

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

4  
5                                   July 9, 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 MCWD, 15320 Minnetonka  
11                                   Boulevard, Minnetonka, Minnesota 55345.

12  
13                                   **MANAGERS PRESENT**

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15                                   Sherry White, Pam Blixt, Kurt Rogness, Jim Calkins, William Olson.

16  
17                                   **MANAGER ABSENT**

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19                                   Brian Shekleton, Richard Miller.

20  
21                                   **OTHERS PRESENT**

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23                                   Lars Erdahl, District Administrator; Telly Mamayek, District Communications and  
24                                   Education Director; Renae Clark, District Planner-Project Manager; James Wisker,  
25                                   District Planning and Projects Director; Tiffany Schaufler, District Project and Land  
26                                   Program Manager; Darren Lochner, District Education Program Manager; Mike Panzer  
27                                   District Engineer; Michael Welch, District Counsel.

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29                                   **MATTERS FROM THE FLOOR**

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31                                   None.

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33                                   **INTRODUCTION OF STAFF**

34  
35                                   Anna Brown introduced herself as the new member of the MCWD planning staff,  
36                                   focused on work in the Six Mile Creek subwatershed. Ms. Brown provided some  
37                                   background on her education and career history. The managers welcomed Ms. Brown.

38  
39                                   **APPROVAL OF THE AGENDA**

40  
41                                   Manager White requested that the minutes of the June 25 Board of Managers meeting be  
42                                   added to the agenda. *Manager Rogness moved, and Manager Blixt seconded, approval*  
43                                   *of the agenda as amended. Upon vote, the motion carried 5-0.*  
44

45 **INFORMATION ITEMS AND CORRESPONDENCE**

46

47 **2015 Legislative Update**

48

49 Joel Carlson, the MCWD lobbyist, reviewed the recently completed legislative session  
50 and provided thoughts on initiatives to track in 2016. Mr. Carlson discussed the internal  
51 conflict within the Democratic Farm Labor party and spent some time reviewing the  
52 environmental bill passed in the special session in June, with particular focus on revisions  
53 to the Wetland Conservation Act and aquatic invasive species law. In response to Mr.  
54 Carson's review of the Governor's buffer initiative, which was included in the final  
55 environment bill, Manager Blixt asked whether MCWD would be receiving a  
56 presentation about how the buffer provision would affect the watershed and be applied in  
57 the metro area. Michael Welch explained that the new buffer law includes a provision  
58 that makes it inapplicable in areas that are served by constructed storm-sewer systems.  
59 With this, he noted, the entire metro area is not affected by the new buffer measure. In  
60 response from a question from Manager Calkins, Mr. Carlson said that the fact that much  
61 agricultural runoff by passes buffer areas by virtue of being transported through tiles was  
62 not overtly discussed in the legislature. Mr. Carlson explained that he thinks the next  
63 legislative session will feature even more partisan conflict and will be an especially odd  
64 one given that the capital will remain under construction, making it particularly difficult  
65 for the public and others to monitor legislative proceedings. He said it would be difficult  
66 to negotiate among members, leadership and the public.

67

68 Manager White suggested that education and outreach to watershed legislative  
69 representatives will be particularly important to pursue this summer. In response to  
70 questions from Manager Blixt, Mr. Carlson noted that the legislature did provide funding  
71 for avian flu prevention and that he has discussed with MCWD administrator Lars Erdahl  
72 a Minnehaha Creek Watershed District project for the bonding bill in the next session.  
73 Mr. Carlson also noted that the legislature has done a good job of adhering to the  
74 recommendations of the Lessard-Sams Outdoor Heritage Council and the Legislative  
75 Citizen Commission on Minnesota Resources. The managers thanked Mr. Carlson for his  
76 presentation.

