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

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May 26, 2016

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**CALL TO ORDER**

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

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**MANAGERS PRESENT**

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Sherry White, Brian Shekleton, Richard Miller, Kurt Rogness, William Olson, and William Becker.

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19

**MANAGERS ABSENT**

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21

Pamela Blixt.

22  
23

**DISTRICT STAFF AND CONSULTANTS PRESENT**

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26  
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28  
29  
30

Lars Erdahl, District Administrator; Jen Scharlow, Technical Support Services Specialist; James Wisker, District Planning and Projects Director; Becky Christopher, District Lead Planner-Project Manager; Katherine Sylvia, District Permitting Program Lead; Anna Brown, District Planner-Project Manager; Laura Domyancich, Project and Land Technician; Kelly Dooley, Water Quality Manager; Joe Bischoff, Consultant; Louis Smith, District Counsel.

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**MATTERS FROM THE FLOOR**

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Ms. Jen Scharlow appeared before the Board of Managers to report that she will be leaving her position with the District and moving to Wyoming. She thanked the Board for the opportunity to work with the District, and President White thanked her for her service.

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**APPROVAL OF THE AGENDA**

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*It was moved by Manager Rogness, seconded by Manager Olson, to approve the agenda as distributed. Upon vote, the motion carried, 5-0.*

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44

**CONSENT AGENDA**

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*It was moved by Manager Olson, seconded by Manager Becker, to approve the Consent Agenda, consisting of the May 12, 2016 minutes; the check registers, including the*

47 *general checking account, with items 36602 through 36679 for a total of \$340,343.57,*  
48 *approve payroll direct deposits of \$160,472.18, and approve electronic fund*  
49 *withdrawals totaling \$226,568.13 total expenses of \$727,383.88; accept the 325 Blake*  
50 *Road checking account; and approve the following resolutions:*

51  
52 **Resolution 16-048, Approval of Continuing Minnehaha Creek Watershed District**  
53 **and United States Geological Survey Agreement for Joint Funding of O&M of Gage**  
54 **Station near Minnehaha Falls and Grays Bay Dam for 2016 and 2017**

55  
56 *NOW, THEREFORE, BE IT RESOLVED, that the MCWD Board of*  
57 *Managers authorize MCWD district administrator to extend an*  
58 *agreement with USGS to continue the Joint Funding Agreement for*  
59 *services from October 1, 2015 through September 30, 2017 in which the*  
60 *total cost not to exceed \$41,000.*

61  
62 **Resolution 16-049, Authorization for funds to continue Lake Minnetonka**  
63 **Zebra Mussel Study**

64  
65 *NOW, THEREFORE, BE IT RESOLVED that the Minnehaha Creek*  
66 *Watershed District Board of Managers hereby authorizes the District*  
67 *Administrator to enter into agreement with BSA Environmental Services*  
68 *Inc. to analyze periphyton samples from Lake Minnetonka for a cost*  
69 *not-to-exceed \$7,200.*

70  
71 *NOW, THEREFORE, BE IT RESOLVED that the Minnehaha Creek*  
72 *Watershed District Board of Managers hereby authorizes the District*  
73 *Administrator to enter into agreement with Minnesota Valley Testing*  
74 *Laboratories to analyze bacteria samples from Lake Minnetonka for a*  
75 *cost not-to-exceed \$1,100.*

76  
77 *NOW, THEREFORE, BE IT RESOLVED that the Minnehaha Creek*  
78 *Watershed District Board of Managers hereby authorizes the District*  
79 *Administrator to enter into agreement with RMB Environmental*  
80 *Laboratories to analyze Chl-a and Total Phosphorus from periphyton*  
81 *samples for a cost not-to-exceed \$3,300.*

82  
83 *NOW, THEREFORE, BE IT RESOLVED that the Minnehaha Creek*  
84 *Watershed District Board of Managers hereby authorizes the District*  
85 *Administrator to enter into agreement with Blue Water Science to*  
86 *perform adult zebra mussel density surveys in 15 bays for a cost not-to-*  
87 *exceed \$18,400.*

88

89 **Resolution 16-050, Authorization to enter into agreement with the USGS to**  
90 **contribute towards a Zebra Mussel Control Study pending final approval of USGS**  
91 **grant award from the Minnesota Aquatic Invasive Species Research Center**  
92

93 *NOW, THEREFORE, BE IT RESOLVED that the Minnehaha Creek*  
94 *Watershed District Board of Managers hereby authorizes the District*  
95 *Administrator to enter into agreement with the USGS, upon approval of*  
96 *District Counsel as to form and execution, for a cost not to exceed*  
97 *\$20,000.*  
98

99 Upon vote, the motion carried, 5-0.

100

101 **REGULAR AGENDA**

102

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

104

105 President's Report:

106

107 President White reported on attending the celebration of the opening of the bandstand in  
108 Victoria on May 18. She thanked Telly Mamayek and Darren Lochner for their work on  
109 this event. President White also thanked Mr. Erdahl and Anna Brown for a well crafted  
110 tour of the Six Mile Subwatershed.

