

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

**March 8, 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 President James Calkins at the District office, 18202 Minnetonka Boulevard., Deephaven, Minnesota.

**MANAGERS PRESENT**

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

**MANAGERS ABSENT**

Lance Fisher.

**OTHERS PRESENT**

Eric Evenson, District Administrator; Michael Wyatt, District Planner; Michael Pressman, District Land Protection Specialist; Renee Clark, District Projects Coordinator; Udai Singh, District Water Quality Specialist; 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 Miller, to approve the agenda. Upon vote, the motion carried.*

**CONSENT AGENDA**

None.

Manager Smith left the room at this time.

**REGULAR AGENDA**

District Governance Policies

Mr. Evenson reminded the Board that it is to review governance policies annually and presented Resolution 07-015 revising items 6 and 9 of Policy 6. These revisions recognize the Board's ability to delegate to the Administrator the authority to dispose of assets valued over \$1,000 or to purchase an interest in real estate.

Manager Miller commented that the development of District policies was an extensive process and adherence to those policies has improved its performance of business. Manager Blixt asked Mr. Evenson whether any other policies are limiting his effective performance. Mr. Evenson replied that he was not requesting any other changes at this time.

***It was moved by Manager Blixt, seconded by Manager Miller to adopt Resolution 07-015 as presented. Upon vote, the motion carried.***

Amend Draft 2008 Capital Improvement Program to Include Browndale Dam Scour Repair

Mr. Evenson introduced Wayne Houle, Public Works Director, City of Edina. Mr. Evenson advised that the City recently completed an engineering inspection of the Browndale Dam and that one feature needing attention is creek scour. The estimate for the work is \$50,000. Mr. Evenson believes that the work fits within the goals of the District plan and that it would be appropriate for the District to participate in this work. The Board of Water and Soil Resources has expressed willingness to accept the amendment at this stage of its review if the other review agencies will do the same.

Mr. Houle reported that TKDA inspected the structure on behalf of the City and has developed preliminary plans for the repair. He noted that the bridge was built in 1908 and is on the historic registry. He introduced Patrick McLarnegan from TKDA.

Mr. McLarnegan described a scour hole at the downstream end of the dam about 3 ½ feet deep and 25 feet long that is undermining the dam sill plate. The hole appears stable but that is not certain. The proposal would be to line the hole with cable concrete and riprap and to place fill and structural stabilization under the sill plate.

Manager Miller commented that the bridge and dam are signature structures for the City and that the District should participate in the work.

Manager Smith returned at this time.

***It was moved by Manager Miller, seconded by Manager Blixt to approve the Request for Board Action to include the work in the District's CIP at an estimated cost of \$50,000.***

Responding to Manager Blixt, Mr. Evenson confirmed that the estimate is just for the scour hole, including design cost. Replying to Manager Casale, Mr. Holtman confirmed that the work does need to be in the District CIP in order for District *ad valorem* funds to be spent on it, and that the process proposed by Mr. Evenson is the most efficient way to proceed.

Manager Calkins asked whether the work should go through the same ranking and review process done for the other projects in the CIP. Mr. Evenson replied that that is a matter for the Board's judgment, but that in Mr. Evenson's assessment the work would rank fairly high.

Manager Blixt ask whether there is a less "engineered" repair. Mr. Evenson replied that the area below the dam is a high-energy environment. Manager Calkins pointed to erosion on steep banks upstream of the dam shown in the photographs. Mr. Houle replied that the City will be removing two trees and re-vegetating, the banks. Manager Calkins asked whether canoe-landing maintenance is in the District's plan. Mr. Evenson replied that it is in the maintenance program and that the 2008 operations & maintenance budget will include an inspection of all landings.

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

Demolition and Hazardous Material Abatement, Johnson Property, Minnetrista.

Mr. Pressman presented a Request for Board Action and proposed Resolution 07-013 authorizing the Administrator, on advice of counsel, to contract with EnviroBate for hazardous materials abatement and to arrange for demolition. Staff would return to the Board for approval of a demolition contract if the amount exceeds \$5,000.

***It was moved by Manager Miller, seconded by Manager Keeley to adopt Resolution 07-013 with not-to-exceed amounts of \$10,000 for abatement and \$5,000 for demolition. Upon vote, the motion carried.***

Mr. Pressman presented a revised proposed Resolution 07-018 authorizing the Administrator to contract with Gronberg Associates for survey and subdivision services; subdivide the Whitman Property, with a portion intended for transfer to the Minnesota Department of Natural Resources for addition to the Wolffeld Woods Scientific and Natural Area; and, on advice of counsel, enter into a listing agreement to sell the remainder of the property.

