

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

**February 21, 2008**

**CALL TO ORDER**

The regular meeting of the Minnehaha Creek Watershed District Board of Managers was called to order by President James Calkins at 6:55 p.m. at the District office, 18202 Minnetonka Boulevard, Deephaven, Minnesota.

**MANAGERS PRESENT**

James Calkins, Richard Miller, Lee Keeley, Jeffrey Casale, Mike Klingelhutz.

**MANAGERS ABSENT**

Pamela Blixt, Brian Shekleton.

**OTHERS PRESENT**

Eric Evenson, District Administrator; Michael Wyatt, District Environmental Planner; Julie Westerlund, District Education and Communications Manager; James Wisker, District Permitting Officer; Natalie White, District Technician, Michael Panzer, District Consulting Engineer; Chuck Holtman, District Counsel.

**MATTERS FROM THE FLOOR**

None.

**APPROVAL OF AGENDA**

*It was moved by Manager Casale, seconded by Manager Keeley to approve the agenda with the addition of action on Permit 08-046 and a discussion of the Big Island riprap design. Upon vote, the motion carried.*

**CONSENT AGENDA**

*It was moved by Manager Keeley, seconded by Manager Klingelhutz to approve the Consent Agenda with the exception of the checking register, consisting of the petty cash and surety register. Upon vote, the motion carried.*

**REGULAR AGENDA**

Permit 08-023, City of Long Lake (Rule F: Shoreline Improvement)

Ms. White presented the application, which seeks authorization and a variance to reinstall a public beach sandblanket at Nelson Lakeside Park. Approval is sought to add sand to an existing beach in excess of District depth and width requirements. The proposed plan would place an eight-inch layer of sand up to 120 feet waterward of the OHW. The extent of sandblanket is needed to cover a filter fabric installed under the sand in 1988 to cover debris resulting from the lake's past use as a dump site.

Manager Klingelhutz asked about the bituminous parking lot adjacent to the beach area. Mr. Evenson noted that the park area includes two stormwater ponds and a naturalized buffer with plantings that the city and District have installed within the past twelve years. Mr. Panzer clarified that a majority of the parking lot runoff is not intercepted by these features. Marv Wurzer, Long Lake Public Works Director, confirmed that the parking lot runoff flows into the sand area.

Manager Casale asked whether it were possible to remove the underlying debris. Ms. White responded that doing so might cause ecological harm by stirring up sediments.

Mr. Wurzer described the historic dumping activities. He explained that the dimensions of the liner were based on extension to a five-foot water depth to protect swimmers.

Manager Casale asked whether boat traffic suspends the sands. Mr. Wurzer said it does, and noted that the city maintains buoys to keep boats away from the shoreline plantings. He said that boat use is significant on holidays and often is moderate to heavy at other times. Mr. Panzer agreed that sand movement results from a combination of boats and wave action. He stated that the sandblanket life would be extended by keeping boat action further from the shoreline. Mr. Wurzer said this would be acceptable.

***It was moved by Manager Calkins, seconded by Manager Miller to approve the permit and variance in accordance with staff recommendations conditioned on the City's establishment of a no-wake zone, with buoys, to a distance of 150 feet from the shore.***

Mr. Holtman noted that the City Council and the Department of Natural Resources both would need to approve an amendment to the city's surface use ordinance, and therefore that compliance with the condition could not be assured at this time. Manager Casale remarked that if the conditions could not be met, the city would need to return.

Manager Calkins asked whether phosphorous would be imported with the sand. Mr. Panzer replied that this effect should be minimal, due to the grain size of the sand. Manager Calkins asked how much sediment would be added to the lake by the sand

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blanket movement compared to what the stormwater ponds are intercepting. Mr. Panzer replied that the stormwater pond that was recently cleaned out has a much larger volume than the volume of sand to be placed. *Upon vote, the motion carried.*

Mr. Wurzer said the work must be done fairly directly due to road restrictions. He is confident that the City Council will approve the no-wake zone and asked whether verbal DNR approval would suffice. In response to the Board's inquiry, Mr. Holtman noted that any such arrangement would involve some risk, but if the Board is comfortable doing so, it could authorize District staff to communicate with the city and DNR and satisfy itself that the needed approval is fairly certain.

Manager Klingelhutz stated that he would like to address stormwater management for the entire city park property. Manager Miller agreed and stated he would be willing to consider partnering to address the parking lot runoff. Manager Calkins cautioned that with the money the District is spending to remove sediments, he is not certain that sandblanket replenishment is a good idea based solely on the additional fill it will place in the lake. Mr. Evenson noted that District staff remains in conversation with the city about these issues as related to the city's redevelopment efforts. Manager Casale would like to hear from staff if there are alternatives to sandblankets, such as pea gravel, that are adequate for beach area but will stay in place.

