

46 **CONSENT AGENDA**

47

48 President White requested that the item on the Consent Agenda, the approval of the
49 minutes of September 22, 2016, be pulled for discussion and placed at the end of the
50 action items on the agenda.

51

52 **REGULAR AGENDA**

53

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

55

56 President's Report:

57

58 President White commended the staff for a very thorough report on the chloride TMDL
59 and implementation efforts, and also noted work by District counsel on developing model
60 snow and ice control policies. She noted that she had recently attended a concept
61 planning meeting for Arden Park and also a ceremony to dedicate the new Cottageville
62 Park pavilion.

63

64 Executive Committee Report:

65

66 President White noted that the violation matter for permit 14-219 had been resolved, and
67 that the Executive Committee had a recommendation for addressing the violation for
68 permit 15-445 which would be presented later in the meeting.

69

70 Policy and Planning Committee Report

71

72 Manager Miller reported that the Policy and Planning Committee had met earlier in the
73 evening to review program purpose for the planning, project maintenance, and land
74 management activities. He also noted that the Committee had a recommendation
75 concerning a cooperative agreement with the City of Victoria. Mr. James Wisker
76 appeared before the Board of Managers and noted positive developments in discussions
77 with the City of Victoria to develop a cooperative agreement to address regional
78 stormwater issues. *Following discussion, it was moved by Manager Olson, seconded by*
79 *Manager Becker, to adopt the Policy and Planning Committee recommendation that*
80 *the proposed term sheet be found an acceptable framework for a cooperative*
81 *agreement to advance downtown Victoria Regional Stormwater expansion, and that the*
82 *Board direct the staff to continue advancing the agreement in good faith with the City*
83 *of Victoria in preparation for final action at the October 27 Board meeting. Upon vote,*
84 *the motion carried, 6-0.*

85

86 Citizen Advisory Committee Report:

87

88 Manager Miller noted there had been no CAC meeting in October.

89

90 **ACTION ITEMS**

91
92 Authorization of Compliance Order Issued for Violation of 15-445

93
94 Ms. Katherine Sylvia appeared before the Board of Managers and reviewed the earlier
95 hearing before the Executive Committee. She noted that staff presented the background
96 and compliance issues in this matter; Mr. George Stickney and Mr. Jeff Watson appeared
97 on behalf of the permittee; and Ms. Jean Bovey appeared on behalf of the Mooney Lake
98 Association. The Executive Committee voted to recommend that the Board of Managers
99 adopt the proposed Findings of Fact, Conclusions of Law, and Order as distributed at the
100 meeting this evening.

101
102 ***It was moved by Manager Miller, seconded by Manager Rogness, to adopt the proposed***
103 ***Findings of Fact, Conclusions of Law, and Order as distributed and recommended by***
104 ***the Executive Committee.*** Manager Blixt asked whether the permittee has submitted an
105 application for the additional work that is intended at this site. Ms. Sylvia explained that
106 that application has not yet been received, and more information is being developed for
107 the restoration plan and related permit renewal issues. Upon a further question from
108 Manager Blixt, Ms. Sylvia explained the process of developing an impact analysis,
109 restoration plan to address the rule violations, and efforts to restore the ecological
110 integrity at this site. Upon further questions from Manager Blixt and Manager Rogness,
111 Ms. Heidi Quinn appeared before the Board of Managers and reviewed the status of
112 conditions at this site and the process of developing restoration plans. Mr. Jeffery Watson
113 appeared before the Board of Managers on behalf of the permittee and reviewed several
114 matters of compliance detail concerning specific parcels. Mr. Smith noted that staff
115 discussions with Mr. Watson had identified several refinements to the proposed findings
116 and order as follows:

117
118 Amend the Findings of Fact by adding Paragraph 9, as follows:

- 119
120 9. The Board of Managers finds that none of the violations have occurred on Lots
121 1 or 2 of Block 1.

122
123 Amend Paragraph 1 of the Order, as follows:

- 124
125 1. The Permittee must stabilize the site in accordance with the specific terms of
126 the Compliance Order issued by Staff on October 6, 2016, by Monday
127 October 17, 2016, provided that the compliance actions identified in Action 3
128 and Action 6 of the Compliance Order are to be performed on Lots 3, 4, and 5
129 of Block 1 and Outlots D and G. All land disturbing work other than
130 stabilization must cease until further notice.
131

132 ***It was moved by Manager Miller, seconded by Manager Blixt, to amend the proposed***
133 ***Findings of Fact, Conclusions of Law, and Order as stated above by legal counsel.***
134 ***Upon vote, the motion carried, 6-0.***

135
136 ***Following further discussion, upon vote, the motion carried to adopt the proposed***
137 ***Findings of Fact, Conclusions of Law, and Order as amended, 6-0.***

138
139 Upon request from President White, Ms. Sylvia explained to the Board of Managers that
140 the violation matter for permit 14-219 had been removed from the agenda because staff
141 had determined in consultation with legal counsel that the Department of Natural
142 Resources cease and desist order would be adequate enforcement.

