

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

Draft

January 19, 2006

CALL TO ORDER

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

MANAGERS PRESENT

James Calkins, Pamela Blixt, Lee Keeley, Lance Fisher, Scott Thomas, Ethel Smith.

MANAGERS ABSENT

Richard Miller.

ALSO PRESENT

Eric Evenson, District Administrator; Michael Wyatt, District Planner; Renae Clark, District Technician; Michael Panzer, District Consulting Engineer; Chuck Holtman, District Counsel.

MATTERS FROM THE FLOOR

None.

APPROVAL OF AGENDA

It was moved by Manager Thomas, seconded by Manager Keeley to approve the agenda with the addition of discussion items concerning attendance at the Save the Lake banquet; the recent Metro MAWD meeting; and debris management sites. Upon vote, the motion carried.

CONSENT AGENDA

It was moved by Manager Thomas, seconded by Manager Smith to approve the consent agenda with the exception of the request to petition for a Highway 26 wetland project impoundment and appointment of an engineer to investigate the impoundment, consisting of the minutes of October 13 and December 8, 2005; the checking, petty cash and surety registers; and the request to amend the Phase I Jennings Bay Improvement Project contract with Emmons & Olivier Resources. Upon vote, the motion carried.

ADMINISTRATOR'S REPORT

Mr. Evenson referred the Board to the written report included in the meeting packet. Staff is planning a low-impact development conference to be held at the Arboretum on February 21, 2006. Mr. Evenson encourages all managers and members of the public in attendance to come to the conference. It will feature a leading national figure in low-impact development.

Mr. Evenson noted that the District's floodplain mapping is now undergoing community review and it is his hope that the maps will be adopted and ready for distribution in June.

He reported that he and Manager Keeley met recently with Hennepin County Commissioner Penny Steele, who was very supportive of the District's land conservation program and its work with the City of Mound. He and Manager Keeley also met with the Lake Minnetonka Association to discuss more detailed plans to integrate the efforts of the LMA, the Lake Minnetonka Conservation District, the Minnesota Department of Natural Resources, and the District.

Responding to Manager Blixt's question, Mr. Wyatt said that the noted presentation to the Hale Page Diamond Lake Association was Rich Cairn's history presentation. Manager Blixt also asked about the indicated installation of real-time nitrate sensors. Mr. Evenson replied that he is discussing with Lorin Hatch how those sensors would be useful for fecal coliform assessment, but that no decision has been made. Mr. Panzer noted that the District is now developing stage-discharge relationships for the new stream gaging station on Minnehaha Creek installed with U.S. Geological Survey cooperation that provides real-time output on the District's website. When that is done, meaningful numbers will be available to the public.

Manager Blixt asked as to the status of U.S. Army Corps of Engineers funding. Mr. Wyatt replied that the funding amount is \$90,000 until October 2006. He advised that discussion is occurring with congressional representatives to increase the 2007 funds and that the U.S. COE is exploring internal reallocations to increase 2006 funds.

Mr. Evenson reported that efforts to obtain soil borings for the Gleason Pond project were unsuccessful because the wet ground precluded vehicle access. The District engineer will perform hand borings. He advised the Board that the lack of frozen ground places in question further work on the Gleason Pond and Painter's Creek projects for this year. Mr. Panzer noted that the District still is on track to complete the Gideon Glen construction this winter.

REGULAR AGENDA

Permit No. 05-042, City of Mound, Dredging (Mound).

Ms. Clark reminded the Board that on April 21, 2005, it issued a permit to the City of Mound authorizing the dredging of Lost Lake. One permit condition requires replacement of 2.8 acres

of wetland to address cattail marsh impact. The replacement is to occur within the permit term and within the Lake Minnetonka subwatershed.

Mr. Wyatt has been working with the City and exploring replacement options. Replacement of 2.4 acres is slated to go forward through the expansion of an existing wetland on a Minnestrista property owned by a naturalist. At the same time, the City is prepared to award the bid for the Lost Lake dredging, which must be done this winter because access for the dredging is through the development site. For the remaining 0.4 acres of replacement, the City of Shorewood is developing plans to do wetland restoration in Freeman Park some two to three years from now. The RBA asks that the permit be amended to allow 0.4 acres of Mound's wetland replacement obligation to be met through its deposit of \$60,000 with the District to be held in escrow and disbursed to the City of Shorewood in exchange for the wetland replacement acreage at the time that the restored wetland qualifies for replacement credit. Staff asks for authorization to enter into an escrow agreement with the Cities of Mound and Shorewood.

It was moved by Manager Fisher, seconded by Manager Thomas to approve the RBA. Upon vote, the motion carried.

Sarah Smith, City of Mound, said that District staff has been great to work with on this wetland replacement project and developed the Shorewood restoration alternative very quickly. The City of Mound plans to award the dredging bid on Tuesday and Ms. Smith indicated that the redevelopment project otherwise is proceeding very well.

Petition for Painter Creek Impoundment and Request for Engineer's Report

It was moved by Manager Fisher, seconded by Manager Smith to approve the proposed resolution and authorize the administrator to schedule and notice the required public hearing. Upon vote, the motion carried.

Gleason Pond Design Approval, Authorization to Release for Bid, Petition for Impoundment and Request for Engineer's Report

Mr. Evenson clarified that staff is asking only for final design approval and authorization to release for bid, in that the Board previously directed that the impoundment hearing proceed.