Permit 08-046, City of Orono/Minnehaha Creek Watershed District (Rule F: Shoreline Improvements)

Mr. Wisker presented the application for a permit to place 525 feet of riprap along the Big Island shoreline. The permit application qualifies for fast-track treatment, but the Board policy is to see all permits for District projects.

*It was moved by Manager Miller to approve the permit in accordance with staff recommendations.* There was no second.

Managers Casale and Calkins noted that the Board discussed the use of fieldstone atop quarried rock for the 2200 feet of riprap elsewhere on the island and would expect a similar design approach here. Mr. Evenson replied that the present project was bid solely on a quarried rock specification before the referenced discussions occurred, and that the Board at that time selected the quarried rock alternative. Manager Casale indicated that regardless, he would like to amend the specification.

Mr. Evenson noted that the quote for this work is favorable and is based on the availability of the rock and on completing the work before ice out. The contract is already in place, he noted, but if the specifications are changed the work likely will need to be put off for a year, or completed at a higher cost this summer.

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Manager Keeley pointed out that when the other work was discussed, the contractor for that work indicated it was not a difficult matter to switch to fieldstone. She also asked whether the use of two different designs would look anomalous. Mr. Evenson replied that the two shoreline areas lie on different sides of the island and that the City of Orono also is installing 200 linear feet of riprap elsewhere. He noted further that the quarried stone specified is dark granite and has a low profile along the water level with vegetation above, so that it will not be highly visible. He has received support for the quarried stone from the city. Manager Miller replied that the District is paying for the work and has been a very good partner.

Manager Keeley asked about the price differential. Mr. Panzer estimated the cost of the quarried rock at about \$65 per linear foot, versus about \$85 for a design incorporating fieldstone.

***It was moved by Manager Casale, seconded by Manager Miller to approve the permit in accordance with staff recommendations, conditioned on adjustment of the specification to match the design earlier-approved for the 2200 feet of work, and authorizing the administrator to execute a work change order increasing the price up to \$85 per linear foot.***

Manager Casale also urged staff to explore moving the work to the other contractor if it would mean getting the work done this season. Manager Calkins opined that a year's delay would not be a big issue and that there is not an immediate erosion concern. Manager Casale suggested that staff communicate to the city that the Board is unlikely to approve a permit for the city's work unless it follows a similar design. Manager Calkins urged that staff develop a typical cross section to be used to communicate this preferred design to relevant parties. Mr. Panzer replied that the shoreline treatment study that Wenck is doing for the District will include such plates.

***Upon vote, the motion carried.***

Check Register

Mr. Evenson distributed a revised check register adding check 28018 in the amount of \$17,062.52.

***It was moved by Manager Miller, seconded by Manager Klingelhutz to approve the check register, consisting of checks 27946 through 28018 in the total amount of \$199,393.83.***

Mr. Evenson explained that check 28018 would not be signed until the contract situation with Minnetonka Portable Dredging is figured out. He also noted to the Board that depending on how that matter is worked out, the District may need to pay Minnetonka Portable Dredging up to the not-to-exceed increment and seek Board approval after the fact. *Upon vote, the motion carried.*

Authorization to Hire SilhouettEvents for 2008 Event Planning

Ms. Westerlund presented proposed Resolution 08-010, authorizing the Administrator to hire SilhouettEvents for event planning services budgeted at \$10,000. *It was moved by Manager Keeley, seconded by Manager Calkins to adopt the proposed resolution. Upon vote, the motion carried 4-1 (Manager Miller opposed).*

**DISCUSSION AGENDA**

Wayzata Bay Redevelopment

Mr. Wyatt introduced three visitors representing the potential developer of Wayzata Bay Center: Ed Briesemeister, Managing Director of Wayzata Bay Center Redevelopment, Michael Schroeder, a landscape architect and Jim Tiggelaar, Engineer, both with LHB, Inc. Mr. Wyatt indicated that the District was approached several years ago by a previous developer, which abandoned the project. About a year ago, Presbyterian Homes and Services came in to discuss the approach to stormwater management on the site. The site is about 15 acres in downtown Wayzata nearly adjacent to the lake. Mr. Wyatt indicated that no action is before the Board tonight.

Mr. Briesemeister introduced himself. He stated that WBRC is a wholly owned subsidiary of Presbyterian Homes and Services. He distributed a concept plan that was presented to the City of Wayzata in fall 2007. He noted that it is quite unusual for a non-profit developer to assume a project of this scale, and further for the developer to approach the project with an indefinite horizon of involvement.

Mr. Schroeder presented the development concept, which would include mixed use residential, retail and office space, senior housing, open space and possibly an 80-100 room hotel. He noted that all parking within the development would be within structures with green roofs, and there would be no surface lots. Further, the design goal is to capture and infiltrate the 100-year event. The surface soils in general are poor, consisting of 5-10 feet of silt and clay sand fill over marshy soils, with coarse alluvium underneath. The site, which currently contains a shopping center, shows about five feet of settlement since the preset structures were built. As a result, all structures are planned to be on piles, creating substantial room for stormwater storage.

