CALL TO ORDER

The regular meeting of the Minnehaha Creek Watershed District Board of Managers was called to order by President Sherry White at 7:15 p.m. on February 13, 2020, at the District offices, 15320 Minnetonka Boulevard, Minnetonka, Minnesota.

MANAGERS PRESENT

Sherry White, William Olson, Richard Miller, Jessica Loftus, Eugene Maxwell, Arun Hejmadi.

MANAGERS ABSENT

Kurt Rogness.

DISTRICT STAFF AND CONSULTANTS PRESENT

James Wisker, Administrator; Anna Brown, Planner-Project Manager; Thomas Langer, Aquatic Ecologist; Heidi Quinn, Permitting Technician; Cathy Reynolds, Operations Manager; Chris Meehan, Consulting Engineer; Michael Welch, Counsel.

MATTERS FROM THE FLOOR

None.

APPROVAL OF AGENDA

Manager White noted the need to add item 11.3, a motion to increase the administrator’s salary. Manager Olson moved and Manager Miller seconded approval of the agenda as amended. Upon vote, the motion carried 5-0.

CONSENT AGENDA

Manager Miller moved and Manager Maxwell seconded approval of the consent agenda, consisting of the approval of the January 23, 2020, minutes and Resolution 20-008: LMCIT Insurance Renewal Waiver, as follows:
NOW, THEREFORE, BE IT RESOLVED that the Minnehaha Creek Watershed District Board of Managers accepts the statutory tort liability limits as set out in Minnesota Statute 466.04 and authorizes the Administrator to advise the LMCIT accordingly.

Upon vote, the motion carried 5-0.

REGULAR AGENDA

Board, Committee and Task Force Reports

President White presented the president’s report, noting that she attended a legislative preview held by the Environmental Initiative that was limited as to water issues. There was acknowledgement of the need to keep water on the land and Representative Jean Wagenius stated that the creek should not be flooding. President White also noted that she attended a meeting with staff and Manager Maxwell with the City of Hopkins to advance collaboration and partnership with the City. The managers conducted the performance review of the administrator at the January 23 meeting, found very satisfactory performance of Mr. Wisker, and are recommending increasing his salary, as added to the agenda.

Manager Loftus reported on the meeting of the Operations and Programs Committee from earlier in the evening, stating that Michael Hayman provided an update on and overview of the Hopkins collaboration. The committee also reviewed the outreach plan and hiring program for implementation thereof, which will be coming forward to the board for a decision sometime soon. (Manager Hejmadi arrived, 7:18 p.m.)

Manager Maxwell reported from the Citizens Advisory Committee meeting held last Wednesday, noting that there were nine to 10 members in attendance and new officers were elected including Peter Rechelbacher as chair and Bill Bushnell as vice chair. He said the committee devoted some time to looking at the operations program and the District’s new website, and noted a push to include more news on the website instead of just information. He said that the committee will have four volunteers to help with the Minnesota Association of Watershed Districts’ tour of the Minnehaha Creek watershed in June and that the next meeting is going to be moved to March 3 to accommodate a presentation on climate from Kenny Blumenfeld, Minnesota State Climatology Office.

Manager White noted that Manager Hejmadi will attend the next CAC meeting, not Manager Miller, and other than the moving of that meeting to March 3, the upcoming meeting and event schedule is as printed in the agenda.
PERMITS REQUIRING A VARIANCE OR DISCUSSION

Heidi Quinn presented background on the Bakken Museum’s request for a Wetland Conservation Act de minimis exemption, an exception from the District’s wetland buffer rule and permit 19-614. Ms. Quinn provided background on the buildout of the property in 1987 and the District permit associated with that. She stated that this past fall the District approved a Wetland Conservation Act boundary and type determination, which found that the wetland has expanded from what was on site in 1987. She explained that the applicant will be providing excess stormwater treatment, but fails to meet the minimum buffer width in accordance with the District’s requirement along the western edge of the onsite wetland. Ms. Quinn reviewed the applicant’s request for an approval of a de minimis exemption application and noted that staff recommends approval, given that the 370 square feet of fill in the wetland is under the allowable amount for a type 1/5 wetland in the shoreland setback zone and outside the building setback, short of the 400 square feet of fill allowed. She analyzed the District’s wetland rule, noting that the minimum buffer-width shortfall notwithstanding, overall the applicant is providing more buffer area than is required under the rule. She said staff finds that the applicant has provided the necessary biological integrity replacement and will meet the stormwater treatment function of the buffer area through the excess stormwater treatment capacity provided. She noted, finally, that the recommendation for approval should have one additional condition, namely that the applicant submit a financial assurance. Ms. Quinn noted that there are three items before the managers for approval tonight: the WCA exemption, the District permit and the exception from the District buffer requirement.

