

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

**July 5, 2007**

**CALL TO ORDER**

The regular meeting of the Minnehaha Creek Watershed District Board of Managers was called to order at 6:50 p.m. by Vice President Pamela Blixt at the District offices, 18202 Minnetonka Boulevard, Deephaven, Minnesota.

**MANAGERS PRESENT**

Pamela Blixt, Richard Miller, Lee Keeley, Jeffrey Casale, Mike Klingelhutz, Brian Shekleton.

**MANAGERS ABSENT**

James Calkins.

**OTHERS PRESENT**

Eric Evenson, District Administrator; James Wisker, District Permitting Technician; Michael Panzer, District Consulting Engineer; Chuck Holtman, District Counsel.

**MATTERS FROM THE FLOOR**

None.

**APPROVAL OF AGENDA**

*It was moved by Manager Keeley, seconded by Manager Shekleton to approve the agenda with the addition of staff introductions, authorization of additional work on the Minnehaha Glen conceptual design and approval of Gideon Glen signage. Upon vote, the motion carried 5.0.*

**STAFF INTRODUCTION**

Mr. Evenson introduced new District staff. Mark TenEyck, an attorney and former staff member at the Minnesota Center for Environmental Advocacy, has replaced Michael Pressman as land conservation specialist. Mr. TenEyck lives in Minnetrista near Whale Tail Lake. Steve Christopher has interned with the District for eight months and is assuming the compliance officer position. He has a degree from the University of Minnesota in Natural Resources. Melissa Reimer has just started as an environmental education intern. She has an undergraduate degree in environmental education and is

working on her Masters degree. Ellen Heine has been interning since February in the land conservation program and has a Masters degree in planning from the Humphrey Institute. The Board welcomed the new staff members.

### **CONSENT AGENDA**

None.

### **REGULAR AGENDA**

#### **Permit 07-228, Ryan Companies (Orono)**

Mr. Wisker described the proposed project involving redevelopment of a 17.47-acre site on Crystal Bay Road and Wayzata Boulevard West in the City of Orono. The site is to be subdivided into four lots, each to be redeveloped for industrial/office usage. The project proposes to use Kenobi Pond, a MnDOT regional pond, for water quality and rate control. The pond is designed for 72% impervious surface within the 56.5-acre drainage area, but with installation of an orifice plate as specified in the engineer's report, can accommodate 85% impervious surface, which conforms to the City of Orono hard surface limit. The redevelopment will provide for 81% hard surface within the subdivided area and Mr. Wisker has determined that District standards will be met with the proposed modification. For Best Management Practices, the applicant will install V2B1 swirl grit chamber units.

Manager Keeley asked about maintenance of the grit chambers. Mr. Wisker replied that they are vacuumed out periodically by a contractor.

Manager Casale arrived at this time.

Manager Blixt asked as to staff monitoring of maintenance. Mr. Wisker replied that District staff follows up on basins and other facilities that are identified to need regular maintenance, however he noted that staff has less expertise to inspect these sorts of proprietary devices. He added that presently the District's standard maintenance requirements do not include reporting. Manager Blixt suggested that reporting would be useful for this project. She asked as to the condition of the District's maintenance database. Mr. Wisker said that District staff has been developing the database and has computerized locations of stormwater management facilities required by permits back to 2002 at this point.

Mr. Wisker noted that the project engineer came to the District at the early stage of this project and that the applicant diligently has reviewed stormwater management options.

***It was moved by Manager Keeley, seconded by Manager Klingelhutz to approve the permit in accordance with staff recommendations, with an additional condition requiring annual reporting on V2B1 maintenance.*** The applicant's representatives were present, but indicated they did not need to address the board. **Upon vote, the motion carried.**

Purchase Agreement, Whitman Property (Wolsfeld Woods), Orono

Mr. Pressman described the proposed sale of 2.21 acres with residence to Denise and Paul Aasen. The District owns 6.5 acres, but pursuant to prior Board actions is arranging for subdivision and sale of about 4.3 acres to the Minnesota Department of Natural Resources for addition to the Wolsfeld Woods Scientific and Natural Area. The Aasens have executed a purchase agreement for \$795,000, an amount supported by District appraisal. The terms would include a cost-free lease to the Aasens to reside on the property until closing. The lease is in draft and is contemplated to extend for two or three months. Closing is conditional on approval of the subdivision by the City of Orono. Payment would be \$10,000 earnest money and a lump sum at closing.

Mr. Pressman explained that the next item coming to the Board would be a site plan agreement with the DNR for the other part of the property and a deed for that property. He reported that the District paid \$900,000 for the parcel originally and that its total out-of-pocket expense for the transaction would be just under \$200,000.