111

112 Operations and Programs Committee Report:

113

114 Manager Olson reported on the Committee meeting held earlier in the evening. The  
115 committee received a staff update on aquatic invasive species, as well as a review of the  
116 2017 budgeting process. Manager Olson also reported that the committee reviewed a staff  
117 recommendation for a biannual salary survey. Manager Miller recommended that two  
118 managers be appointed by the President to serve on a task force to participate in  
119 reviewing the salary survey. *It was moved by President White, seconded by Manager*  
120 *Miller, that Managers Olson and Becker serve on this task force. Upon vote, the*  
121 *motion carried, 5-0.*  
122

123 Planning and Policy Committee Report:

124

125 Manager Miller noted the minutes of the Committee's meeting of May 12. (Manager  
126 Shekleton arrived at this point in the meeting, 6:58 p.m.)

127

128 The Managers noted the upcoming meeting schedule.

129

130 **Public Hearings and Presentations**

131

132 Ecosystem Evaluation Program Update

133

134 Ms. Kelly Dooley and Mr. Joe Bischoff appeared before the Board of Managers and  
135 reviewed the progress in developing the ecosystem evaluation program. The Managers  
136 thanked Ms. Dooley and Mr. Bischoff for this presentation.

137

138 **Permits Requiring a Variance or Discussion**

139

140 **Permit 15-192 Sunrise Subdivision**

141

142 Ms. Katherine Sylvia appeared before the Board of Managers and reviewed the request  
143 for board action. She noted that a hearing had been requested but the requesting parties  
144 were not present this evening. The requesters had expressed concerns about historic  
145 flooding in the area of the proposed work, and an informational meeting held earlier had  
146 addressed many of these concerns. Ms. Sylvia reviewed the rules requirements, all being  
147 met by the proposed permit application. *Following discussion, it was moved by Manager*  
148 *Miller, seconded by Manager Rogness to approve the permit application with the*  
149 *conditions recommended by staff.*

150

151 Manager Olson had a question about historic flooding in the area. Mr. Don Peterson, a  
152 civil engineer, appeared on behalf of the permit applicant and reviewed the stormwater  
153 management plan. President White asked if the 2 foot freeboard requirement would be  
154 noticed on title to the property. Ms. Sylvia noted that it would be a requirement noted for  
155 permits for individual homes at this site. *Upon vote, the motion carried, 6-0.*

156

157 **Action Items**

158

159 **Resolution 16-051, Authorization to Distribute Capital Improvement Program for Annual**  
160 **Review and Comment**

161

162 Ms. Becky Christopher appeared before the Board of Managers and explained the request  
163 for board action. She noted that the District is in a period of transition with its new ten  
164 year plan update, but that this capital improvement program is nevertheless prepared for  
165 circulation and comments. *Following discussion, it was moved by Manager Shekleton,*  
166 *seconded by Manager Becker, to adopt Resolution 16-051 as follows:*

167

168 **Resolution 16-051, Authorization to Distribute Capital Improvement Plan for**  
169 **Annual Review and Comment**

170

171 *NOW, THEREFORE, BE IT RESOLVED, the MCWD Board of*  
172 *Managers authorizes staff to distribute the Draft CIP for 30 day review*  
173 *and comment.*

174

175 *Upon vote, the motion carried, 6-0.*

176

177 Resolution 16-052, Authorization to Execute the Deerhill Preserve Conservation  
178 Easement

179  
180 Resolution 16-053, Authorization to Execute a Memorandum of Understanding with the  
181 City of Medina for Enforcement of the Deerhill Preserve Conservation Easement

182  
183 Ms. Laura Domyancich appeared before the Board of Managers to review the requests for  
184 board action. The managers thanked Ms. Domyancich for her very thorough report.

