

**MINUTES OF THE REGULAR MEETING OF
THE MINNEHAHA CREEK WATERSHED DISTRICT
BOARD OF MANAGERS
August 16, 2007**

CALL TO ORDER

The regular meeting of the Minnehaha Creek Watershed District Board of Managers was called to order at 6:58 p.m. by President James Calkins at the District offices, 18202 Minnetonka Boulevard, Deephaven, Minnesota.

MANAGERS PRESENT

James Calkins, Pamela Blixt, Lee Keeley, Jeffrey Casale, Mike Klingelhutz and Brian Shekleton.

MANAGERS ABSENT

Richard Miller.

OTHERS PRESENT

Eric Evenson, District Administrator; Renae Clark, District Projects Manager; James Wisker, District Permitting Officer; Julie Westerlund, District Education Manager; Michael Panzer, District Consulting Engineer; and Louis Smith, District Counsel.

MATTERS FROM THE FLOOR

None.

APPROVAL OF AGENDA

Mr. Evenson requested that Items 9.2, 11.3, and 11.4 be pulled from the Agenda, and that Minneapolis Lakes Project Maintenance be added as the new Item 11.3. *It was moved by Manager Keeley, seconded by Manager Klingelhutz to approve the agenda as distributed with these changes. Upon vote, the motion carried.*

CONSENT AGENDA

Manager Keeley requested that the minutes of July 19 be pulled for discussion. Manager Blixt requested that Item 6.1 be pulled for discussion. *It was moved by Manager Keeley, seconded by Manager Casale to approve the petty cash and surety items on the Consent Agenda. Upon vote, the motion carried.*

COMMITTEE AND TASK FORCE REPORTS

Mr. Evenson reported on the meeting of the Events Committee, planning the 40th Anniversary Celebration for the Minnehaha Creek Watershed District on October 26. Mr. Evenson suggested that further discussion of the awards would be addressed later in the agenda.

PERMITS

07-255 U.S. Homes (Minnetrista)

Mr. James Wisker reviewed the project as set forth in the staff report. He reviewed the wetlands and related buffer impacts and proposed mitigation, as well as the stormwater management plan and provisions for wildlife crossings. He noted that the permit application had been tabled at the most recent Board meeting at the request of the Three Rivers Park District for further analysis of the proposed project. The Three Rivers Park District now agrees that their concerns about non-degradation of water quality have been addressed.

Mr. Don DeVeau appeared on behalf of the Three Rivers Park District. He presented a copy of a Resolution adopted by the Park District Board, noting that previous concerns or objections had been withdrawn concerning the proposed project. ***Following discussion, it was moved by Manager Blixt, seconded by Manager Klingelhutz to approve the application as recommended by staff. Upon vote, the motion carried.***

07-262 SMB Operating Company (Edina)

Mr. Wisker reviewed the permit application as set forth in the staff report. He noted that the permit applicant has selected the ADS underground treatment device instead of the porous pavers to meet the Best Management Practices requirement. He stated that the applicant was concerned that porous pavers would require extensive maintenance and not be appropriate for the high volume of traffic at this site. Manager Calkins asked whether there were any infiltration opportunities explored at this site. Mr. Wisker stated that the soils were not suitable for infiltration.

Manager Blixt stated that she was concerned about how the ADS device would be maintained and inspected. Manager Klingelhutz asked if there would be a provision to assure annual maintenance of the device. Mr. Dennis Zilla appeared on behalf of the applicant. He stated he was the project manager and that the building as proposed would add 20,000 square feet or a small percentage of additional impervious surface to the overall Southdale Medical Center campus. He stated that the city has agreed to perform the maintenance of the stormwater facilities, and in light of the commitment from the

City of Edina he wondered whether it was still necessary to file a declaration to that effect. Mr. Evenson stated that it would still be important that a declaration be filed concerning the maintenance obligations, and that the applicant could have a separate agreement with the City concerning the City's commitment to perform this maintenance activity. Manager Shekelton asked for further information about the design of the ADS facility. Mr. Zilla explained that it would be located underneath the parking lot. ***There being no further discussion, it was moved by Manager Blixt, seconded by Manager Keeley to approve the permit application as recommended by staff. Upon vote, the motion carried.***

APPROVAL OF MINUTES

The Managers reviewed the minutes of July 19. Manager Keeley noted that on page 7 there was a reference to an outline of a presentation made by Ms. Westerlund on Climate Change, and she asked if she could see the outline. Mr. Evenson said he would make it available. Manager Keeley noted that on page 8, in the 4th paragraph, last sentence, the word "allows" should be deleted. ***It was moved by Manager Keeley, seconded by Manager Klingelhutz to approve the minutes as distributed with this change. Upon vote, the motion carried.***

Check Register

Manager Blixt introduced the Treasurers Report and noted the diversity of proposed expenses, reflecting the evolution of the District's operation over the years. ***It was moved by Manager Blixt, seconded by Manager Keeley to approve the Check Register, with checks 27514 through 27585, checks 81629 through 81270 and check 1299, surety release. Upon vote, the motion carried.***