Manager Casale asked about due diligence. Mr. Pressman replied that the inspection was completed today and there are no contingencies. He also noted that the lease will need to provide for termination if the subdivision is not approved. Manager Casale indicated further uncertainties relating to the lease term, including the time for City subdivision approval and recordation of the lot split. He also questioned whether it is legal for the District to enter into a sales agreement before subdivision.

Further consideration was delayed until later into the meeting so that Mr. Pressman could follow up on this question.

Funding of Kiosks at Historic Mill Locations on Minnehaha Creek

Ms. Westerlund presented a request for Board action to approve a \$25,055 expenditure to develop nine interpretive signs for seven historic mill sites. The sites are Minnetonka and St. Albans Mills in Minnetonka; Globe Mill in St. Louis Park; Edina Mill in Edina; and the Richfield/Richland and Godfrey Mills in Minneapolis. An additional site at the southeast end of Lake Harriet in Minneapolis also would be investigated. The expenditure includes research, text and graphics, layout, fabrication, frames and pedestals, shipping and installation.

Mr. Evenson explained that the proposal originated in the suggestion of Bob Kojetin, past Edina Parks Director and present manager of the Nine Mile Creek Watershed District, to collaborate with the District on signage for the Edina Mill in advance of a national historic preservation conference to occur in Minneapolis this fall. Mr. Evenson believes that the project also would fit well with the District's 40<sup>th</sup> Anniversary celebration.

Manager Blixt raised a concern communicated to her by Manager Calkins, which she shares, that the work would involve diversion of funds from other educational programs. She reported that they both support the proposal but would suggest taking money from elsewhere in the budget. Ms. Westerlund replied that the funds would come not from diversions but from other programs savings. Manager Blixt suggested that more money than staff proposes should be spent on website maintenance. Ms. Westerlund indicated that here as well the desired work was completed for a lower price than expected.

***It was moved by Manager Miller, seconded by Manager Casale to approve the RBA as proposed by staff.*** Manager Keeley asked as to the rationale for taking funds from the survey effort. Mr. Evenson replied that the consultants evaluated the results obtained and recommended that a further expenditure of funds was not justified. Manager Klingelhutz asked whether the cities owning the properties have requested the signs. Mr. Evenson replied that Edina has requested the signs and that the City of Minnetonka is likely to concur. He does not expect problems with the other cities.

Mr. Holtman observed that nothing is stipulated as to who will own and maintain the signs or as to a long-term commitment for the signs to remain. Mr. Evenson indicated that he would like the city to own and maintain the structures, but the District to be responsible to maintain content. Manager Miller asked whether a letter from each city would suffice. Mr. Holtman replied that a letter would have less legal enforceability, but that in light of the collaborative relationships with the cities the chief need is to establish and memorialize expectations for the future. Accordingly, the Board may find that a letter of understanding suffices. ***Upon vote, the motion carried.***

#### Gideon Glen Signage

Ms. Westerlund distributed proposed signage. She advised that the City of Shorewood has reviewed the content and has asked Hannah Texler at the DNR to do the same. ***It was moved by Manager Miller, seconded by Manager Keeley to approve the signage as presented. Upon vote, the motion carried.***

#### Whitman/Wolsfeld Woods Property (continued)

***It was moved by Manager Miller, seconded by Manager Shekleton to return to the Whitman purchase agreement consideration. Upon vote, the motion carried.***

Mr. Pressman reported that Mr. Ten Eyck has reviewed the statute regarding sale before subdivision and staff believes that it does not apply to sales by political subdivisions. He also recommended that the lease include the District's ability to terminate with 30 days' notice. Finally, he advised that under the terms of the purchase agreement, closing is to occur by the third business day after the subdivision is recorded.

***It was moved by Manager Miller, seconded by Manager Casale to approve the request for Board action. Upon vote, the motion carried.***

Manager Casale left the room at this time.

#### Third Generation Plan

Mr. Wyatt reported that the Minnesota Board of Water and Soil Resources approved the District's plan revision on June 27, 2007 and was very supportive of it. He reviewed the final changes to the plan.

***It was moved by Manager Keeley, seconded by Manager Miller to adopt the proposed resolution adopting the District's revised water resources management plan with final changes. Upon vote, the motion carried.***

Manager Casale returned at this time.

#### Additional Work on Concept Plan, Minnehaha Glen Restoration Project

Mr. Wyatt presented the request for board action asking the Board to amend the contract for design and engineering services with the Kestrel Design Group and Wenck Associates not to exceed an additional \$20,000 for feasibility work. The amendment would provide for feasibility level analysis of stormwater and ecological improvements on property adjacent to the project site under the ownership of the State of Minnesota Veterans' Home. Mr. Wyatt explained that the Veterans' Home approach to stormwater management, structural stability and ecology has been conventional and not successful. He referenced gabions placed to stabilize the creek bank that have subsided and are obstructing flow. He suggested that the District can exercise more control over design by expanding the feasibility study to include both the MPRB and Veterans' Home properties.

