

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

4
5 November 12, 2015

6
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. at the District office, 15320
11 Minnetonka Boulevard, Minnetonka, Minnesota 55345.

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13 **MANAGERS PRESENT**

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15 Sherry White, James Calkins, Pam Blixt, Richard Miller, William Olson, and Kurt
16 Rogness.

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18 **MANAGERS ABSENT**

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20 Brian Shekleton.

21
22 **OTHERS PRESENT**

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24 Lars Erdahl, District Administrator; James Wisker, District Planning and Projects
25 Director; Laura Domyancich, District Project and Land Technician; Craig Dawson,
26 District Research and Monitoring Director; Yvette Christianson, District Water Quality
27 Manager; Kelly Dooley, District Water Quality Manager; Tom Dietrich, District
28 Permitting Technician; Jen Sharlow, District Technical Support Services Specialist; Chris
29 Meehan, District Consulting Engineer; Joe Bischoff, Consultant; Diane Spektor,
30 Consultant; Louis Smith, District Counsel.

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32 **MATTERS FROM THE FLOOR**

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34 None.

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36 **APPROVAL OF THE AGENDA**

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38 Louis Smith requested that a second item be added to the closed session at item 13 of the
39 agenda, to include a closed session discussion of a claim by a former employee. *It was*
40 *moved by Manager Miller, seconded by Manager Rogness, to approve the agenda with*
41 *this addition. Upon vote, the motion carried, 6-0.*
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46 **CONSENT AGENDA**

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48 President White requested that approval of the October 22, 2015 minutes be pulled for
49 discussion. *It was moved by Manager Miller, seconded by Manager Blixt, to move the*
50 *October 22, 2015 minutes to item 10.1 on the agenda. Upon vote, the motion carried,*
51 *6-0.*

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53 **REGULAR AGENDA**

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55 Board, Committee and Task Force Reports

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57 President's Report

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59 President White reported that she attended the meeting of the Wayzata Lake Effect
60 Redevelopment Design Committee. The initial presentation included consideration of
61 watershed issues, and preliminary design principles will be discussed at the next meeting
62 in December.

63

64 Operations and Programs Committee:

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66 Manager Olson referred to the minutes of the November 5 meeting of the Operations and
67 Programs Committee, noting that the Committee discussed aquatic invasive species pilot
68 program options, consultant costs and the RFQ process, and the IT consulting and
69 equipment budget.

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71 Approval of Minutes

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73 Mr. Smith reviewed a series of proposed revisions to the minutes of October 22, 2015 as
74 follows:

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- 76 • Line 109, revise to read "Wayzata Lake-Effect Redevelopment Design Process";
- 77 • Line 130, delete the word "the" before "groundwater";
- 78 • Line 133, revise to read "stretch through the end of the year";
- 79 • Lines 199-200, revise to read "but repetitive comments and comments that are not
80 relevant to MCWD's authority";
- 81 • Line 224, revise to read "he is not leveling any criticism at the District staff or the
82 District's rules,";
- 83 • Line 275, revise to read "she asked if the managers had any questions";
- 84 • Line 280, revise to read "regulatory-analysis process address each of the
85 concerns, and the construction of";
- 86 • Lines 284-285, revise to read "associated raingarden will be specified as the home
87 goes into place and that what's currently in the plans are typical details.";
- 88 • Line 289, revise to read "and that the District staff";

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- 89 • Lines 292-293, revise to read “the property owners in the surrounding area will
- 90 not receive notice of each individual home permit”;
- 91 • Line 296, revise to read “and will be in place”;
- 92 • Lines 297-298, revise to read “that the city required that raingarden sites to be
- 93 specified”;
- 94 • Line 300, revise to read “Mr. Meehan stated that the District”;
- 95 • Line 328, revise to read “passed 6-0.”;
- 96 • Line 333, revise to read “Michael Hayman presented”;
- 97 • Lines 342-343, revise to read “golf course improvements. It also calls for the
- 98 District to reimburse design costs not to exceed \$220,544”;
- 99 • Line 372, revise to read “Hiawatha Golf Course is yet to be determined”;
- 100 • Line 425, revise to read “the Pemtom Land Company for exploration”;
- 101 • Line 432, revise to read “restoration is particularly”;
- 102 • Line 435, revise to read “and the City of Victoria”;
- 103 • Line 440, revise to read “Pemtom, and to authorize”;
- 104 • Line 445, revise to read “final budget for 2016, incorporating”;
- 105 • Lines 452-453, revise to read “levy, and for now for 2017”;
- 106 • Lines 460-461, revise to read “a number of board priority-setting discussions”;
- 107 • Line 541, revise to read “amend the motion to cancel the directive”;
- 108 • Line 545, “presented. She believes that”; and
- 109 • Lines 554-556, revise to read, “to address outstanding issues. Upon vote, the
- 110 motion to amend”.