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Manager Keeley asked about the relation of the project to a piped conveyance that connects Gleason Creek to the riparian edge of Lake Minnetonka just west of the proposed redevelopment. Mr. Schroeder replied that the conveyance is just off of the redevelopment site and would not be touched.

Mr. Tiggelaar reviewed the proposed stormwater concepts, the foundation of which is stormwater storage under all roadways. In addition, the developer has been looking for favorable locations to conduct stormwater down into the coarse alluvium and has found two good locations so far. He emphasized that the project is still very much in design.

Manager Casale asked whether the project also could accommodate some off-site stormwater flows, such as runoff from Circle Drive just to the east. Mr. Tiggelaar said that there would be capacity as the design concept presently stands. He described the current city stormwater pond in the southeast corner of the site, which now receives runoff from a neighborhood of about 10.5 acres and a large portion of the redevelopment site. He noted, however, that the design allows substantial short circuiting and further that the pond has not been maintained. He noted that the redevelopment would eliminate the pond so that the 10.5-acre neighborhood would drain directly to the lake; overall, however, the effect of the development would be positive.

Mr. Tiggelaar reviewed further stormwater features, including a porous pavement on roadways that would collect ninety percent of phosphorus; oil/grit chambers for roof tops and the roadway porous drains; structured soils with trees; and a warming system for the roadways, obviating salting.

There was discussion regarding how the structural needs of the project have created the opportunity for stormwater innovation. Manager Miller noted that if the District were to contribute financially to the project, it would need to discriminate as regards the part of the stormwater treatment infrastructure that is a part of the structural design. Mr. Evenson observed that the conceptual design is extremely innovative and that the city is becoming one of the greener cities on the lake. Manager Calkins stated that he is very supportive of what can be done to bring off-site drainage into the design, which he sees as involving the city closely. The Board expressed support for the conceptual approach and the process the developer is using to engage the community. The Board expressed its willingness to provide a resolution or statement of support to facilitate the project. Staff was directed to prepare a resolution to bring back to the Board.

The Board discussed the urban cost-share program and the status of work with Duke Realty and the City of St. Louis Park on the Highway 100/I-394 redevelopment site. Mr. Evenson stated that the program has a high potential impact and is generating interest among the lake cities. Manager Casale said he would like to see methods developed to evaluate the benefits of cost-share projects to assist the District in its fund allocation decisions.

### Rulemaking Task Force Report

Mr. Wisker referred the Board to his February 6, 2008 memorandum included in the meeting packet. He reported that draft language for the District's erosion control, floodplain alteration and waterbody crossings rules was distributed to the Rulemaking Task Force and Technical Advisory Committee and comments are awaited. Staff then will bring the comments and staff responses to the Board and return to the RTF and TAC for further review and discussion.

Mr. Wisker noted that on February 26, the RTF will meet to discuss the load allocations in the District's water management plan as a starting point to consider the stormwater management rule. On February 28, the TAC will discuss the dredging rule, with a focus on dredging in backwaters and the role that historical dredging should play in evaluating dredging applications. On the same day, the RTF will began consideration of the District's wetland protection rule, including buffers, excavation of wetlands and aspects of regulation more restrictive than the Wetland Conservation Act.

Mr. Evenson remarked that he would like to examine a stormwater abstraction standard based on the "pre-settlement" condition for a particular site. He said that city staffs have expressed support for that approach.

### Big Island Riprap Work (2200-Foot Section)

Manager Klingelhutz stated that he would need to see more design detail in order to act on a permit for the work. Mr. Evenson replied that detail would be provided, including vegetation approaches that can be used through a "design-build" planting approach. Manager Casale remarked that he would like the permit materials presented to the Board for review to include design drawings with site topography and design elevations, similar to the District engineer's recent presentation of the preliminary design for the Minnehaha Glen restoration. Manager Casale also would like to see the site before he is asked to act on approval.

### Administrator's Report

Mr. Evenson referred the Board to the written Administrator's Report in the meeting packet. He noted that the Swan Lake dredging work is substantially complete, with a February 27 follow-up meeting scheduled with the neighborhood. He met today with a reporter for Minneapolis/St. Paul Magazine regarding Big Island. He alerted the Board that Twin Lake Park Pond probably will need maintenance soon, as will Lakeside Pond in Wayzata. Finally, he expressed thanks to Managers Calkins and Klingelhutz for their work in reviewing proposals for the joint research program involving the District and the Mississippi Watershed Management Organization.

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**ADJOURNMENT**

There being no further business, the regular meeting of the Minnehaha Creek Watershed District Board of Managers was adjourned at 10:15 p.m.

Respectfully submitted,

Lee Keeley, Secretary