77

78 **CONSENT AGENDA**

79

80 Manager Calkins requested that the resolution accepting transfer of funds defined in the  
81 2015 budget and 2014 audit and the resolution approving the update to the Governance  
82 Policies be removed from the consent agenda. ***Manager Calkins moved, seconded by***  
83 ***Manager Rogness, approval the consent agenda, consisting of the June 18, 2015,***  
84 ***minutes of the Board of Managers, the June 25, 2015, minutes of the meeting of the***  
85 ***Board of Managers and the following:***

86

87 **Resolution 15-057, Appointment of Additional Members to Comprehensive Plan**  
88 **Policy Advisory Committee**

89

90 *NOW, THEREFORE, BE IT RESOLVED that the MCWD Board of*  
91 *Managers appoints the following individuals to serve on the*  
92 *Comprehensive Plan Policy Advisory Committee:*

93

▪ *Long Lake Council Member Marty Schneider*

94

▪ *Tonka Bay Council Member Jeff Clapp*

95

96 Mr. Welch explained that there were several insubstantial typographical corrections to the  
97 minutes of the June 18 meeting that will be made.

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 Manager White reviewed the upcoming meeting and event schedule.

108

109 Policy and Planning Committee Report

110

111 Manager Calkins offered a report from the Policy and Planning Committee meeting of  
112 June 25. He said the committee reviewed options for funding capital improvement  
113 projects in the new watershed plan, and looked at the potential for partnership with the  
114 United States Army Corps of Engineers in the Painter Creek subwatershed. He noted that  
115 the latter discussion produced the letter that is on the agenda for discussion and action  
116 this evening.

117

118 Citizens Advisory Committee Report

119

120 Manager Calkins also offered a report from the Citizens Advisory Committee meeting of  
121 July 8. He said that the CAC attendance was one more than was need for quorum and that  
122 the CAC reviewed agenda topics for future meetings and looked at cost-share  
123 applications, including 22 from homeowners, and recommended nine of the 11 discussed  
124 for funding, a total of just more than \$49,000. He stated that another project discussion  
125 was held around the Cynthia Krieg program.

126

127 Reviewing the upcoming meeting schedule, Manager White noted that the August 6  
128 meeting is a combined committee meeting to review budget plans.

129

130 **Action Items**

131

132 **Resolution 15-058, Accepting Transfer of Funds Defined in the 2015 Budget Process and**  
133 **2014 Audit**

134

135 ***Manager White moved to adopt Resolution 15-058. The motion failed for a lack of a***  
136 ***second.*** Manager Calkins stated that the resolution statement notes that the transfers  
137 proposed in the resolution to be adopted closed certain funds, but, he noted, the fund  
138 3121 Low Impact Development is not included in the table above. David Mandt stated  
139 that the resolution is proposed following from guidance from MCWD's auditor and is  
140 part of a two-stage process to close funds that are no longer used and reflect the new  
141 totals of any transferred residual amount in other budget items. Manager Calkins stated  
142 that he understands the process, but the wording of the resolution needs to change to  
143 reflect the discrepancies in fund descriptions.

144

145 Manager Calkins asked why the fund for lake management plans is to be closed. Mr.  
146 Mandt said that the resolution codifies prior board actions. Becky Christopher appeared  
147 before the managers and stated that the lake management plan activities were rolled into  
148 the education and outreach budget some time ago, and the funds were used to support the  
149 development of lake associations. Manager Calkins said that lake management plans  
150 were to be created for all lakes in the watershed and more would be added each year as  
151 additional data were collected. Telly Mamayek appeared before the Board of Managers  
152 and stated that the education program was reviewed by a consultant as directed by the  
153 managers, and the consultant recommended a change to how MCWD works with the lake  
154 associations, so now MCWD is supporting existing lake associations but not working on  
155 the development of new associations. Manager Calkins and Ms. Mamayek further  
156 discussed the need for the Board of Managers to review and explicitly determine not to  
157 develop a lake management plan for each of the lakes in the watershed. Manager Blixt  
158 noted the need for a staff report on which lakes have associations and which do not. Ms.  
159 Mamayek noted that the Watershed Association Initiative is a system or program by  
160 which MCWD supports new associations that come to MCWD for assistance. Manager  
161 White suggested that the discussion could be a good one for the Programs and Operations  
162 Committee. ***Manager Calkins moved and Manager Blixt seconded its adoption of***  
163 ***Resolution 15-058. Upon vote, the motion carried 5-0.***

164

165 Mr. Mandt stated that the staff will make the change Manager Calkins recommends to the  
166 wording and the resolution for finalization.