143
144 Resolution 16-080 Authorization to Execute an Agreement with Great River Greening
145

146 Ms. Laura Domyancich appeared before the Board of Managers and reviewed the request
147 for board action. She explained that this is a proposed cost share agreement with Great
148 River Greening to perform invasive species removal within the Minnehaha Creek
149 Preserve project site, utilizing a legislative appropriation under the Minnesota Outdoor
150 Heritage Fund. ***Following discussion, it was moved by Manager Miller, seconded by***
151 ***Manager Blixt, to advance this resolution to the Consent Agenda of the next Board***
152 ***meeting on October 27. Upon vote, the motion carried, 6-0.***

153
154 Minutes of September 22, 2016
155

156 Mr. Smith reviewed proposed corrections to the minutes of September 22 as follows:
157

158 Line 67: and for the support during his ~~tenure~~^{10-year} at the District. Ms.
159 Mamayek added that

160
161 Line 134: to Sunram

162
163 Lines 202-207:

164 Mr. Erdahl noted that he and Manager White met with Mayor Ken Willcox of the
165 City of Wayzata, consultant Mary DeLaitre of the City of Wayzata and the city
166 manager, Jeff Dahl, to discuss the city's Lake Effect project. He said that the
167 mayor and city manager were very complimentary of the District's engagement
168 on the Bushaway Road project. Manager White added that the ~~mayor shared the~~
169 environmental assessment worksheet on the Lake Effect Phase I project, ~~and that~~
170 ~~she~~ will be provided ~~it~~ to Renae Clark.

171
172 ***It was moved by Manager Miller, seconded by Manager Rogness to approve the***
173 ***minutes with these changes. Upon vote, the motion carried, 6-0.***

174
175

176 Comprehensive Plan Update

177

178 Ms. Becky Christopher appeared before the Board of Managers and reviewed the status
179 of the drafting of the 2017 Comprehensive Water Resources Management Plan. She
180 noted that, pursuant to the Board’s earlier direction, a request for an extension from the
181 Board of Water and Soil Resources has been submitted. Ms. Christopher reviewed the
182 upcoming schedule for the drafting of the 2017 plan. The managers thanked Ms.
183 Christopher for her presentation.

184

185 Conservation Easements

186

187 Mr. Erdahl reviewed the legal memo from counsel providing options for addressing
188 recent changes in state tax law that have diminished the financial incentive for property
189 owners to grant conservation easements. The managers discussed several legislative
190 options, as well as working with Carver and Hennepin County Assessors in the
191 interpretation of the term “riparian buffers along lakes, rivers, and streams.”

192

193 *Following discussion, it was moved by Manager Blixt, seconded by Manager Miller to*
194 *support a resolution at the annual conference of the Minnesota Association of*
195 *Watershed Districts to clarify the taxable value of property subject to a conservation*
196 *easement on riparian buffers.*

197

198 *Following further discussion, it was moved by Manager Becker, seconded by Manager*
199 *Blixt to amend the motion to provide alternative actions:*

200

- 201 • *A legislative initiative to define “riparian buffer” for purposes of state tax*
- 202 *code; or*
- 203 • *A legislative initiative to establish an administrative procedure whereby a*
- 204 *watershed organization would certify, for purposes of section 273.117, a*
- 205 *conservation easement or restriction as meeting the water quantity and quality*
- 206 *purposes cited in the tax law.*

207

208 *And further to direct the staff to contact the Hennepin and Carver County Assessors in*
209 *order to explore the development of a methodology to determine application of the*
210 *“riparian buffer” provision in Minnesota Statutes Section 273.117.*

211

212 *Upon vote, the amendment carried, 6-0. Upon vote, the motion as amended carried, 6-*
213 *0.*

214

215

Minutes of the Regular Meeting
Minnehaha Creek Watershed District
Board of Managers
10-13-2016

216 Administrator's Report

217

218 Mr. Erdahl reported on the following items:

219

220 1. The Association of District Administrators for the Minnesota Association of
221 Watershed Districts held a meeting on October 12. The meeting was well attended
222 and included planning for educational training, strategic planning for MAWD and
223 staff transitions, as well as plans for the annual meeting and summer tour.

224 2. The District staff work groups have been meeting around the strategic plan and
225 mission focus. The meetings have been both time consuming and rewarding.

226 3. Mr. Erdahl held a quarterly meeting with the District auditor and has an
227 engagement letter for the 2016 audit to be considered for action at the Board of
228 Managers meeting of October 27.

229 4. Mr. Erdahl highlighted the opportunity for registration for the annual meeting of
230 the Minnesota Association of Watershed Districts in December.

231

232 **ADJOURNMENT**

233

234 There being no further business, the meeting of the Board of Managers adjourned at
235 9:00pm.

236

237 Respectfully submitted,

238

239

240

241 Kurt Rogness, Secretary