cost.

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In response to a question from Manager Blixt, Ms. Schaufler stated that in addition to willow live stakes, the plan would also call for dogwood and other species. In response to a question from Manager Calkins, Ms. Schaufler said areas for which no shoreline restoration is planned could become barren. Mr. Wisker added that there is limited ability to establish plants under the cantilevered walkway along this side of the reconstructed roadway. He said these areas will be seeded. Ms. Schaufler added that the soils in this area do not provide a high-quality medium for planting. Mr. Wisker stated that there definitely will be impacts from the road reconstruction, but site conditions preclude or at least make it very difficult to preserve high-quality aesthetic and ecological conditions without encroaching into the bay with fill, which would very likely not be permitted by either the Department of Natural Resources or the United States Army Corps of Engineers. In response to a further question from Manager Blixt, Ms. Schaufler said that additional shoreline restoration does not provide benefit at a cost that staff feels is viable. Mr. Wisker pointed out that while habitat and better visual enhancement of the area could be achieved they would come at the price of additional filling in public waters, which is not consistent with District goals. He said such restoration also would not provide any water-quality benefit and would not provide the necessary dissipation of wave action. In response to a question from Manager Blixt about why there is no option for filtering runoff from the road, Mr. Wisker said that the causeway is very constrained spatially. He pointed out that there will be curb and cutter and treatment of stormwater in other parts of the project where there is no treatment now. (Manager Shekleton arrived, 7:15 p.m.) In response to another question, Mr. Wisker said that chloride will go off the road into the embankment and ultimately to the lake as it does now. In response to a question from Manager Casale regarding whether there are plants that could be planted in the littoral zone adjacent to the causeway, Ms. Schaufler stated that the water depth in the area is 5 to 7 feet and emergent plants cannot achieve those heights. Mr. Wisker stated that the proposed work, including the proposed floodplain and wetland mitigation, will cost an estimated \$1.6 million for design, construction and construction oversight.

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Mr. Wisker reviewed the wetland and floodplain mitigation work to take place on Jennings Bay in Minnetrista. He said the city plans to convey the mitigation site to the District and showed a site plan of the area. In response to a question from Manager Miller, Ms. Schaufler said if the land is not conveyed in fee, the District will still have an easement. Mr. Wisker reiterated that the estimated cost for the whole project is \$1,604,308. The benefits to the District are promotion of biostablization and bioengineered stabilization measures on shorelines and erosion and sediment control. He said the current plan is to have the Board of Managers order the project at the March 12 meeting, which will allow staff to begin the design process. In response to questions about opportunities to further enhance the Jennings Bay restoration work, Mr. Wisker

stated that the area is a historical floodplain that was dredged and filled. The depth expected for the design was chosen to optimize both floodplain storage and wetland restoration potential, and site conditions preclude adding more floodplain mitigation or wetland enhancement.

Bill Bushnell appeared before the Board of Managers and offered comments on behalf, he said, of residents along the Jennings Bay near the restoration area. He said that generally he wishes to convey a very positive reception for the proposed project and that the residents generally feel very good about the work being in the District's hands. He also emphasized the need to preserve trees in the wetland restoration area because the trees are holding the land area together. He said that at the public meeting the District held on the project there was not much of a need to educate attendees about the problems in the area because there have become self-evident over the years. He said that there is an opportunity in the project for the District to do more than is planned. He noted that the Jennings Bay site is at the mouth of Painter Creek and that the channel in the area is very badly overgrown and degraded. He said he would like to see more trees in the area and shoreline restoration to stabilize the area and prevent eroding upland. He said trees would also provide screening. He said he has provided a letter of support for the project signed by a number of residents. The managers thanked Mr. Bushnell for his comments.