167

168 **Resolution 15-059 Update to District Governance Policies**

169

170 Manager Calkins questioned the change to the Governance Policy whereby  
171 recommendations on new hires and hiring of program directors go to the Executive  
172 Committee instead of the full Board. Mr. Mandt pointed out that the recommendation

173 process for Directors is not changing in the resolution but rather only the name of  
174 Program Managers is changing to Program Directors. He said with regards to the creation  
175 of new positions the policy is being amended to show the same process for the creation of  
176 new full time equivalent position on the MCWD staff. Manager Calkins reiterated his  
177 position that Committee's should make recommendations to the Board. Manager Olson  
178 clarified with Michael Welch that the change in the policy is merely to add provisions for  
179 creating new positions at MCWD. Mr. Welch confirmed. Mr. Welch also stated that the  
180 changes to the governance policy is merely codifying action that was taken by the Board  
181 of Managers at the meeting of June 18. Manager Calkins that he understands that but  
182 would like to have the question of recommendations of hiring of Directors and creation of  
183 new positions come back to the Board for discussion. In response to a suggestion from  
184 Manager Blixt's, the managers discussed whether the change should simple be to make  
185 recommendations, come back to the full Board rather than just the Executive Committee  
186 or to ensure that the Board is notified of direct hire and new position created when not  
187 part of the budge process. The managers agreed to review, revised language for the  
188 resolution at a later Board meeting.

189

190 Watershed Heroes Award

191

192 Ms. Mamayek presented the proposed winners of the Watershed Heroes Award for 2015.  
193 ***Manager Olson moved, and Manager White seconded, advancement of the Resolution***  
194 ***approving Watershed Heroes Award winners to the consent agenda on the meeting of***  
195 ***July 30.***

196

197 Manager Calkins noted a concern with the wording of the Lifetime Achievement Award,  
198 noting that it was very important that the description of the development of the  
199 phosphorous fertilizer ban be described rather broadly rather than making a direct  
200 connection between the ban and the exemption for organic fertilizer. Manager Calkins  
201 added that he had no concern at all what so ever about the nominee for the Lifetime  
202 Award and supported that award but urged accuracy in the description of the develop of  
203 the phosphorous band.

204

205 Manager Rogness asked were there any MCWD employee had ever received an award.  
206 The managers discussed the history of the awards.

207

208 Memorandum of Understanding with Johnson Family

209

210 Renae Clark presented the recommendation of staff to enter a memorandum of  
211 understanding with Marvin Johnson, Dean and Dawn Mooney and Hilltop Farm and to  
212 complete a design for a waterbody crossing on Painter Creek. She provided background  
213 and a description of the property in question and MCWD's history of involvement in  
214 preserving wetlands in the Painter Creek subwatershed. She pointed out the properties in  
215 the area that are owned by members of the Johnson family. Ms. Clark explained that the

