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2
3 **MINUTES OF THE REGULAR MEETING OF**
4 **THE MINNEHAHA CREEK WATERSHED DISTRICT**
5 **BOARD OF MANAGERS**
6

7 March 10, 2016
8

9 **CALL TO ORDER**

10
11 The regular meeting of the Minnehaha Creek Watershed District Board of Managers was called
12 to order by President Sherry White at 6:45 p.m., at the District office, 15320 Minnetonka
13 Boulevard, Minnetonka, Minnesota 55345.
14

15 **MANAGERS PRESENT**

16
17 Sherry White, Brian Shekleton, Richard Miller, Jim Calkins, Pamela Blixt, William Olson.
18

19 **MANAGERS ABSENT**

20
21 Kurt Rogness.
22

23 **DISTRICT STAFF AND CONSULTANTS PRESENT**

24
25 Lars Erdahl, District Administrator; James Wisker, District Planning and Projects Director;
26 Becky Christopher, District Lead Planner-Project Manager; Yvette Christianson, District Water
27 Quality Manager; Brett Eidem, District Cost Share Grant Administrator; Tiffany Schaufler,
28 District Project and Land Program Manager; Katherine Sylvia, District Permitting Program
29 Lead; Chris Meehan, District Engineer; Chuck Holtman, District Counsel.
30

31 **MATTERS FROM THE FLOOR**

32
33 None.
34

35 **APPROVAL OF AGENDA**

36
37 *It was moved by Manager Miller, seconded by Manager Shekleton to approve the agenda with*
38 *the addition of approval of revised February 11, 2016 minutes as item 10.6. Upon vote, the*
39 *motion carried 5-0.*
40

41 **INFORMATION ITEMS/CORRESPONDENCE**

42
43 President White noted items listed on the agenda. Manager Miller offered a general disclosure
44 that he has retained Wenck Associates at its commercial price to perform water sampling on his
45 property.
46

47 **CONSENT AGENDA**

48
49 *It was moved by Manager Miller, seconded by Manager Olson to approve the consent agenda*
50 *consisting of approval of the February 25, 2016 minutes and adoption of Resolution 16-017,*
51 *authorizing contract with Wenck Associates, Inc., for consulting services for the Ecosystem*
52 *Evaluation program, providing as follows:*

53
54 ***NOW, THEREFORE, BE IT RESOLVED, that the MCWD Board of***
55 ***Managers authorizes the District Administrator to execute an agreement with***
56 ***Wenck Associates, Inc. for the development of Phase 3 of the Ecosystem***
57 ***Evaluation Program (July 1, 2016-December 31, 2017) and upon advice of***
58 ***counsel and with such further minor revisions as may be necessary to effect the***
59 ***intent of the parties, not to exceed \$324,000.***

60
61 *Upon vote, the motion carried 5-0.*

62
63 (Manager Blixt arrived at this time.)

64
65 **REGULAR AGENDA**

66
67 **Board, Committee and Task Force Reports**

68 President White presented the President's report. She noted that she and Manager Olson, on
69 behalf of the Board, recently attended Six Mile master planning meetings with community
70 partners. Attendees are favorably disposed to the District's focal geography orientation.
71 President White commented further that the 2015 District report is very well done and she
72 greatly appreciates all of the work that staff accomplished in the past year.

73
74 Manager Miller reported on the Citizens' Advisory Committee (CAC) meeting, which focused
75 on the Ecosystem Evaluation program. The Committee members complimented the staff
76 presentation. The Committee intends for representatives to attend Board of Managers regular and
77 committee meetings to report back to the full CAC and facilitate greater CAC engagement in the
78 work of the Board.

79
80 President White noted the schedule of upcoming meetings and events. Manager Olson asked that
81 an Operations and Programs Committee meeting on the subject of aquatic invasive species be
82 scheduled for March 31. Mr. Erdahl said he would confirm with staff.

83
84 **Public Hearings and Presentations: Stream Data Statistical Analysis**

85
86 Ms. Christianson introduced Lorin Hatch of WSB.

