

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

Draft

February 16, 2006

CALL TO ORDER

The regular meeting of the Minnehaha Creek Watershed District Board of Managers was called to order by Manager James Calkins at 6:15 p.m. at the District offices, 18202 Minnetonka Boulevard, Deephaven, Minnesota.

MANAGERS PRESENT

James Calkins, Richard Miller, Lee Keeley, Lance Fisher.

MANAGERS ABSENT

Pamela Blixt, Scott Thomas, Ethel Smith.

OTHERS PRESENT

Eric Evenson, District Administrator; Michael Wyatt, District Planner; Michael Pressman, District Land Conservation Specialist; Renae Clark, District Project Coordinator; James Wisker, District Permitting Officer; Michael Panzer, District Consulting Engineer; and Chuck Holtman, District Counsel.

APPROVAL OF AGENDA

It was moved by Manager Miller, seconded by Manager Keeley to approve the agenda. Upon vote, the motion carried.

CONSENT AGENDA

It was moved by Manager Fisher, seconded by Manager Keeley to approve the consent agenda with the exception of the checking register, consisting of the minutes of January 12 and January 19, 2006; the petty cash and surety check registers; award of the 2006 water quality analysis laboratory contract; and the purchase of communications/telemetry equipment. Upon vote, the motion carried.

ADMINISTRATOR'S REPORT

Mr. Evenson referred the Board to the written report in the meeting packet. He noted that Mr. Wyatt has arranged for \$300,000 from the U.S. Army Corps of Engineers for the Painter Creek feasibility study and another \$7,500 for other work.

LEGISLATIVE UPDATE

Joel Carlson appeared before the Board. He indicated that the legislative session does not begin until March 1, but there has been tremendous activity from committee meetings to other events around the State in advance of the session. At the same time, he notes that the March 28 deadline for bills to move out of policy committee does not allow time for many big initiatives. The bonding bill, now being set at more than \$1 billion, will be a significant legislative issue. Presently the bill contains about \$200 million in environmental initiatives.

Manager Miller asked whether any bonding authorizations might be useful to the District for land conservation. Mr. Carlson replied that the District is developing some language to propose for inclusion in the bonding bill. He believes an identifiable project is essential to claim a place in the queue. Manager Miller urged that the District request funds for a specific project. Mr. Evenson indicated that staff is developing a concept for Minnehaha Glen below the falls. Mr. Carlson remarked that all other projects from water management organizations would fall under the DNR's Flood Damage Reduction program. He suggested it would advantage the District to advance a flood-related project, since that is what tends to be funded.

Responding to the Board's question, Mr. Carlson said that the District encompasses parts of thirteen house and seven senate districts, and that the delegations are supportive but need specific projects. He advised further that the District should be aware of two general types of bonding requests. The first are local requests, few of which receive funding. The better chance for funding lies with requests for state institutions or projects of regional significance.

The Board discussed the difficulty of identifying a specific land conservation project since the timing on land rights acquisitions tends to be unpredictable and often accelerated. Mr. Pressman suggested that the best route would be to obtain an option and then go to the legislature. He cautioned that he would not take a property to the legislature without significant conversation with the landowner. He also noted proposed legislation providing funding for Metro Greenways, which the District has applied for. Otherwise, he suggested that the District might achieve a certain level of specificity by identifying an area or corridor in which requested funds would be used; alternatively, he identified the Minnehaha Glen, Methodist Hospital and Painter Creek projects as candidates.

Mr. Carlson stated that it would not be difficult to have something written and introduced under the DNR request for flood reduction program monies. Mr. Panzer noted that the Painter Creek project has volume reduction aspects, but is not a flood reduction project.

Mr. Evenson suggested that the Long Lake redevelopment project is focused significantly on water quality but also will involve water quantity issues.

Manager Miller suggested that the District identify the Long Lake project for specific pre-design/design funding and request that it be eligible for DNR funds for water quality purposes, or to identify a specific land conservation approach for the same purpose. Alternatively, the District could ask the DNR to request a fund for water quality purposes if there presently is none and for \$2 million to fund the program for projects of regional significance.

It was moved by Manager Miller, seconded by Manager Fisher to request that Mr. Carlson work with staff to draft bill language providing funds for the Painter Creek project through a DNR allocation, whether flood damage reduction or otherwise. Upon vote, the motion carried.