In response to a question from Manager Miller, Mr. Wisker stated that the restoration work at the Jennings Bay site accounts for approximately \$200,000 of the project price. In response to a question from Manager Blixt, Ms. Schaufler stated that technically the creek through this area is navigable but as a practical matter it is not. Manager Blixt encouraged staff to look at opportunities to enhance the restoration work in the Jennings Bay area to ensure that the District doesn't need to come back and do further work and remobilize for that work later. Mr. Wisker said staff would investigate opportunities.

Ron Anderson, 660 Bushaway Road, appeared and said that he has lived in this area of Bushaway Road for 20 years and that it is a great privilege to live in an area that he counts as among the most beautiful on the lake. But he said it has been difficult for residents to negotiate with the city and county and district to get improvements to Bushaway Road reconstruction. He said residents met roughly 150 times in seven years as a task force for on the project and that Manager Casale attended a number of the meetings. The group is very much in favor of the District being involved in the restoration work. He said the support that has been expressed in the letter he wrote to the city council on the project was based on information he understood to represent the District's restoration plans for the area, and he was surprised to see now that staff is supporting an approach on the Grays Bay side that does not involve full restoration. He said that there needs to be greater attention to the aesthetics of the area. He said that if cost is the issue, there are ways to address that but that the job should not be less than what residents in the area have been expecting. He stated that he would like to see the District continue to work with the neighborhood and city and county representatives to

continue the discussion to improve the design. He believes the area has the potential to remain among the most beautiful on the lake.

Mr. Wisker clarified that staff's recommendation is to mitigate the use of the seawall to stabilize the road bed on the Wayzata Bay side of the causeway and the mitigation plan calls for the use of vegetated reinforced soil slopes. The landscaping in the area is of upmost importance but the value of filling the lake verses aesthetics does not tip toward the latter. He said staff's recommendation is to minimize filling of the lake and the associated ecological impact. It is not impossible to do more in the area but it would not be cost effective. Manager White clarified with Mr. Wisker that under the District's agreement with Hennepin County, restoration on the Grays Bay side was only going to be untaken if possible. Mr. Wisker answered further questions from Mr. Anderson about the currently untreated areas north of the causeway that will be treated under the plans. Mr. Anderson again emphasized that there be further efforts to negotiate with the city and enhance the project. Mr. Wisker stated that staff does intend to continue to work on and improve the design, and that the purpose of tonight's presentation is to get public feedback on the concepts that will be pursued. He noted the plan is consistent with what staff has presented previously and he believes is the best job possible of mitigating effects of the reconstruction.

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In discussion with Manager Casale, Mr. Wisker emphasized that while the design could evolve and additional elements can be presented as the design evolves, staff's current thought is to pursue detailed designs of the concepts that have been presented this evening.

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Peter Flom appeared and said that he lives in Woodland but has had houses along Bushaway Road in his family for a number of years. He said that he is the developer of the Locust Hills subdivision in the area. He offered that he is very thankful that the District has taken an interest in and is planning to expend funds in this area.

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Mike Kelly, engineer for the City of Wayzata, appeared and thanked the managers for the partnership on the project and said he is very encouraged by the ideas that have been presented. He said that if there is interest in pursuing emergent plants where there are no live stakes along the causeway the city will endeavor to partner on that and look for opportunities. Seeing no other commenters, Manager White closed the public hearing.

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Manager Miller stated that he does not wish to sacrifice blue environment for green, and that the District needs to be very careful about modifying its plans from what staff has presented. Manager Calkins confirmed with Mr. Wisker that the District does not regulate the placement of toe boulders and other riprap on a shoreline or streambank as floodplain fill. He stated his continuing disagreement with that policy, and said that the stabilization techniques used on the causeway will affect flooding downstream and on the lake. He said that the District should count riprap as floodplain fill even if others do not have to do so under the District rules. Noting that the District is spending \$1.4 million on the causeway, Manager Calkins asked what the county's contribution to the project is. Mr.

