

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

April 23, 2015

**CALL TO ORDER**

The regular meeting of the Minnehaha Creek Watershed District Board of Managers was called to order by President Sherry White at 6:46 p.m., at the District offices, 15320 Minnetonka Boulevard, Minnetonka, Minnesota 55345.

**MANAGERS PRESENT**

Sherry Davis White, Brian Shekleton, Richard Miller, Pamela Blixt, William Olson, and Kurt Rogness.

**MANAGERS ABSENT**

James Calkins.

**OTHERS PRESENT**

Lars Erdahl, District Administrator; James Wisker, District Planning and Projects Director; David Mandt, District Operations and Support Services Director; Craig Dawson, District Research and Monitoring Director; Eric Fieldseth, AIS Program Manager; Michael Hayman, Planner and Project Manager; Darren Lochner, Education Program Manager; Tiffany Schaufler, District Project and Land Program Manager; Courtney Hall, District Permitting Technician; Chris Meehan, District Consulting Engineer; and Louis Smith, District Counsel.

**ADMINISTRATION OF OATH**

Mr. Smith administered the oath of office to Manager Kurt Rogness. The Board welcomed Manager Rogness to the District.

**MATTERS FROM THE FLOOR**

Ms. Courtney Hall appeared before the Board of Managers to express her appreciation for the opportunity to serve the District. She stated that she was sad to leave the District, and especially appreciated the highly motivated, unmatched staff and the District's focus on partnerships. The managers thanked Ms. Hall for her service and wished her well in her new position at Cargill.

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**APPROVAL OF AGENDA**

Manager Shekleton asked that the agenda be amended by adding Item 10.1, report on meeting of the Metro Chapter of the Minnesota Association of Watershed Districts. Mr. Smith asked that Item 16 be amended as “Claim from Former Employee.” *It was moved by Manager Miller, seconded by Manager Shekleton to approve the agenda with these changes. Upon vote, the motion carried 6-0.*

**ELECTION OF BOARD SECRETARY**

It was moved by Manager Miller, seconded by Manager Shekleton, to elect Manager Rogness Secretary. Manager Olson nominated Manager Calkins. Upon vote, Manager Rogness was elected Secretary, 4-2, with Managers Olson and Blixt voting against the motion.

**CONSENT AGENDA**

President White requested that Item 7.1, Approval of April 9, 2015 Board Minutes, be moved to the Discussion Agenda. It was moved by Manager Miller, seconded by Manager Shekleton to approve the remaining items on the consent agenda, consisting of approval of the general checking account and surety account check registers, with the general checking account register encompassing items 35490 through 35582 for a total of \$321,411.72, payroll direct deposits totaling \$132,691.93 and electronic fund withdrawals totaling \$95,419.05, for a total expense amount for the period March 27 through April 23, 2015 of \$549,522.70; acceptance of the 325 Blake Road checking account report; and adoption of the following resolutions:

**Resolution 15-035, Authorization to Release the Annual Report to the Board of Water and Soil Resources**

*NOW, THEREFORE, BE IT RESOLVED that the Minnehaha Creek Watershed District Board of Managers authorizes the District Administrator to*

**Resolution 15-036, Authorization to Accept Tort Liability Limits**

*NOW, THEREFORE, BE IT RESOLVED, that the District does not waive the monetary limits on tort liability established by Minnesota Statutes 466.04 and authorizes the Administrator to advise the LMCIT accordingly.*

**Resolution 15-037, Cost Share Funding for Union Congregational Church Stormwater Management Project**

*NOW, THEREFORE, BE IT RESOLVED, that the MCWD Board of Managers authorizes funding of 75 percent of the documented costs for construction of 4*

*stormwater BMPs and educational signage, not to exceed \$15,525.00, by Union Congregational Church from the Stormwater BMP Cost Share fund, contingent on a signed grant and maintenance agreement that includes a final landscape design plan and educational signage that is approved for Cost Share purposes by the grant recipient, property owners and District staff; and*

*NOW, THEREFORE, BE IT FURTHER RESOLVED, that the MCWD Board of Managers authorizes the Administrator on advice and consent of counsel to sign a grant agreement and maintenance agreement with the property owner on which BMP's are to be installed.*

**Resolution 15-038, Authorization to Enter into Cost-Share Agreement with Carver County to Provide Watercraft Inspection Services at Lake Minnewashta Regional Park in 2015**

*NOW, THEREFORE, BE IT RESOLVED that the Minnehaha Creek Watershed District Board of Managers authorizes the execution of an agreement with Carver County to provide AIS education through these watercraft inspection services at the Lake Minnewashta public accesses in Lake Minnewashta Regional Park, with the District's cost-share grant not to exceed \$18,000.*

*BE IT FURTHER RESOLVED that the Board of Managers authorize the District Administrator to enter into this agreement contingent that applicant demonstrate its AIS and lake management plans and related activities are consistent with the goals of the MCWD's Comprehensive Waster Resource Management Plan and upon advice of counsel and with such further minor revisions as may be necessary to effect the intent of the parties.*