87

88 Mr. Hatch made a presentation that followed the analysis presented in the written report provided
89 to the District. The analysis consisted of evaluating parameter outcomes at proximate sites to
90 determine where there may be duplicative sites or those where the additional expense of
91 maintaining multiple sampling locations is not warranted by the independent value of the data
92 produced. He emphasized that there may be additional reasons supporting maintenance of
93 particular monitoring sites including projects in the area, maintaining consistency in historical
94 data and supporting Total Maximum Daily Loads or other regulatory needs.

95
96 Mr. Hatch reviewed his recommendations as to which stations to maintain and which to
97 eliminate. He noted that sites where monitoring is eliminated nevertheless may be reestablished
98 on a cycle or pursuant to specific needs.

99
100 Responding to Manager Miller, Ms. Christianson summarized that the study was done to see if
101 the District could reduce cost and increase efficiencies in its monitoring program. She noted that
102 the E-Grade program will utilize monitoring stations in a three-year rotation on a subwatershed
103 basis. She advised that staff has not yet quantified savings but would expect them to be modest.

104
105 Pursuant to Manager Shekleton's comment, there was discussion about site 18 below Lake
106 Hiawatha. Manager Shekleton suggested that if the District does significant work with the City
107 of Minneapolis and the Minneapolis Park and Recreation Board on the Hiawatha Golf Course,
108 that sampling station may be useful. He noted that there are 23 storm sewer outfalls between site
109 18 and site 6 further downstream. Mr. Wisker noted that values at site 18 probably are similar to
110 those obtained from sampling in the lake itself. Ms. Christianson said that staff could examine
111 this. Manager Blixt noted that any project would be several years from completion so that if the
112 station were eliminated now it could be reinstalled at that time.

113
114 Ms. Christianson noted the recommendation to reduce monitoring on Painter Creek from five to
115 three stations.

116
117 **ACTION ITEMS**

118
119 **Support and Authorization to be a 2016 Minnesota GreenCorps Host Site**

120
121 Mr. Eidem reviewed the program in which the District previously has participated, in which it
122 would host a GreenCorps member supported by the Minnesota Pollution Control Agency
123 (MPCA). The MPCA would provide most support to the member, while the District would be
124 responsible to provide a certain defined suite of equipment support and coordination. Manager
125 Miller noted that District policy requires Board authorization to apply for a grant. Mr. Erdahl and
126 Mr. Holtman replied that the proposed resolution authorizes the Administrator to enter into and
127 sign a host site agreement and therefore constitutes the required authorization.

128
129 ***It was moved by Manager Shekleton, seconded by Manager Calkins to adopt proposed***
130 ***Resolution 16-018 providing as follows:***

131

132 ***BE IT RESOLVED that the Board of Managers hereby supports staff's effort to***
133 ***host a 2016-17 Minnesota GreenCorps Member; and***
134

135 ***BE IT FURTHERED RESOLVED that, if MCWD is chosen as a host site, the***
136 ***Board of Managers authorizes the administrator, on advice of counsel, to enter***
137 ***into and sign a host site agreement with the MPCA, provided that no***
138 ***expenditures beyond already allocated program-budget funds is authorized***
139 ***hereby.***
140

141 ***Upon vote, the motion carried 6-0.***
142

143 Authorization to Contract with Wenck Associates for Comprehensive Plan Support
144

145 Ms. Christopher reviewed the proposed structure for the District's Watershed Management Plan
146 (WMP) revision and the Wenck scope of work. ***It was moved by Manager Calkins, seconded by***
147 ***Manager Olson to adopt proposed Resolution 16-019, providing as follows:***
148

149 ***NOW, THEREFORE, BE IT RESOLVED that the Minnehaha Creek***
150 ***Watershed District Board of Managers hereby authorizes the District***
151 ***Administrator to execute a contract with Wenck Associates, Inc. for technical***
152 ***support for the Comprehensive Plan update for an amount not to exceed***
153 ***\$68,840.***
154

155 Manager Miller noted again for the benefit of Manager Blixt, who was not present earlier, that in
156 his personal capacity he has hired Wenck to do residential water testing, at Wenck's commercial
157 rate.
158

