

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

**February 15, 2007**

**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 offices, 18202 Minnetonka Boulevard, Deephaven, Minnesota.

**MANAGERS PRESENT**

James Calkins, Pamela Blixt, Richard Miller, Lee Keeley, Lance Fisher, Ethel Smith, Jeffrey Casale.

**MANAGERS ABSENT**

None.

**OTHERS PRESENT**

Eric Evenson, District Administrator; Michael Pressman, District Land Protection Specialist; Renae Clark, District Projects Coordinator, Michael Panzer, District Engineer; Chuck Holtman, District Counsel.

**MATTERS FROM THE FLOOR**

None.

**APPROVAL OF AGENDA**

*It was moved by Manager Fisher, seconded by Manager Keeley, to approve the agenda with the addition of approval for manager attendance at the Minnesota Association of Watershed Districts legislative breakfast; addition of discussion item concerning the Administrator's authority to adjust job descriptions and conditions; and revision of item 10 as report of personnel committee. Upon vote, the motion carried.*

**CONSENT AGENDA**

*It was moved by Manager Keeley, seconded by Manager Smith, to approve the consent agenda with the exception Headwaters interpretive signage approval, consisting of approval of minutes of October 5, 2006 and January 18, 2007; and approval of checking, petty cash and surety registers, check register consisting of checks 27124-27153 in the total amount of \$235,536.76. Upon vote, the motion carried.*

## **REGULAR AGENDA**

### **Administrator's Report**

Mr. Evenson referred the Board to the written Administrator's report in the packet. He noted that on February 14, 2007, the District closed on the Whitman property, adjacent to the Wolsfeld Woods Scientific and Natural Area in Orono. He reported that per Board direction, staff pursued further discussions with the Minnesota Department of Natural Resources and the DNR now is interested in accepting a portion of the property as an addition to the SNA. Mr. Evenson attended a meeting of the House watershed subcommittee chaired by Representative Hansen. At the meeting, Representative Wagenius cited the Camp Coldwater Springs boundary change proceeding as an example of the Minnesota Board of Water and Soil Resources' bowing to political considerations rather than carrying out its duties on a proper scientific basis. Mr. Evenson indicated that Representatives Wagenius and Hansen would like to meet with District representatives to discuss legislative matters.

### **Personnel Committee Reports**

Manager Keeley advised the Board that Mr. Evenson has requested the authority to shift a part-time intern into an information technology position and to task that person with an analysis of the District's IT needs. The intern worked in IT for a number of years and would coordinate with a qualified computer consultant who would be responsible for any reorientation of the District's system. According to Mr. Evenson, the pay rate for this individual would increase from \$12 to \$16 dollars an hour. The Personnel Committee recommends that the Board authorize this action.

Mr. Evenson clarified that the adjustment is not budgeted, but due to attrition will have no effect on the budget. Manager Fisher cautioned that any work on the system should be done by a fully qualified individual and the risk of substantial complications is present. Mr. Evenson further clarified that his intent is that the intern's new position will be "at will" and will be a temporary, half-time position, contemplated to last for less than a year.

***It was moved by Manager Miller, seconded by Manager Smith to authorize the requested action subject to staff's confirmation of the intern's qualifications.*** Manager Miller further emphasized the need to ensure that the work is done properly. Manager Casale noted that he has background in this IT realm and can help ensure Board oversight. ***Upon vote, the motion carried.***

Headwaters Project Interpretive Signage

Ms. Westerlund reviewed with the Board the proposed design and text of interpretive signage for the Minnehaha Creek Headwaters site. Manager Blixt observed that the “Water’s Journey” sign does not note the District’s role in managing lake water level through dam operations or mention the operating agreement with the DNR that controls how the dam is managed. Mr. Evenson replied that the sign enumerates the three considerations that govern how the dam is managed. If the Board desires, it can be added that dam management occurs per an operating agreement with the DNR.

Responding to a question from Manager Blixt, Mr. Evenson stated that the sign content was developed in coordination with the City of Minnetonka and a historian who is knowledgeable regarding the Native American history of the area. Manager Blixt affirmed that her primary concern would be that references to Native American history and culture are accurate. Mr. Evenson responded with confidence in that regard.

***It was moved by Manager Fisher, seconded by Manager Miller to adopt Resolution 07-012 approving the signage and authorizing staff to proceed with fabrication and installation, with the additional condition that Peter MacDonagh has concurred or will concur in the content and that the District’s web address and a notation that the District operates the dam are added to the signage. Upon vote, the motion carried.***

2007 Operations and Maintenance Plan

Ms. Clark presented the proposed 2007 operations and maintenance plan for District capital projects and Resolution 07-010 authorizing regional pond surveys in the amount of \$8,650 and an optimization study of Glenbrook Pond to be performed by the District Engineer for an amount not to exceed \$15,000.