Ms. Clark noted that the project plans were available at last week's workshop. She described the proposed work and noted that modeling indicates the project will enhance phosphorus removal of the project from 15% to 35%. The work will include vegetative restoration involving plantings and live stakes, as well as other bank stabilization measures. The District is requesting a wetland no-loss determination due to the degraded wetland, the temporary disturbance and the improvement that will result.

Manager Blixt observed that the design might offer opportunities for flow short-circuiting. Mr. Panzer responded that site conditions require that the inlet be located near the outlet, but that the

design is intended to minimize short-circuiting by taking advantage of flow momentum, using rock vanes and providing for a shallow separation between cells. The use of structural elements is problematic due to the deep organic layer at the site. Mr. Panzer also stated that the bid will include removal of the existing sediment delta in the pond if possible. He noted that a survey has been done of trees greater than six inches in diameter. Fifteen to twenty trees above that threshold will be lost, largely silver maple and box elder. Willows and dogwoods will be planted and live staking will conceal boulder treatments.

Manager Fisher asked why a design effectiveness of 50 percent removal cannot be achieved. Mr. Panzer replied that it is a question of available volume and that many more trees that provide screening would need to be removed. Manager Fisher asked whether the design could be expanded into the existing creek channel. Mr. Panzer replied that he would examine that possibility. Responding to Manager Calkins, Mr. Panzer stated that the basin shape primarily results from the lay of the land and the desire to minimize tree loss.

Thomas Walstead, a resident, appeared and stated his hope that the work will involve upstream bank stabilization where erosion is occurring. He also reported that a Mr. Harris would like the existing sediments to be removed during the project to minimize the need to further cross his land and a Mr. Minzberg is concerned about the cattail growth promoted by the sediment accumulation. The Board confirmed that it would like the sediment removed if at all possible. Mr. Panzer indicated that very little additional cost would be involved to do so.

It was moved by Manager Fisher, seconded by Manager Blixt to approve the design with a delegation of authority to the administrator to modify the design as the District Engineer determines feasible, and to direct that the existing pond be excavated to its as-built design if possible.

Mr. Evenson noted that any design modification that increases pond volume would increase the contract price. Mr. Panzer also noted that increasing the pond footprint could affect the wetland impact for regulatory purposes. Ms. Clark said that if the work qualifies for a no-loss determination, or the impact is not increased by more than 10 percent, permit review may not be affected.

By unanimous consent, the motion was amended to direct staff to return if the wetland impact changes for permitting purposes. Upon vote, the primary motion carried 5-0-1 (Manager Keeley abstaining).

Hiring of Consultant to Explore Low-Impact Development for Long Lake Downtown Redevelopment

Mr. Wyatt referred the Board to the RBA in the meeting packet. Staff proposes to use special project funds to hire a consultant for an amount not to exceed \$25,000. One firm has provided an estimate of about \$24,000. The administrator and Mr. Wyatt would decide whether to request formal quotes after further negotiations with this firm.

Manager Fisher asked as to the City's inclination. Mr. Wyatt responded that City representatives are interested, but that before the District retains a consultant, staff would like formal City Council action to demonstrate a sufficient commitment to go forward. He advised that the City very much wishes to leverage resources for its downtown redevelopment effort.

It was moved by Manager Fisher, seconded by Manager Thomas to approve the RBA on receipt of a City Council action demonstrating adequate commitment. The Board stated its understanding that the resolution paragraph referencing inclusion of funds in the 2007 budget is a notice to the Board of staff intentions and not a District or Board commitment. By unanimous consent, that paragraph was revised to state that the Board will "consider" including funds in the 2007 budget. Upon vote, the primary motion carried.

DISCUSSION AGENDA

Subwatershed Plans

Mr. Wyatt advised that discussion of subwatershed plans would be removed from the agenda due to outstanding issues that staff has not worked out with the District Engineer. Mr. Evenson stated that he is confident that the plans will be developed to meet Board requirements, but further time is needed. Staff will be meeting with the District Engineer tomorrow and will determine the timeline impacts then. The Board asked that the matter be brought back to the February 2, 2006 meeting.

Save the Lake Banquet

Mr. Evenson noted that the LMCD's banquet is scheduled for February 2, which is the Board meeting night. In the past, a Board member has attended to represent the District. The Board determined that it would delay the start of its meeting until 7:30 p.m., and asked the administrator to attempt to schedule it for Shorewood City Hall. In that way, any manager can attend the banquet social and Manager Smith will remain for the rest of the event.

Metro MAWD Meeting

Manager Blixt reported that she has been named to be the Metro MAWD chair. She would like to make the organization more useful and more dynamic, and is discussing with Mr. Evenson how to make that happen. She reported that an employee of Barr Engineering made a presentation regarding the geographic distribution of phosphorus generation within the Ramsey-Washington Watershed District. She has asked Mr. Evenson to see if the same presentation can be given to the Board. She noted that over 50 percent of phosphorus within the RWWD originates from three sources: highways/railways, residential streets and driveways/sidewalks. Mr. Calkins noted that phosphorus generation on residential streets is primarily from fallen leaves.

Debris Management

Manager Blixt reported that through her emergency preparedness work she has learned that the federal government now requires cities to establish management plans for debris that may be created from building collapse and other disaster-related events. This includes debris presenting radiation, chemical and biological hazards. She observed, with curiosity, that the single site designated by Hennepin County is in the City of Deephaven.

ADJOURNMENT

There being no further business, the regular meeting of the Minnehaha Creek Watershed District Board of Managers was adjourned at 8:25 p.m.

Respectfully submitted,

Lee Keeley,
Secretary