Wisker said \$30,000 toward shoreline stabilization. Manager Calkins went on to describe what he felt was a confusing set of exhibits presented in the Board packet for hearing and said he understood how interested parties could be confused about what District was pursuing at this location. Mr. Wisker stated that perhaps staff will bring back a policy on project hearing materials for Board review. Manager Calkins stated that he understands residents' strong interest in the causeway restoration and feels that the District should do as much as it can to use green stabilization techniques. He said that the MNDoT seed mix that is likely to be used in causeway is fine, but much depends on the medium into which it is planted. He said staff should work closely with the county to ensure that the seed used has a good chance of getting established. In response to a question from Manager White, Manager Calkins said he doesn't think the District should take on other sections but rather should work with other partners to ensure that the restoration is conducted in a sustainable way.

Manager Casale pointed out that the Jennings Bay restoration area appear to present erosion issues similar to those the District dealt with at Big Island on Lake Minnetonka. He said the District has experience with stopping erosion along banks and should try to translate that experience to this location. He also agrees that the documents in the packet and drawings present some confusion but at the same time he believes it is critical for the District to go ahead and order the project in early March. He said that the District has ordered projects before with some design details to be determined and that may need to be the case here. Manager Shekleton agreed that with regard to the seeding and soil along the causeway the District should push some of its partners to do the best possible work and spend the money necessary to ensure the success of the project. Manager White thanked all members of the public who spoke and said staff will present its refined recommendation at the March 12 meeting and answer questions raised this evening. She said that the District will provide public notice of that meeting.

ACTION ITEMS

Cost-Share Grant Agreement with Presbyterian Homes for Promenade of Wayzata

Mr. Wisker presented the proposed cost-share contribution to the Presbyterian Homes Promenade project in Wayzata. He said the managers are very familiar with the project, having reviewed it and had presentations on it several times in recent years. He said he did not wish to go over all those details again but rather would respond to the board's reasons for pulling the matter from the consent agenda for discussion. He said staff's recommendation, as shown in the request for board action, is a commitment of \$307,290, with a possible additional dedication of \$15,000 toward enhanced signage and other education and outreach opportunities.

Manager Blixt said she missed the meeting at which the project was last presented and has questions about the District's process and developing the project for approval. She's principally concerned about the fact that the funding proposed and recommended by staff

is 40 percent of the cost-share budget for the year. Her concern is that there may be other, higher priority projects that will come along after this and sufficient funding will not remain available for them. She wondered whether the cost-share projects shouldn't perhaps be reviewed at the same time so they can be prepared and choices can be made in light of all of opportunities that can be identified. Manager White noted that she was surprised to hear the structure of the cost-share program under discussion since the program structure has been approved and the criteria have been developed and are on the agenda this evening for approval. Mr. Welch noted as a point of information that is one of the tenets described in the plan amendment establishing the program, that the District will pursue opportunities as they come up on the timeline presented by the developers of these projects. Manager Miller added that he believes for planning purposes it would be better if all projects were reviewed at the same time, but for delivering projects of best quality he recommends that the District continue to evaluate opportunities as they come up. Manager Calkins said he went back to the history of the program and the project and he wonders when the planned unit development was approved by the city for this project, and what was required to comply with city ordinances. Mr. Wisker stated that best management practices and rate control were the only requirements. In the packet for this evening's meeting, he added, staff provided a comparison of the project against these standards as well as against the District's current stormwater management standards. In response to a further question from Manager Calkins, Mr. Kelly from Wayzata appeared and said that in 2008 the city's requirements were significantly simpler, and now are focused on reduction of phosphorus and total suspended solids. He noted that the project far exceeds the city standards used at the time it was approved and far exceed today's standards as well. Manager Calkins thanked him for his view and information.

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Manager Blixt said her concern is not so much about how the project fares against the District's criteria as it is about blowing the District's cost-share budget for the year on a project that is getting approved after the construction has been completed. She stated that perhaps the funding for this project could be dedicated later so the District can budget for it. She said there is also a need to discuss the public-notice process for projects such as this because she believes that the current practices, while compliant with state law, are not adequate.