[Resolution 15-039, Authorization to Enter into Cost-Share Agreement with the Lake Minnetonka Conservation District to Provide Watercraft Inspection Services at Public Accesses to Lake Minnetonka in 2015](#)

[NOW, THEREFORE, BE IT RESOLVED that the Minnehaha Creek Watershed District Board of Managers authorizes the execution of an agreement with the Lake Minnetonka Conservation District to provide AIS education through Level I AIS watercraft inspection services as proposed by the LMCD at the public accesses at Carsons, Cooks, Halsted, and Wayzata bays on Lake Minnetonka, with the District's cost-share grant not to exceed \\$19,500.](#)

[BE IT FURTHER RESOLVED that the Board of Managers authorize the District Administrator to enter into this agreement contingent that applicant demonstrate its AIS and lake management plans and related activities are consistent with the goals of the MCWD's Comprehensive Waster Resource](#)

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Management Plan and upon advice of counsel and with such further minor revisions as may be necessary to effect the intent of the parties.

**Resolution 15-040, Authorization to Enter into Cost-Share Agreement with City of Shorewood to Provide Watercraft Inspection Services at Christmas Lake Public Access in 2015**

*NOW, THEREFORE, BE IT RESOLVED that the Minnehaha Creek Watershed District Board of Managers authorizes the execution of an agreement with the City of Shorewood to provide AIS education through these watercraft inspection services at the Christmas Lake public access with the District's cost-share grant not to exceed \$35,000.*

*BE IT FURTHER RESOLVED that the Board of Managers authorize the District Administrator to enter into this agreement contingent that applicant demonstrate its AIS and lake management plans and related activities are consistent with the goals of the MCWD's Comprehensive Waster Resource Management Plan and upon advice of counsel and with such further minor revisions as may be necessary to effect the intent of the parties.*

**Resolution 15-041, Authorization to enter into agreements with University of Minnesota and Montana State University to complete a Watermilfoil Genetics Study in Lake Minnetonka and Christmas Lake**

*NOW, THEREFORE, BE IT RESOLVED that the Minnehaha Creek Watershed District Board of Managers hereby authorize the District Administrator to enter into agreement with the University of Minnesota, upon approval of District Counsel as to form and execution, for a cost not to exceed \$5,417; and*

*NOW, THEREFORE, BE IT RESOLVED that the Minnehaha Creek Watershed District Board of Managers hereby authorize the District Administrator to enter into agreement with Montana State University, upon approval of District Counsel as to form and executions, for a cost not to exceed \$10,000.*

**Resolution 15-042, Authorization to Enter into Agreement with Three Rivers Park District to Provide Roaming Watercraft Inspection Services in 2015.**

*NOW, THEREFORE, BE IT RESOLVED that the Minnehaha Creek Watershed District Board of Managers authorize the execution of an agreement with Three Rivers Park District to provide these watercraft inspection services at a cost not to exceed \$14,560; and*

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*BE IT FURTHER RESOLVED that the Board of Managers authorize the District Administrator, upon advice of counsel and with such further minor revisions as may be necessary to effect the intent of the parties, to enter into this agreement.*

**Resolution 15-043, Authorization to Enter into Agreement with Carver County to Provide Roaming Watercraft Inspection Services in 2015.**

*NOW, THEREFORE, BE IT RESOLVED that the Minnehaha Creek Watershed District Board of Managers authorize the execution of an agreement with Carver County to provide these watercraft inspection services at a cost not to exceed \$41,000; and*

*BE IT FURTHER RESOLVED that the Board of Managers authorize the District Administrator, upon advice of counsel and with such further minor revisions as may be necessary to effect the intent of the parties, to enter into this agreement.*

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

**REGULAR AGENDA**

Board, Committee and Task Force Reports

Manager White gave the President's report. She reported on the event at Cottageville Park to celebrate the completion of this work and partnership with the City of Hopkins. She noted that city representatives were very pleased with the outcome, including the police chief who described how the site improvements led to the reduction of crime in the area.

Policy and Planning Committee Report:

In the absence of Manager Calkins, Manager Shekleton reported that the recent committee meeting focused on the comprehensive planning process and priority geographies, including Painters Creek, Six Mile Creek, and the Minnehaha Greenway.

Metro MAWD

Manager Olson reported that he attended the Metro MAWD meeting, which included a presentation on long term planning for the Association, an update on the BWSR Rules, report on results of the work at Christmas Lake to remove zebra mussels, and a report by Minnesota Health Department officials on ground water.

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Minutes of April 9, 2015

Manager White requested the following revisions to the minutes:

At line 24, Brett, Eidem's name needs another "t".

At line 88, to revise to "...meeting was attended by a representative from..."

At line 245, to revise to "...working to bring forward a new recommendation for a mediator and would work with Mr. Erdahl to determine what are the terms of the agreement previously entered into with the State ..."