216 memorandum provides for MCWD to plan for long-term management of the properties,  
217 in collaboration with the Johnsons, keeping in mind and preserving their important  
218 hydrological and ecological functions. She also explained the need for a new crossing of  
219 the creek for cattle to travel to high ground near the marsh. In response to questions from  
220 managers, Ms. Clark explained some of the features of the marsh in the Painter Creek  
221 area. In response to a question from Manager Calkins about the cost of the task order for  
222 Wenck Engineering to design a new crossing, Tiffany Schaulfer explained that other  
223 elements of the task order include permitting and other preparation for the construction of  
224 the cattle crossing. After further discussion with Mike Panzer, staff and the engineer  
225 agreed that wording in the resolution should be changed to include not only design of the  
226 crossing but also other tasks that will be needed as part of the work. **Manager Calkins**  
227 ***moved to adopt resolution 15-060 with the revision to the language of the resolution as***  
228 ***discussed, and Manager Blixt seconded.*** In response to a question from Manager Blixt,  
229 Ms. Clark explained other property interests MCWD has in the area, including a flowage  
230 easement over the entirety of the marsh and fee ownership of the former Chute property  
231 along Highway 26. She also explained that MCWD has done work south of 26 and  
232 worked on the creek crossing there. She said MCWD remeandered the creek in the area  
233 to the south and owns the upland wooded knoll and easements in the area. Mr. Panzer  
234 added that MCWD has other construction and access easements in the area as well. ***Upon***  
235 ***vote, the motion carried 5-0.***  
236

#### 237 Letter of Intent to U.S. Army Corps of Engineers

238  
239 Ms. Schaulfer explained the letter of intent to partner with the U.S. Army Corps of  
240 Engineers for work in the Painter Creek area utilizing federal funding is in the packet for  
241 the managers' approval this evening. She said the item follows from the extensive  
242 committee discussion on the matter last week. **Manager Calkins moved, and Manager**  
243 ***Olson seconded, to adopt Resolution 15-061. Upon vote, the motion carried 4-1,***  
244 ***Manager Blixt voting against.***  
245

#### 246 Master Water Stewards Program Agreement

247  
248 Darren Lochner appeared before the Board of Managers with Peggy Knapp from the  
249 Freshwater Society to review the development of the Master Water Stewards program  
250 and discuss the recommended execution of a new agreement with the Freshwater Society  
251 for continuing the program. Mr. Lochner explained that the pilot-stage development of  
252 the program will be ending soon and it has been a resounding success. He provided  
253 statistical review of the number and variety of capstone projects that have been  
254 completed by individuals who have become master water stewards.  
255

256 Ms. Knapp provided highlights from the rollout and development of the Master Water  
257 Stewards program and stated that the capstone projects completed by participants are like  
258 swimming lessons, and that once these are completed, the Master Water Stewards are

259 going on to much bigger projects, developing opportunities for MCWD throughout the  
260 watershed.

261

262 Manager Blixt noted that the program has been among the most successful that MCWD  
263 has entered into. She suggested that MCWD capture the locations of the project in a  
264 geographic-mapping format that would be available on MCWD's website. Mr. Lochner  
265 explained that MCWD intern Heidi Quinn is working on mapping all of the cost-share  
266 projects that MCWD has done and is working along with Macalester College on tracking  
267 the outreach efforts of the Master Water Stewards program. Ms. Knapp added that Master  
268 Water Stewards are also getting the addresses of the people who have spoken with  
269 participants in the program and been educated on water-quality management and  
270 stormwater management. Mr. Lochner continued, noting that six other watershed districts  
271 as well as one city are considering participation in and support for the program. Manager  
272 Calkins agreed that the program is one of the more exciting and effective programs  
273 MCWD has become involved in, and he recommended that an effort be undertaken to  
274 build synergy with the master gardener program and the Minnesota Arboretum. Ms.  
275 Knapp noted that the development of a relationship with both of those programs is well  
276 down the road. Manager Olson suggested that the Master Water Stewards program be  
277 presented at a meeting of the Metro Minnesota Association of Watershed Districts. In  
278 response to a question from Manager Blixt, Mr. Lochner explained that MCWD is not the  
279 only one funding the program and other watersheds will be taking an active role as well.  
280 Ms. Knapp added that total funding of the program for the coming three years is in excess  
281 of \$150,000. ***Manager Olson moved, and Manager Calkins seconded, to advance the***  
282 ***adoption of the resolution for authorization of an agreement with Freshwater Society***  
283 ***to continue the Master Water Stewards program to the consent agenda of the July 30***  
284 ***meeting. Upon vote, the motion carried 5-0.***