Manager Miller asked as to District relations with the MPRB on the project. Mr. Wyatt replied that relations are good, and that the MPRB is holding a public meeting on July 24, 2007. Mr. Wyatt is looking toward a cooperative agreement in the fall. Further responding to questions from Managers Miller and Keeley, Mr. Wyatt indicated that the total project budget is \$1.7 million and that a part of MPRB interest lies in its lease across

Veterans' Home land for road access to the river. The MPRB is concerned that further erosion will threaten emergency vehicle access to the river.

Manager Blixt suggested that public notice of the MPRB meeting might be less than adequate if judged by local awareness as she has observed it. Mr. Wyatt indicated that the MPRB intends to notify neighborhood associations and local media. He suggested that the District could supplement notice with a postcard mailing.

Manager Blixt asked that the understanding between MPRB and the District as to the path forward be better developed. Responding to Manager Klingelutz, Mr. Wyatt indicated that the District's capital improvements program indicates fall-winter construction in either 2007-08 or 2008-09. Possible additional funding sources include the U.S. Corps of Engineers with respect to wall restoration and possibly the legislature.

Manager Blixt asked whether the project would include storm sewer work. Mr. Panzer replied that he would expect it to include some such work. Mr. Evenson also noted that the MPRB is expected to provide funds to address recreational facilities. Manager Keeley said that she supports the staff request because of the staff comfort level but that she would like greater clarity. Manager Miller also supports the expanded feasibility work but would choose not to include funds in the 2008 budget, pending sound commitments from the MPRB and other interested parties.

***It was moved by Manager Keeley, seconded by Manager Miller to approve the RBA as presented by staff. Upon vote, the motion carried.***

## **DISCUSSION ITEMS**

### **2008 Budget**

Mr. Evenson presented spreadsheets of the preliminary 2008 operations and projects/program budget. The Board discussed the projects/program budget.

Manager Miller asked as to intended spending for the land conservation program. Mr. Evenson said that the budget would allocate \$2 million in program spending. Manager Miller replied that the District should utilize the county agreement to obtain \$2 million per year from the County for acquisition and debt service. Mr. Evenson indicated that staff is sensitive to the question of how best to use land conservation revenue sources in order to fulfill program goals.

Mr. Evenson reviewed the preliminary budget for each project and program fund. He said that staff will recommend closing out the Lake Nokomis project, which for some time has reserved funds for alum treatment, unless the Board still wishes to pursue

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treatment. Manager Blixt suggested that further discussion would be desirable so that new managers understand the history of the project.

Manager Miller departed at this time.

Manager Blixt commented that a \$30,000 budget for the lake management plan program seems inadequate. She would like more information and rationale to be sure that lake management plans are being developed properly.

Mr. Panzer indicated there is little chance of completing feasibility work for Minnehaha Creek regional infiltration in 2007. He noted that the City of Minneapolis is not active on this project at present and the effort would need to be entirely the District's. Mr. Evenson indicated the capital improvement program shows significant 2008 spending for this project but that the project is not likely to progress to that point.

Mr. Evenson noted that the Board shortly will discuss the Long Lake restoration project further. With respect to Minnehaha Glen restoration, Manager Blixt commented that she does not agree with Manager Miller on the question of the 2008 level. She concurs that the District must press the other parties for commitments, but believes that District funds must be available or else it would preclude making progress in 2008. She also suggested that the streambank stabilization grant program be expanded beyond streams.

Manager Keeley asked about the Minnehaha Creek effort. Her observation is that the effort lacks momentum. Mr. Evenson replied that the visioning process is sound and has been incorporated into the plan, but that it is a long term effort involving \$26 million over ten years.

Mr. Evenson indicated that he is intending to expand staffing by adding two full-time-equivalent intern positions for next year. Manager Casale cautions he should not seek to save money by hiring interns if full-time professional staff are needed to get the job done properly. Mr. Evenson noted that there soon will be a conversation with the personnel committee on this question. Manager Casale ask that the personnel funding question be highlighted in the budget for Board discussion. Manager Blixt suggested an additional FTE for professional monitoring staff. Managers Casale, Kelley and Blixt all expressed concern about staff work levels and asked Mr. Evenson to bring a staffing recommendation to the personnel committee.

Mr. Evenson indicated that he would like the District to assume from the City of Minneapolis the responsibility to operate and maintain the inflatable weir at the outlet. The City effort has been inconsistent.

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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 10:10 p.m.

Respectfully submitted,

Lee Keeley, Secretary