Mooney Lake Emergency Outlet Project

Ms. Renae Clark reviewed the Request for Board Action, noting that the staff is seeking approval of final design for the Mooney Lake emergency pumping outlet project. Michael Panzer provided an overview and chronology of the history of flooding problems and concerns at Mooney Lake and the design of the proposed project. Mr. Panzer noted that some easements may need to be acquired for the project to accommodate directional boring. Manager Keeley inquired about the amount that the City has budgeted for the project and whether it matches the District's budgeted commitment. Mr. Evenson stated that it was his understanding that the City of Plymouth had budgeted approximately \$125,000 for their activities in the project. Manager Blixt stated that she felt it was important, given the District's financial commitment, that it be involved in co-managing the project, or at least actively providing oversight.

Mr. Bob Moberg appeared on behalf of the City of Plymouth. He stated that the City would be responsible for acquiring any necessary easements for the project. He anticipated that this process would run smoothly, as the landowners support the project. Manager Blixt inquired how there would be an assurance of no adverse impact downstream as a result of this project. Mr. Moberg stated that rate controls would be designed for the discharge and pumping plans; further the route of the discharge pipe had carefully considered downstream impacts.

It was moved by Manager Keeley, seconded by Manager Shekleton to approve Resolution 07-053 as presented by staff.

Manager Calkins stated he was concerned about the possibility that the project would remove any incentive to control future stormwater volumes in the City of Plymouth, Orono, or Medina. Mr. Panzer noted that Plymouth is fully developed in this sub-watershed, but this issue may be a concern for future rulemaking. Manager Klingelhutz stated he would like to add a condition to the proposed Resolution that would request the municipalities to control the volume of stormwater runoff in relation to future development. Mr. Evenson stated that the District review of local stormwater management plans would provide the opportunity to address this issue. Manager Shekleton asked whether the City's of Orono and Medina have been involved in the design of this project. Mr. Moberg stated that they had not been, that the citizen interest in the project was within Plymouth. ***Manager Keeley stated that she took Manager Klingelhutz's suggestion as a proposed friendly amendment to her motion, stating that the District would like to see safeguards through permitting and local plan review to assure no increase in stormwater volume to Mooney Lake as a result of future development.*** Manager Casale stated he was concerned that this might in effect freeze any future development within this sub-watershed. Ms. Clark stated it was her understanding that the intention of the amendment is to state an intention that future policies not allow increase in stormwater volume as a result of development. ***Manager Shekleton stated that he considered the proposed amendment to be a friendly amendment to the original motion.***

Manager Casale asked Legal Counsel whether the amendment was consistent with District's legal authority. Mr. Smith stated he understood the amendment to the Resolution as a statement of the Board of Managers' future policy intentions, and the implementation of this intent would be subject to future local plan review and rulemaking. ***There being no further discussion, upon vote the motion carried.***

Events Committee Report

Ms. Julie Westerlund discussed the planning for the 40th Anniversary event of the District. She reviewed the proposed categories for awards recognizing citizen contributions over the history of the Watershed District.

2008 Budget and Levy

Mr. Evenson reviewed the proposed budget and levies for 2008, noting that the Board of Managers would hold a public hearing on the 2008 Budget and Levies on September 13, 2007. Following discussion, *it was moved by Manager Blixt, seconded by Manager Keeley to approve for Public Notice a proposed 2008 Operations Budget in the amount of \$1,458,270, and proposed operations levy of \$1,461,533; a proposed projects budget of \$9,707,523, and proposed project levy of \$6,421,400. Upon vote, the motion carried.*

Administrator's Report

Mr. Evenson noted his written report in the meeting materials, and highlighted that he had participated in discussion of legislation proposed by the Three Rivers Park District, which has now been withdrawn and a new focus would be on the effectiveness of the local watershed management organization.

Rules Task Force Update

Mr. James Wisker appeared before the Board of Managers and reviewed the discussions at the July meetings of the Technical Advisory Committee and Rulemaking Task Force. He noted that he was following up in discussions with the Department of Natural Resources on the issues of waterbody crossings, and also had held a cooperative and productive discussion with the Army Corp. of Engineers concerning wetlands regulation.

Minneapolis Lakes Project Maintenance

Ms. Clark presented a review of the maintenance needs of projects in the Minneapolis Chain of Lakes and Lake Nokomis and Hiawatha. She distributed a proposed matrix which identified these responsibilities. Ms. Clark noted that an upcoming meeting hosted by the Mayor of Minneapolis would bring all the parties together to discuss the needs for project maintenance and to identify the responsibilities of all the parties.

ADJOURNMENT

There being no further business, the regular meeting of the Minnehaha Creek Watershed District Board of Managers adjourned at 10:58 p.m.

Minutes of the Regular Meeting
Minnehaha Creek Watershed District
Board of Managers
8-16-07

Respectfully submitted,

Lee Keeley, Secretary