Mr. Pressman advised that he met with City of Orono representatives yesterday and that the subdivision seems doable. Mr. Pressman is recommending, consistent with District policy, that the District retain a realtor because the property contains a residence in good condition. Mr. Pressman recommends that the District contract with Woody Love. Mr. Love is qualified and is discounting his commission. Mr. Pressman noted that only a few realtors have replied to the District's request for qualifications to participate in the land conservation program. Responding to Manager Calkins, Mr. Pressman advised that the minimum lot size is two dry buildable acres with a septic setback.

***It was moved by Manager Blixt, seconded by Manager Miller to adopt revised Resolution 07- 018 as presented by staff. Upon vote, the motion carried.***

Managers to Assist with 40<sup>th</sup> Anniversary Event

***It was moved by Manager Casale, seconded by Manager Blixt to appoint Managers Keeley and Smith to serve on a committee to coordinate the 40<sup>th</sup> Anniversary celebration. Upon vote, the motion carried.***

Award of Contract, Wolner Baseball Field Parking Area

Ms. Clark briefed the Board on the chronology of this project to install pervious parking lot surface at the Wolner baseball field facility in the City of Mound.

Last fall the District solicited bids, but the Board rejected all bids due to the high price. In the present solicitation, the District requested bids for both pervious asphalt and pervious concrete and also included an alternative bid for a 5-year warranty. Staff recommends that the contract be awarded to New Look Contracting, Inc., for a concrete surface without warranty. Ms. Clark reported that the District engineer does not believe that a 5-year warranty is needed for the concrete surface.

Manager Casale noted that concrete usually has a lifetime of 50 years and asked what the lifetime of this surface would be. Ms. Clark replied that she does not know specifically, but that previously the Board had asked that the District engineer be comfortable that the surface would remain in good condition at least five years. Manager Casale asked what the bids specifications specifically required for the warranty. Ms. Clark left the room to retrieve the warranty language.

Manager Blixt asked for a description of the pervious concrete product. Peter MacDonagh, Kestrel Design Group, explained that fines are excluded from the mix. He reported that porous asphalt has been around since the 1970's. Many shopping centers used the product and they are still functioning. The product was used by the Ramsey-Washington Watershed District for parking at its new building. The Iowa Department of Transportation is testing porous concrete for roadways. The chief problem, said Mr.

MacDonagh, is that contractors are not familiar with the product. A further concern with asphalt is the risk that maintenance workers in the future will apply sealant. Because concrete does not receive periodic sealant, this risk is not present for concrete.

Mr. Evenson indicated that the District engineer would arrive shortly and could speak to these questions as well. Manager Miller said he would be inclined to support the staff recommendation because of the longevity of concrete, the reduced maintenance risk and the contractor's experience. He asked whether a rain garden has been considered for excess run-off from the site. Mr. Evenson replied that the project design relies on a study performed by Emmons and Olivier Resources, Inc. He noted that there might be space constraints precluding a rain garden. Manager Calkins postponed further consideration until arrival of the District engineer.

### **DISCUSSION AGENDA**

#### **Headwaters and Soil Bioengineering Work**

Mr. McDonagh made a presentation reviewing the Headwaters vegetation restoration work and bioengineering work performed by the District at a number of sites in 2006. Manager Calkins observed that the Board has never completed forming a policy to keep turf grass from invading native re-vegetation work. He recalled that the Board had asked staff to develop a proposed policy. Mr. Evenson highlighted Mr. MacDonagh's recommendation that the Chain of Lakes and Clean Water Partnerships be reconvened to discuss current responsibilities for maintaining the projects. He suggested the Board should look for two meetings to be held this spring.

Mr. Panzer arrived at this time.

Mr. Panzer asked for Mr. MacDonagh's recommendations on performing periodic sediment removals from regional wetland basins without disturbing native vegetation. Mr. MacDonagh recommended that work be done on frozen ground and that the outlet pipe area be supported with a material such as Netlon.