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112 ***It was moved by Manager Miller, seconded by Manager Olson, to approve the minutes***
113 ***of October 22 with these corrections. Upon vote, the motion carried, 6-0.***

114
115 Resolution 15-093, Authorization to Award Bid for 2015-2016 Stormwater Pond
116 Maintenance at Gleason Ponds 2 and 3

117
118 Ms. Laura Domyancich appeared before the Board of Managers and reviewed the
119 Request for Board Action. She reviewed the bids which were submitted and
120 recommended awarding the contract to Sunram Construction for a not to exceed cost of
121 \$49,570, which would include an authorization for limited change orders up to that
122 amount. ***It was moved by Manager Rogness, seconded by Manager Calkins, to place***
123 ***Resolution 15-093 on the Consent Agenda of the November 19 Board meeting.***
124 Manager Blixt asked for an explanation of the wide spread in bid amounts by the six
125 contractors who submitted bids. Ms. Domyancich reviewed the background for this
126 project and noted that the lowest bidding contractor had experience with de-watering and
127 sediment disposal at a nearby site, which would account for their ability to submit a bid
128 with lower unit costs. ***Upon vote, the motion carried, 6-0.***

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133 Board Adoption of Findings of Fact and Conclusions for Permit 15-445: Mooney Lake
134 Preserve

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136 Mr. Smith noted that the Board of Managers had approved permit 15-445 at its meeting
137 of October 22, 2015, with the conditions and stipulations outlined by staff in the staff
138 report, and further directed that staff prepare findings and conclusions for consideration
139 by the Board of Managers at this meeting. Mr. Smith referred to the draft findings and
140 conclusions distributed in the meeting packet, and recommended two further revisions.
141 At paragraph 50, in the first line, change the word “there” to “the.” At page 7, insert a
142 new paragraph 61 that would read as follows:

143

144 All of the technical materials submitted by the applicant and analyzed by the
145 District staff and engineer for purposes of rendering findings and providing
146 recommendations to the Board of Managers were provided to plaintiffs’ experts
147 more than one week prior to the October 22, 2015 meeting at which the Board of
148 Managers rendered a decision on application 15-445.

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150 Mr. Smith explained that there had been some confusion about the timing and extent of
151 documents that were provided, and this paragraph is intended to clarify that point.

152

153 *There being no further discussion, it was moved by Manager Calkins, seconded by*
154 *Manager Miller, to adopt the propose findings and conclusions for permit 15-445,*
155 *Mooney Lake Preserve, with the additions recommended by counsel. Upon vote, the*
156 *motion carried, 6-0.*

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158 **BOARD DISCUSSION ITEMS**

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160 E-Grade Program Update

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162 Ms. Kelly Dooley appeared before the Board of Managers and reviewed the program to
163 develop a broader measurement of watershed health and environmental change, taking an
164 ecosystems approach to watershed assessment. She reviewed the status of the effort to
165 develop this management and evaluation tool, and introduced Mr. Joe Bischoff of Wenck
166 Associates who reviewed an example of developing this e-grade system to assess the Six
167 Mile Subwatershed. The managers discussed the importance of public understanding and
168 perception of these grades and measurements, and explored the positive and negative
169 attributes of diversity in habitat, considering such issues as invasive species. The
170 managers discussed how this new grading and measurement system would promote the
171 protection of higher value ecosystem resources through a richer evaluation process. The
172 managers thanked Ms. Dooley and Mr. Bischoff for their presentation.

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175 Administrator's Report

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177 Mr. Erdahl reported on the following items:

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- The District conducted a prescribe berm within the Six Mile Marsh;

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- President White and the Administrator met earlier in the week with the Minnetrista Mayor and staff to discuss current collaboration on various projects and future potential partnerships.

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- The District will be receiving applications to the Citizen's Advisory Committee through December 2;

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- The District is participating in a community education event within the west metro about climate issues;

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- The City of Minnetonka has initiated a discussion about potential easement changes in the area of the Grey's Bay control structure; and Manager Blixt has initiated a discussion with the City of Minneapolis on water management and disaster preparedness.

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191 The Managers thanked Mr. Erdahl for his report.

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193 Closed Session

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195 Mr. Smith recommended that the Board of Managers go into a closed session for the
196 purpose of receiving confidential legal advice concerning the Healy v. Minnehaha Creek
197 Watershed District litigation; and a claim brought by a former employee. Mr. Smith also
198 recommended a closed session for the Administrator's six month performance evaluation.

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It was moved by Manager Olson, seconded by Manager Rogness, to go into closed session as recommended by counsel. Upon on vote, the motion carried, 6-0.

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202 ADJOURMENT

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204 The managers returned to open session and the meeting was adjourned at 8:42 p.m.

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Respectfully submitted,

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Kurt Rogness

211

Secretary