159 ***Upon vote, the motion carried 6-0.***
160

161 Memorandum of Understanding with City of St. Louis Park Regarding Erosion and Sediment
162 Control Permits
163

164 Ms. Sylvia reviewed the request of the City to assume sole regulatory authority for erosion and
165 sediment control. She noted the process that has occurred to date, involving the District's review
166 of City ordinances, the City's compliance/enforcement plan and its personnel resources to
167 implement the program. The City has updated its ordinances to meet the standards set forth in the
168 WMP and staff now recommends that the Board authorize the City's request.
169

170 ***It was moved by Manager Shekleton, seconded by Manager Calkins, to adopt proposed***
171 ***Resolution 16-016, providing as follows:***
172

173 ***NOW, THEREFORE, BE IT RESOLVED, the President of the Board of***
174 ***Managers, on advice and consent of counsel, is authorized to execute the***
175 ***attached MOU with the City of St. Louis Park, acknowledging that the City will***

176 *execute sole regulatory authority over work subject to the MCWD Erosion*
177 *Control Rule.*
178

179 Manager Olson asked the duration of the arrangement. Ms. Sylvia replied that it would end if the
180 City voluntarily requested or if the City were not properly implementing the program. Mr.
181 Holtman added that the authority also will end at such time as the City is required to obtain
182 District approval of a revised local plan. Manager Miller asked who would decide whether the
183 City were implementing its program satisfactorily. Mr. Holtman replied that the Board would
184 decide based on a process outlined in the WMP.
185

186 *Upon vote, the motion carried 6-0.*
187

188 Ms. Sylvia distributed a page outlining which cities within the District have assumed sole
189 authority over which area of water resource regulation. This is provided in response to a request
190 of Manager Blixt at the previous meeting. She noted that cities have not necessarily kept up to
191 date on annual reporting requirements and that due to resources and priorities, District staff has
192 not tracked reporting as diligently as it might. Staff will be reviewing status.
193

194 Mr. Wisker noted a potential policy issue for Board and staff discussion, namely that if the
195 District supports cities taking sole regulatory authority, that may underserve the urban ecology
196 approach of using the regulatory program to identify partnership opportunities and projects. He
197 also observed that deferring regulation to cities in favor of monitoring and oversight will
198 implicate different staff resource commitments.
199

200 Partnership Proposal with Great River Greening for LCCMR Grant
201

202 Ms. Schaufler reviewed the proposal that the District and Great River Greening jointly would
203 submit for LCCMR funding. It concerns a research project that would use the District's Six Mile
204 Marsh Prairie Restoration site as a pilot site to test the impact of haying on soil nitrogen and
205 plant-pollinator diversity. She suggested that haying also can be a useful and cost-effective
206 management tool and can allow local farmers to benefit from the District's property while
207 reducing herbicide use.
208

209 *It was moved by Manager Miller, seconded by Manager Shekleton to adopt proposed*
210 *Resolution 16-020, providing as follows:*
211

212 *NOW, THEREFORE, BE IT RESOLVED that the Minnehaha Creek*
213 *Watershed District Board of Managers authorizes staff to submit a Partnership*
214 *Proposal with Great River Greening to apply for an LCCMR grant for the Six*
215 *Mile Marsh Prairie Restoration site.*
216

217 Manager Calkins asked whether the District has determined that there is presently a nitrogen
218 problem on the site. Ms. Schaufler replied that it has not made that determination, but that Great
219 River Greening has counseled that the issue typically exists on previously cultivated land.