Discussion followed as to whether the City of Minneapolis is maintaining grit chambers at Lake Harriet, Lake Nokomis and Lake of the Isles. Manager Miller urged that the District track maintenance of these facilities. Mr. Panzer noted that the City is required, in its annual NPDES stormwater reports, to document inspection activity. Mr. MacDonagh observed that the District contributed to the installation of the grit chamber at Cedar Lake and therefore has a basis to ensure that maintenance is being done.

**REGULAR AGENDA (continued)**

Wolner Baseball Field Parking Area (continued)

Mr. Panzer stated that he is more comfortable with a concrete product, which is stronger and more durable. He noted that in the industry, there is more of an interest in pervious concrete. MnDOT is experimenting with different mixes and the aggregate industry is becoming more interested in the material. These efforts are bringing down the cost of the product. He noted that the extended warranty generally is not worth the money because the contractor does not wish to carry that responsibility and therefore will price the warranty at a high level.

Manager Casale whether the high premium for the concrete warranty reflects lack of confidence in the product. Mr. Panzer replied that the premium reflects the contractor's preference not to carry the risk that the owner will return with defect claims. He noted that the question of what constitutes a "defect" could create disputes. Mr. Casale asked whether absent a warranty, the District would repair a crack in the surface. Mr. Panzer replied that probably he would not recommend that. Responding to Manager Smith, Mr. Panzer expressed his view that concrete would be likely to perform better than asphalt with respect to infiltration.

***It was moved by Manager Casale, seconded by Manager Smith to adopt Resolution 07-014 as presented by staff awarding the contract to New Look Contracting, Inc., for a price of \$227,940, and to establish a project construction budget in the amount of \$262,131, authorizing the Administrator to approve change orders up to that aggregate amount. Upon vote, the motion carried.***

Gleason Lake Water Quality Project

Mr. Evenson presented proposed Resolution 07-016 authorizing the vegetation management study for Gleason Lake in the amount of \$161,600. Mr. Evenson stated that there is a need for more information on the effectiveness of treatment for curly leaf pondweed. Staff believes that the treatment will improve conditions in Gleason Lake but also that the project will provide the opportunity for important research. He reminded the Board that it previously asked for substantiation of the choice of Gleason Lake. He noted that alum treatment of Gleason Lake would not likely be effective due to its shallowness and that addressing the internal load of the lake is a challenge.

Manager Keeley notified the Board that her residence is on the lake and that she is a member of the Gleason Lake Association. She has considered the matter and has concluded that she does not have a conflict of interest and would intend to participate in the Board's consideration. Managers Miller, Casale, Blixt and Calkins concurred in Ms. Keeley's judgment.

Mr. Singh offered a Power Point presentation describing the research purposes and why Gleason Lake is a sound choice for the project. He reviewed the dosage and toxicity concerns of the herbicide to be used. Manager Keeley noted that the herbicide is selective for curly leaf pondweed and that the Association will do no other vegetative treatment during the three years of the study.

Mr. Evenson advised that the work is time sensitive. It needs to occur in mid-April, and there will be a several day window of opportunity. Staff intends quickly to seek quotes for the work. He advised that the funds can be taken from the Special Projects fund or the Board could transfer funds from a project such as the Jennings Bay project that at this time is not planned to go forward in 2007.

***It was moved by Manager Blixt, seconded by Manager Miller to adopt Resolution 07-017 as presented by staff.***

Mr. Evenson clarified that staff would obtain quotes and come back to the Board for approval. He also put the Board on notice that curly leaf pondweed removal might allow for other early species such as milfoil or coontail to grow. Manager Keeley responded that review of these phenomena should be part of the study effort. Responding to Manager Calkins, Mr. Evenson affirmed that the treatment is not expected to eradicate the species. The goal is to create a tool to incorporate into a long-term management plan.

Manager Calkins asked whether the District has the historical information on the fluctuation of curly leaf pondweed levels in Gleason Lake that would provide a sound basis to determine the correlation of changes to the herbicide treatment. Manager Keeley suggested that some information has been collected over time and that Midwest Aquacare may have more. Mr. Singh added that establishing this relationship is part of the long-term study. ***Upon vote, the motion carried.***

Mr. Evenson advised that he would apply funds from the Special Projects fund.

### **ADJOURNMENT**

There being no further business, the regular meeting of the Minnehaha Creek Watershed District Board of Managers was adjourned at 9:45 p.m.

Respectfully submitted,

Lee Keeley, Secretary