Ms. Clark presented the Request for Board Action, which cites planned staff surveys of Twin Lakes Pond, Cedar Meadows Pond, Deer Hill Pond, Calhoun Pond and Painter Marsh in 2007. Fish screens at outlets of Calhoun Pond and Cedar Meadows Pond would be inspected and an engineering study of Glenbrook Pond would be performed to determine the benefit of excavation to increase pond volume.

Manager Keeley noted that the Glenbrook Pond is related to the City of Wayzata downtown redevelopment, which to her knowledge is not going forward at this time. Ms. Clark replied that the District will consult with the City before moving forward with any action for basin improvements and that it is expected that the City would continue to maintain both Lakeside and Glenbrook Ponds in accordance with the governing agreement. Manager Fisher suggested that the redeveloper wouldn’t necessarily need to upgrade the pond.

***It was moved by Manager Fisher, seconded by Manager Smith to adopt Resolution 07-010 as proposed by staff.*** Ms. Clark also noted that as part of the feasibility analysis, the District would determine the implications of pond expansion for the Wayzata load reduction allocation under the District's plan. Responding to Manager Calkins' question, Mr. Panzer and Mr. Evenson advised that Lake Calhoun was dredged in 2005, and Twin Lakes in 2004. Mr. Panzer noted that Twin Lakes again has a visible delta and that the Lake Calhoun Pond should be dredged aggressively to ensure that sediment does not make its way into the secondary basin as occurred previously.

Manager Calkins raised the question of over-designing regional ponds in order to increase maintenance intervals. Mr. Panzer replied that often ponds have space constraints. He also noted that urban ponds typically have flatter inlet pipes and often receive an enhanced discharge of sediments for a period of time until the inlet pipes clean themselves out. Manager Fisher suggested that staff consider an assessment of inlet pipes on the District's regional ponds to better understand the transitory sediment deposition.  
***Upon vote, the motion carried.***

#### Amendment of Jennings Bay Project

Ms. Clark reviewed the Request for Board Action for the Painter Creek Improvement Project. Mr. Evenson explained that staff is asking that the project budget be increased to provide for funds for easement acquisition. Such funds would not be expended until 2008. Ms. Clark noted that four easements remain to be acquired.

Manager Miller opined that the District should explore buying the parcels in fee or at least securing permanent easements. Mr. Holtman clarified that the easements in question would be permanent. Mr. Pressman noted that two of the parcels, owned by Anthony Waldera, are for sale for \$1 million, but that staff review concluded that a purchase would not be justified under the District's land conservation program. Mr. Pressman also emphasized that if the District is to compensate landowners for project easements, it would intend the terms of those easements to be strengthened for conservation purposes. He described the District's options as negotiating an easement for a price, abandoning or delaying the project, or exercising eminent domain. He noted that one of the four parcels is on the market and that the seller would prefer the District to deal with a buyer on the easement.

Manager Blixt suggested there was some sense in purchasing the Waldera parcel containing the driveway, as it would allow the District to remove the driveway, which was questionably permitted. Managers Fisher and Miller agreed that the District should not own buildable land. Manager Fisher offered the view that the "nuisance" impact of the District's project would not be substantial. Manager Miller suggested that the project would improve the market value of the subject properties. Manager Casale noted that the RBA will simply increase the budget so that staff has more room to negotiate.

*It was moved by Manager Miller, seconded by Manager Blixt to reconvene in closed session to discuss formulation of a fee or easement offer for the thirteen parcels referenced on the site map owned by Waldera, Trapanese, Underdahl, Oak View Corporation, Williams, Annen, Miller, State of Minnesota (tax forfeit), and Speakman. Upon vote, the motion carried.*

The Board reconvened in open session.

*It was moved by Manager Calkins, seconded by Manager Fisher to approve resolution 07-011 as proposed by staff increasing the budget for the Painter Creek Improvement Project, Phase 1, to \$240,000. Upon vote, the motion carried.*

#### MAWD Legislative Breakfast

Managers Keeley and Smith will attend the legislative breakfast.

#### **DISCUSSION AGENDA**

##### Review of Governance Policies

Mr. Evenson asked that the agenda item be postponed and that staff would bring an action item at a future meeting.

##### Administrator's Authority to Adjust Job Descriptions

Manager Fisher stated the view that the Administrator should have discretion to adjust staff positions within budget. Manager Miller agreed but noted that Mr. Evenson in this case intended to undertake a new project. Managers Blixt and Miller concurred that a new position with a new salary structure should be brought to the Board. Manager Blixt also asked that the Board be included in any discussion concerning the addition of staff. Mr. Evenson concurred that the addition of a new full-time equivalent position would be brought to the Board per District policy.

#### **ADJOURNMENT**

There being no further business, the regular meeting of the Minnehaha Creek Watershed District Board of Managers was adjourned at 9:55 p.m.

Respectfully submitted,

Lee Keeley, Secretary