285

286 Lake Zumbra 2014 High Water Investigation

287

288 Tiffany Schaufler presented a review of historical and 2014 Lake Zumbra flooding  
289 conditions emanating from the excessive rain experienced in the watershed last year. She  
290 stated that in response to a public meeting, MCWD will provide assistance to the City of  
291 Victoria as it develops a plan for flood-proofing homes around Lake Zumbra. ***Upon vote,***  
292 ***the motion carried 5-0.***

293

## 294 **BOARD DISCUSSION ITEMS**

295

296 Administrator's Report

297

298 Lars Erdahl explained that MCWD staff has been spending a great deal of time preparing  
299 work plans and budgets, and will start to work with managers presenting these items in  
300 the next week.

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301 He stated that he attended a political event at the Lafayette Club after the last meeting of  
302 the managers and met with Representative Ozmek and a number of other legislative and  
303 political leaders, including Jeff Johnson from the Hennepin County Board of  
304 Commissioners. He said that it was good to meet and connect with a number of these  
305 individuals, who have been among those supporting efforts to consolidate watershed  
306 districts in Hennepin County.

307

308 He said that the first advisory committee meetings for development of the comprehensive  
309 watershed-management plan update will be happening soon. He said that the meetings  
310 will focus on the scope of work and themes.

311

312 He updated the managers on a number of meetings and connections he has been making,  
313 including those with the City of Mound, representatives of the Gleason Lake Association  
314 and Beacon Bank, MCWD's fiduciary depository.

315

316 He noted the successful tour for staff and the Board of Managers conducted and  
317 organized by Tiffany Schaufler.

318

319 He updated the managers on work to control the zebra mussel infestation of Christmas  
320 Lake, noting that the last potash treatment was applied yesterday and the barriers in the  
321 lake will be removed soon, with boat access restored by the weekend.

322

323 In response to a question from Manager Olson, Mr. Erdahl explained that the meeting  
324 with Mound focused on its redevelopment of its harbor area and included discussion of  
325 other governmental entities' authority with regard to that project.

326

327 Manager Calkins raised the issue of CAC involvement in the development of MCWD's  
328 budget and levy and discussed with Mr. Erdahl the importance of getting the CAC  
329 involved early in the process and getting its input.

330

331 Manager Calkins encouraged staff to attend the Stormcon convention in Austin, Texas, in  
332 August.

333

334 Manager Blixt noted that the CAC should designate delegates to attend all Board of  
335 Managers meetings.

336

337 Manager Blixt stated that at April 30 meeting with Jan Callison, the managers directed  
338 that the mediation that has been discussed should be convened. She is wondering when  
339 that will happen. Manager White noted that she has not been pushing the matter because  
340 she was not convinced that it would be helpful to board operations and has been waiting  
341 to see if managers continue to feel that it is important. Manager Blixt stated that in her  
342 mind it is important to pursue the mediation, noting the need to air grievances she has  
343 before moving on with work of MCWD. Manager Calkins noted that he has not



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344 supported the idea of the mediation but noted a number of disappointing things have  
345 happen in the last year and that given a resolution was passed by the Board of Managers  
346 to direct the mediation he is concerned that it is not been pursued. Manager White  
347 explained the ways in which the resolution of the managers was followed up on and the  
348 managers agreed that Manager White should renew efforts to convene the mediation.

349

350 **ADJOURNMENT**

351

352 *There being no further business, the regular meeting of the Board of Managers*  
353 *adjourned at 9:10 p.m.*

354

355 Respectfully submitted,

356

357

358

359

360 Kurt Rogness

361 Secretary

DRAFT