185 *Following discussion, it was moved by Manager Miller, seconded by Manager, to adopt*  
186 *Resolution 16-052, Authorization to Execute Deerhill Preserve Conservation easement*  
187 *as follows:*

188  
189 ***NOW, THEREFORE, BE IT RESOLVED that the Minnehaha Creek***  
190 ***Watershed District Board of Managers hereby authorizes the Board***  
191 ***President to execute the Deerhill Preserve Conservation Easement under***  
192 ***which the District would serve as easement holder, with non-material***  
193 ***changes and on the advice of counsel and contingent on the execution***  
194 ***of an agreement between the District and the City of Medina***  
195 ***indemnifying the District for the City's installation and maintenance of***  
196 ***trails within the Conservation Area, and its provision of those trails for***  
197 ***public use; and***

198  
199 ***BE IT FURTHER RESOLVED that the District administrator is***  
200 ***authorized to exercise the District's authority under the easement to***  
201 ***review and approve certain activities within the easement area, and***  
202 ***further to enter into such agreements with the City of Medina as are***  
203 ***necessary to protect the District's interests with respect to the City's***  
204 ***installation and maintenance of public trails within the easement area.***

205  
206 *Upon vote, the motion carried, 6-0.*

207  
208 *It was moved by Manager Becker, seconded by Manager Shekleton to adopt Resolution*  
209 *16-053 Authorization to execute a memorandum of understanding with the City of*  
210 *Medina for enforcement of the Deerhill Preserve Conservation Easement as follows:*

211  
212 **Resolution 16-053, Authorization to Execute a Memorandum of Understanding with**  
213 **the City of Medina for Enforcement of the Deerhill Preserve Conservation**  
214 **Easement**

215  
216 ***NOW, THEREFORE, BE IT RESOLVED that the Minnehaha Creek***  
217 ***Watershed District Board of Managers hereby authorizes the execution***  
218 ***of the Memorandum of Understanding with the City of Medina for***  
219 ***enforcement of the Deerhill Preserve Conservation Easement.***

220

221 *Upon vote, the motion carried, 6-0.*

222

223 Resolution 16-054, Authorization to Execute an Agreement with Lennar Corporation

224

225 Ms. Katherine Sylvia appeared before the Board of Managers to provide an update on  
226 permit approvals for this project. She noted that permit 15-266 had been approved in  
227 August of 2015 with the condition that the Board of Managers approve a wetland  
228 replacement plan. Ms. Sylvia noted that later revisions to the project design resulted in  
229 the road crossing and utilities no longer linked to the wetland issues. The staff therefore  
230 issued permits to proceed with the grading and utility work. Mr. Smith recommended that  
231 the Board of Managers adopt a motion ratifying this permit discussion. *It was moved by*  
232 *Manager Olson, seconded by Manager Rogness, to ratify the issuance of permit 15-266*  
233 *by staff. Upon vote, the motion carried, 6-0.*

234

235 Ms. Anna Brown appeared before the Board of Managers and reviewed the request for  
236 board action noting the benefits to the watershed through this cooperative approach,  
237 which results in local wetland replacement, completion of a capital project through  
238 partnership rather than mere expenditure of District funds, and replacement of additional  
239 acres of wetlands beyond that required by regulation. *Following discussion, it was*  
240 *moved by Manager Olson, seconded by Manager Shekleton, to adopt Resolution 16-*  
241 *054 authorization to execute an agreement with Lennar Cooperation as follows:*

242

243 ***NOW, THEREFORE, BE IT RESOLVED that the Minnehaha Creek***  
244 ***Watershed District Board of Managers authorize the Board President,***  
245 ***on advice of counsel, to execute an agreement with US Homes, DBA***  
246 ***Lennar, for wetland restoration in the City of Victoria, MN.***

247

248 *Upon vote, the motion carried, 6-0.*

249

250 Staff Updates

251

252 Administrators Report:

253

254 Mr. Erdahl reported on the following items:

255

- 256 • The District has recently distributed the annual lake grades;
- 257 • District staff recently held a meeting with consultants to review the financial and
- 258 legal issues related to planning for work in the Six Mile Creek Subwatershed;
- 259 • Manager Miller, Mr. Erdahl, and Mr. Wisker recently attended the Southwest
- 260 Community Works Steering Committee meeting, and planning for the Blake Road
- 261 station area is progressing;
- 262 • Mr. Erdahl thanked staff for a successful celebration of the Victoria bandstand
- 263 project;

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- 264           • Mr. Erdahl recently met with a resident of Long Lake expressing an interest in  
265           water quality improvements; and  
266           • The staff will be meeting with audit staff on a quarterly review next week and this  
267           will also assist in budget preparations.  
268

269           The managers thanked Mr. Erdahl for his report  
270

271

272           **ADJOURNMENT**

273

274           There being no further business the meeting of the Board of Managers adjourned at  
275           8:25pm.

276

277           Respectfully submitted,

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279

280

281           Kurt Rogness, Secretary