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346 347 Manager Shekleton said that he shares the concern about spending 40 percent of the cost-share budget for the year on one project, but the project is now better than it was when originally presented and well worth the investment. He said that the treatment provided and stormwater technology may not be the highest value, but it is very innovative and it is important the District provide funding for it. Mr. Wisker pointed out that the cost-share budget has never been fully utilized and that in the program recommendations coming forward later on the agenda financing of projects to ensure the cash flow in the District program will be discussed. But right now it is not a concern. Mr. Wisker also clarified with counsel that the structure proposed by staff and as stated in the resolution on this evening's agenda is compliant with the public purposes doctrine. Mr. Welch concurred. In response to questions from the managers, Mr. Welch clarified the history of board

review, discussion and action on the project, and noted that this history is provided in relevant detail in the resolution before the managers. He noted, though, that the District has never consummated a commitment to funding the project.

Manager Calkins noted that it has been a struggle to understand this project and the process has been messy. He said the location does not present the highest, best opportunity to demonstrate stormwater management since it is on the cleanest part of Lake Minnetonka and it would be better if tied to a specific water resources problem. But, he said, it is a wonderful project. *Manager Calkins moved, seconded by Manager Miller, to adopt resolution 15-015, providing up to \$322,290 for the Promenade in Wayzata. Upon vote, the motion carried 5-1, Manager Blixt voting against.* Manager Blixt noted that she is not opposed to the project but voted against because she believes there are unresolved process questions.

Cost-Share Program Criteria

Brett Eidem presented the proposed new cost-share criteria. Mr. Eidem said that the existing criteria are not suited to the larger, more multi-dimensional projects that the program is seeking to pursue. He described the three categories of projects that the program will fund using the new criteria: the homeowner, community engagement and green infrastructure categories. He said staff's proposal is to report back to the board on the success of the new structure one year after the criteria have been put into place. He reviewed with the managers the evaluation system utilizing the new criteria that will be applied to new cost-share opportunities. He said that staff will be emphasizing early engagement in projects to assure the maximum benefit available from District involvement, turning away from relying on incentivizing late-stage design revisions with cost-share dollars. He said staff will be working with cities in the watershed to develop stormwater standards for specific projects, identifying what's feasible on a specific site and working with the developer to ensure that opportunities are maximized.

In response to a question from Manager White, Mr. Eidem stated that staff would be looking for cost-share project engagement opportunities from all departments of the District and that departments would be collaborating to develop projects. He said staff was working on creating a list of priority opportunities and helping staff in other departments develop opportunities from information coming in the door.

Manager Miller stated that he very much appreciated the work staff put into this proposed structure – especially the fact that the proposal adopts and utilizes the terminology of the Balanced Urban Ecology framework that the managers have developed for the next watershed plan. Mr. Welch pointed out that the program will retain a fundamental characteristic of providing funding only for stormwater treatment performance that is beyond regulatory requirements. Following from questions from Manager Calkins, Mr. Eidem explained that applicants would not see completed cost-share project evaluation forms but would see the forms such that project proponents would have an understanding

of what the District is looking to support and fund. Manager Calkins asked whether when a project obtains a score of 75 percent or higher on the evaluation form, staff would automatically recommend it for funding. Mr. Eidem said yes, because a project scoring that high would show great opportunities for meeting District program and watershed goals. But, he said, when a project scores a lower percentage there still may be opportunities for staff to work with the proponents to enhance and develop the project. Manager Calkins emphasized that it is important for applicants to understand, and that the form should potentially be modified to make it clear, that a score does not automatically lead to approval funding by the Board of Managers, but that the board always retains the authority to elect to fund a project or not. Mr. Eidem concurred. Finally, Manager Calkins asked about overlap between the Cynthia Krieg grant program and the community engagement branch of the cost-share program, noting that there appeared to be a lot of overlap in the kind of work they fund. Mr. Eidem said that there is overlap conceptually, but the cost-share program funding and effort will always be tied to the implementation of a stormwater best management practice. He said that the Krieg program is more directly focused on educational work and curricula. He said he would continue to work with education and outreach staff because some projects may qualify for both cost-share funding and Cynthia Krieg funding. Manager Miller moved, seconded by Manager Casale, to adopt the Resolution 15-015, adopting the proposed cost-share criteria. Upon vote, the motion carried 6-0.