Mr. Carlson reviewed other legislative matters of interest. Language has been prepared providing for the District to be identified with a separately listed levy on tax statements. Legislation authorizing watershed districts to put boundary signs on highway right-of-way has been drafted. WCA issues have been discussed, but the executive and legislative branches are looking to the 2007 session to address wetland issues, so the District will continue its involvement at a staff and consultant level. With respect to the environmental trust fund and LCMR restructuring, the current proposal is to reduce the legislative members of the committee from twenty to ten and add six voting citizen members appointed by the Governor and legislature. Finally, the District is talking with the Department of Natural Resources regarding two parcels on Minnehaha Creek that may be part of a 2007 conveyance bill. The DNR wishes to convey the properties to another public entity for conservation purposes.

HEADWATERS PROJECT UPDATE

Ms. Clark showed photographs of the progress of construction at the Headwaters. The earthwork and deck/bridge footings are in place, with substantial completion expected by the end of April and vegetation restoration to completed in May.

ACTION AGENDA

Check Register.

Mr. Evenson indicated that the register has been revised to include check 26308 in the amount of \$3,408.80. The register total is now \$206,178.84. It has been reviewed by the treasurer.

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It was moved by Manager Fisher, seconded by Manager Miller to approve payment of checks 26235 through 26308 in the total amount of \$206,178.84. Upon vote, the motion carried.

Long Lake Pre-Design Contract.

Mr. Wyatt distributed a revised Request for Board Action. He indicated that three consultants have responded to a detailed request for proposals to provide engineering pre-design work. Staff recommends a contract with H.R. Green as the lowest proposer. The District has not worked with this firm before, but it works in about eight Midwestern states and is felt to be a strong firm. Mr. Wyatt noted that Emmons & Olivier Resources, Inc. had provided a quote to the District initially, but did not submit in response to the RFP.

It was moved by Manager Fisher, seconded by Manager Miller to approve the Request for Board Action. Upon vote, the motion carried.

MAWD Breakfast.

Managers Calkins and Blixt and Mr. Evenson will attend the legislative breakfast on behalf of the District.

DISCUSSION AGENDA

Wood Lane Property, St. Louis Park.

Manager Miller advised that he had attended the meeting of the St. Louis Park City Council. He said that the Council evidenced a spirit of cooperation with the District and stated its interest in reserving a conservation easement on the parcel when it is sold for use as a residential lot.

Mr. Pressman reviewed the setting of the property and presented slides on the conservation possibilities and policy considerations behind a possible acquisition of rights on the property. The parcel is about 0.55 acres, with about one third of that lying within the bed of the creek and 45 to 50 percent consisting of lawn. The remainder is reed canary grass fringe wetland with a thin forested strip.

It was moved by Manager Fisher, seconded by Manager Keeley to reconvene in closed session pursuant to the Open Meeting Law to discuss the 5609 Wood Lane property and possible acquisition strategy with legal counsel. Upon vote, the motion carried, and the Board convened in closed session.

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After reconvening in open session, **it was moved by Manager Fisher, seconded by Manager Calkins to incorporate the closed session discussion into the record of the open meeting. Upon vote, the motion carried.**

It was moved by Manager Fisher, seconded by Manager Miller to adopt the recommendation presented by Mr. Pressman in the closed session to offer to assist the City in developing the terms of the conservation easement it would reserve on sale of the parcel; set aside plans to acquire the parcel or an easement unless and until the City's commitment to retaining a strong easement lapses; and advise the City that it should consider foreseeable need for floodplain mitigation along the creek related to upcoming development as a part of its planning for disposition and use of the parcel. Upon vote, the motion carried.

Mr. Pressman described two parcels further upstream within the City owned by the DNR. The District is discussing with the DNR conveying these parcels to the District for conservation purposes. The Board also discussed a multi-family development near Excelsior Boulevard. The District has held the incomplete application for a year. The permit raises issues of wetland fill in a "preserve" wetland. Mr. Evenson notes that the City has worked closely with the developer to reach an ecologically sound design. Manager Fisher asked that the permit be elevated to the Board for review and decision. Manager Miller noted that aside from permitting, the district could examine collaborating in restoring that wetland, if needed. The Board further discussed whether as a matter of policy any project adjacent to or adversely affecting a "preserve" wetland should come before the Board. One approach would be that the Board be advised specifically of any such cases and that Board members then could decide pursuant to the existing permitting delegation policy whether to elevate a particular application.

Board-Staff Retreat.

Mr. Evenson noted that March 30 was being set as a tentative date for an event to recognize former Board members. The District is looking for a second date for a more informal social occasion involving Board, staff and others involved with the District.

ADJOURNMENT

There being no further business, the regular meeting of the Minnehaha Creek Watershed District Board of Managers was adjourned at 9:30 PM.

Respectfully submitted,

Lee Keeley
Secretary