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220 Manager Calkins cautioned that nitrogen is mobile and does not remain in the top soil layer, so it
221 is important to know what the present condition is.
222

223 Mr. Wisker explained that the proposal is driven by Great River Greening's interest to advance
224 research by utilizing available public land and that the effort would advance the District's
225 partnership with Great River Greening generally, which assists the District's access to LCCMR
226 and similar grant funds. The District also is looking at alternative ways to manage its lands for
227 biodiversity as opposed to spot herbicide treatment and similar. Ms. Schaufler added that the
228 Board of Water and Soil Resources has a similar interest in diversifying ways of managing
229 native landscapes.
230

231 Manager Calkins replied that the test plan won't mimic actual haying practices. He urged that it
232 is important that the District understand its goals and what it is seeking to accomplish. Any
233 money that is spent should be well spent, whether it is levied by the District or obtained from
234 external sources.
235

236 Responding to Managers Calkins' inquiry, Ms. Schaufler noted that the final LCCMR
237 application deadline is March 21, but that Great River Greening would like to take advantage of
238 tomorrow's preliminary deadline for informal LCCMR review. President White asked if there is
239 any harm to the District's application if it is not yet certain that it wishes to pursue the work. Ms.
240 Schaufler noted that in any event, the work would help the District with existing management at
241 the field edge and would advance its exploration of biodiversity-supporting and cost-effective
242 land management.
243

244 Manager Calkins said that he does not wish to criticize the study methodology but that
245 compaction from haying could be a substantial issue and more detrimental than any nitrogen
246 status. Ms. Schaufler replied that mowing would occur once per year, as opposed to the four or
247 five times per year that presently occurs on the site in pockets. She added that Great River
248 Greening has very precise mowing specifications in consideration of such impacts.
249

250 Manager Shekleton suggested that the site was heavily used before the District acquired it and
251 that even with potential mowing as indicated, he feels it may well provide benefits for statewide
252 methods and therefore is an appropriate use for public land.
253

254 Manager Miller said that he is concerned because Manager Calkins is concerned. Manager
255 Calkins offered that the District could proceed with the application as it reviews and makes
256 decisions. Manager Miller replied that the press of time is never a good reason to make a
257 decision. He noted that the District's partners need to recognize that the District is a fiduciary of
258 public money and needs to follow its careful procedures. Manager Shekleton added that he
259 would be concerned with the impression conveyed by submitting a proposal and thereafter
260 withdrawing it. He added, however, that he is not concerned about the project. He noted that the
261 Working Lands program goes back seven or so years and believes that it is a useful program.
262

263 Responding to President White, Ms. Schaufler stated that there presently is a vehicle operation
264 on the site for spraying and additional impact is not expected to add to the site disturbance.
265 Manager Calkins nevertheless reiterated his concern for the machinery impact that cannot at this
266 point be gauged.

267
268 *Upon vote, the motion carried 5-1 (Manager Miller opposed).*

269
270 February 11, 2016 Minutes

271
272 Mr. Holtman reviewed proposed changes to the February 11, 2016 minutes previously approved
273 by the Board. Revisions are proposed at lines 37-39, 69, 89, 91-92, 198, 199, 278 and 280. By
274 unanimous consent, a revision was added at line 254.

275
276 *It was moved by Manager Miller, seconded by Manager Calkins to adopt the revised February*
277 *11, 2016 minutes and replace the previously adopted version. Upon vote, the motion carried 4-*
278 *0 (President White, Manager Shekleton abstaining).*

279
280 Preliminary 2017 Budget Discussion

281
282 Mr. Erdahl reviewed his written presentation summarizing the District's budget and levy history
283 and trends. With respect to the use of financing, Manager Miller urged clarity stating that
284 financing is not used for general levy purposes but for capital spending. He also noted that carry-
285 forward is supplemented by grants and capital funds to constitute "all funds" as a revenue source.
286 There should not be a presumption that spending in excess of levy is predominantly from
287 reserves.

288
289 **ADMINISTRATOR'S REPORT**

290
291 Mr. Erdahl noted that Telly Mamayek succeeded in placing a prominent piece in Minnesota
292 Business Monthly about the District's Minnehaha Creek corridor work. He noted the Board's
293 retreat scheduled for April 7 and invited agenda input for the purpose of President White's
294 establishment of the agenda.

295
296 **ADJOURNMENT**

297
298 There being no further business, the regular meeting of the Minnehaha Creek Watershed District
299 Board of Managers was adjourned at 8:47p.m.

300
301 Respectfully submitted,

302
303
304
305 Kurt Rogness, Secretary