***It was moved by Manager White, seconded by Manager Miller to approve the minutes of April 9 with these changes. Upon vote, the motion carried, 6-0.***

Request Regarding AIS Watercraft Inspection Protocol at Christmas Lake

Mr. Joe Shneider appeared before the Board of Managers on behalf of the Christmas Lake Homeowners Association. He noted that Shorewood Mayor Scott Zerby was also present in the audience along with other Christmas Lake area residents. Mr. Shneider expressed his appreciation for the District's effort to remove an infestation of zebra mussels from Christmas Lake in late 2014. He proposed that in order to validate the removal of this zebra mussel infestation, more intensive inspection is needed to remove the possibility that any watercraft may introduce zebra mussels during a two year time period necessary to confirm that all zebra mussels were indeed removed in 2014. Mr. Shneider proposed that during this two year period, all watercraft entering Christmas Lake be subject to the use of high pressure hot water decontamination. Mr. Shneider noted that the City of Shorewood had adopted a resolution expressing support for this effort.

Mayor Scott Zerby appeared before the Board of Managers and referred to the resolution passed by the City Council. The managers discussed this initiative and noted with Mayor Zerby and Mr. Shneider that some new agreement between the City of Shorewood and the Department of Natural Resources would be required.

***Following discussion, it was moved by Manager Blixt, seconded by Manager Miller, to express support for the City and Homeowners initiative to be pursued with the Department of Natural Resources. It was moved by Manager Shekleton, seconded by Manager Miller, to amend the motion by adding a note that this initiative is focused on a two year research effort and planning should include support for expediting lake access. Upon vote, the amendment was adopted, 6-0. Upon vote, the motion as amended was adopted, 6-0.***

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Minnehaha Creek Greenway Reach 20 Restoration and Trails Initiative Update

Mr. Michael Hayman and Mr. Darren Lochner appeared before the Board of Managers and provided an update on the construction of trails and restoration of Reach 20. The managers thanked Mr. Hayman and Mr. Lochner for this presentation.

Long Lake Creek Corridor Improvement Project

Mr. Michael Hayman appeared before the Board of Managers and provided a report on Phase II construction for this project. The managers thanked Mr. Hayman for his report.

Administrator's Report

Mr. Erdahl highlighted the following activities:

- The Metropolitan Council's project to improve the sanitary sewers near Camp Coldwater Springs has been delayed. The project will undergo more analysis and the Metropolitan Council will come back to the District later this year;
- The Cottageville Park event was well attended;
- The District continues to receive inquiries from across the country about the effort to remove zebra mussels from Christmas Lake, and District staff continue to emphasize the successful partnership with the Christmas Lake homeowners, the City of Shorewood, and the Department of Natural Resources;
- The West End development in St. Louis Park has new owners and they are approaching the District on design of a phase II of their stormwater management plan;
- The Administrator recently met with staff at Three Rivers Park District to explore future collaborative opportunities;
- The Administrator recently met with the Hennepin County Sheriff to explore cooperative efforts and messaging on lake safety and lake stewardship;
- The District has implemented a new system to receive credit card payments; and
- A meeting is planned with the City of Victoria to review the Six Mile Carp assessment on April 29.

Mr. Erdahl expressed his appreciation for the service of Jeff Casale on the Board of Managers, and welcomed Kurt Rogness to the Board.

Closed Session

Mr. Smith recommended that the Board of Managers adjourn to a closed session for the purposes of discussing legal advice concerning a claim brought by a former employee. ***It was moved by Manager Miller, seconded by Manager Olson to go into closed session pursuant to counsel's recommendation. Upon vote, the motion carried, 6-0.*** Whereupon the Board of Managers went into closed session at 8:30 p.m.

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The managers returned to open session at 9:02 p.m.

Manager Miller read the following statement that he asked be entered into the record of the meeting:

Holding public office is a public trust. A trust that the office holder will use their talent, experience and judgement for the public good and execute the duties of the office in a fair and honest manner. Ethical behavior would include in the most basic way presentation of full facts, so that judgements can be made, issues debated and decided in the interest of the Common Weal. Behavior by board members of a governing board that does not rise to that standard should not be tolerated and should in fact be called out. To let unethical behavior be unchallenged diminishes confidence and trust in mission and purpose of the governmental unit served and in elected and appointed officers and government in general. The recent attempt by Manager Blixt to create an impression that there was a serious investigation of an embezzlement of Minnehaha Creek Watershed District assets by Manager Casale was not a truthful portrayal of facts. Manager Olson's report to law enforcement authorities was also an inaccurate portrayal of events. The board of managers should not act on these breaches of basic ethical behavior. The purpose of these two activities was to attempt to degrade opinions of two managers who are currently subject to reappointment. The appointing authority has the facts to make their judgement without this board's involvement, but the behavior of Managers Blixt and Olson should not go without being noted.

**ADJOURNMENT**

There being no further business, the regular meeting of the Minnehaha Creek Watershed District Board of Managers was adjourned at 9:05 p.m.

Respectfully Submitted,

Kurt Rogness, Secretary