Great River Greening Partnership Proposals and Grant Application

Ms. Schaufler again appeared before the managers and noted that they had asked to be advised any time staff sees an opportunity to apply for a grant. This is the case here and follows from the memorandum of understanding that the managers authorized execution of in December with Great River Greening. The resolution this evening, recommended by staff, authorizes staff in collaboration with Great River Greening to apply for Outdoor Heritage Fund and Environmental and Natural Resources Trust Fund grants. *Manager Miller moved, seconded by Manager Calkins, to adopt resolution 15-019, authorizing staff to apply for grants in collaboration with Great River Greening. Upon vote, the motion carried 6-0.*

Minneapolis Policy Liaisons

Manager Miller noted that he meant to add an item to the agenda for the evening, namely his recommendation that the managers delegate to the Policy and Planning Committee the authority to represent the District to Minneapolis policymakers for purposes of communicating District views on conservation and management of the creek. In response to an inquiry from Manager Blixt, the managers discussed whether she, as the sole Minneapolis resident on the board, shouldn't be among the liaisons to the city policymakers. The managers discussed the fact that Manager Blixt is a staff member at the City of Minneapolis complicates the matter and that these liaison roles have grown out of specific work that the committee has undertaken. Manager Blixt agreed that it was

fine for others to serve as the liaisons however she wished to be kept in the loop on developments. Manager Miller moved, seconded by Manager Shekleton, to recommend that the president appoint Managers Calkins, Shekleton and Miller as liaisons to Minneapolis policymakers along the creek on development of communications and concepts along the creek. Upon vote, the motion carried, 6-0. Manager White made the

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Administrator's Report

recommended appointments.

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Lars Erdahl stated that the comprehensive plan kick-off meetings in recent weeks have gone well and he thanked the managers for their participation. He said that 53 people came to the meeting February 18 during the day and nine in the evening. There is one more meeting coming up Tuesday March 3, and 15 people are registered already.

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He said that construction of the Long Lake Creek project is under way and progressing well, and a prescribed burn has been conducted. Earthwork will start next week.

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Staff and several managers are monitoring developments with legislation affecting the state aquatic invasive specifies programs. The District has been represented at committee meetings and hearings, with more to come.

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- 457 Mr. Erdahl discussed several new hires that have been made and others in process.
- 458 Manager Blixt asked why Erik Dahl, the former planning assistant, is just being replaced
- now, 14 months after he left. In light of his recent engagement at the District, Mr. Erdahl
- deferred to Mr. Wisker, who reported that the hire was thought to be needed for the Six
- 461 Mile Creek project, but that project isn't ready to go yet, so the position just hired will be
- the one discussed recently with the board to support development of the comprehensive
- plan. Manager Miller said staff works more efficiently now because department silos
- have been broken now.

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Mr. Welch mentioned that legal counsel continues to work with the Board of Water and Soil Resources on its revision of the watershed planning rules, and that the revised rules should be finalized in late April or May.

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Manager Blixt said the managers would benefit from a review of the multiyear capital project plan. Given the long cycle for assessment of feasibility and the public process for ordering, she would like to be reoriented on the District's capital project plans.

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There	e being no further business, the regular meeting of the Minnehaha Creek Watershee
	ict Board of Managers adjourned at 10:20 p.m.
Resp	ectfully submitted,
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Jeff (Casale
Secre	etary