Manager Miller moved and Manager Maxwell seconded approval of the exception. Upon vote, the motion carried 6-0.

With regard to the de minimis exemption request, Ms. Loftus asked about the increased flooding risk of placing the proposed patio into the wetland. Ms. Quinn noted that a retaining wall will be constructed that will eliminate risk of flooding. Manager Loftus asked about the rationale for the applicant building the proposed patio into the wetland area. Ms. Quinn stated that staff worked with the applicant to minimize the impact, and it has been pulled back to a degree possible, but to provide the programming space that is desired, the applicant is requesting approval of the de minimis exemption. Ms. Quinn noted that the city approved the construction plans with the wetland incursion. In response to a question from Mr. Welch, Ms. Quinn clarified that the financial assurance requirement is $400.

Michael Sanders, the president of the Bakken Museum, came before the managers and explained that to accomplish the programming that the museum wishes to accomplish the proposed configuration of the patio is necessary. He stated that there will be a new entrance and walkway, as well as program space. He said that the design will highlight...
the wetland area and allow classes to use the building as well as the outdoor space, and
students will see the wetland. Manager Loftus stated that she does not see this design as
protecting the wetland and that the wetland could be avoided. She stated that she does not
understand the hardship that the applicant has incurred such as requires this incursion into
the wetland. Ms. Quinn explained that there are pinch points around the wetland that
make this design the best available option for avoiding wetland impact. In response to a
question from Manager Maxwell, Mr. Sanders stated that he did not know how much of
the programming space on the patio the museum would lose if it avoided the wetland
altogether. In response to a question from Manager Miller, Mr. Sanders stated that the
walkway area is not going to flood around the museum. Manager Miller moved and
Manager Olson seconded approval of the de minimis exemption. Upon vote, the motion
carried 5-1, Manager Loftus voting against. Manager Miller moved and Manager
Olson seconded approval of the permit 19-614. Upon vote, the motion carried 6-0.

(At 7:48 Manager Hejmadi left the meeting.)

Resolution 20-009: Authorization to Contract for Winter Commercial Seines in Six Mile
Creek-Halsted Bay Subwatershed

Thomas Langer of the District staff provided the managers with background on staff’s
work to control carp in the Six Mile Creek subwatershed. In response to a question from
Mr. Welch, Mr. Langer clarified that there are two separate contracts in front of the
managers for approval. Mr. Langer stated that the work the District is undertaking in this
subwatershed is part of the program supported by a 2017 Lessard-Sams Outdoor Heritage
Council grant. He stated that staff has been implementing aeration and has installed three
of four planned barriers to reduce carp damage to the subwatershed. He stated that while
the efforts have proven effective, carp remain in significant oversupply in the
subwatershed. He stated that the District’s 2020-21 focus will be to continue to remove
carp and to meet targets for maintaining water quality in the system. He said that the item
on the agenda this evening is removal of carp in Lake Zumbra and Parley Lake through
winter seining. In Parley, the District has one of the highest abundances of carp in the
subwatershed. The box-netting the District has done in the past accomplished just a small
measure of carp removal. A commercial fisherman is interested in removing carp from
Lake Parley and the contract with WSB is informed by that, and calls for WSB to manage
the commercial fisherman in the area. The proposal from the subcontractor includes
additional payment if the seining is successful.

At Lake Zumbra, there is also a very high abundance of carp, though there is no
migration into Lake Zumbra. He said the lake is not known to commercial fishermen and
they are not necessarily interested in it. The subcontractor who will perform the removal
at Parley Lake did not propose an added payment based on outcome. Mr. Langer stated
that there would be more permitting requirements associated with getting another
fisherman to work on it and that the proposal from Jeff Riedemann does not include an
added payment because of the unknowns in removing carp from the system. He stated
that in the spring the District probably will be pursuing more removals after ice out.

Manager Olson moved and Manager Loftus seconded adoption of Resolution 20-009.

Manager Miller stated that he will not approve any contracts with WSB for any work until the District gets a clear understanding of how the Richfield project that WSB worked on will be fixed. He said that the District is going to be paying for that project for the next 15 years and we still have no viable plan that he is aware of to make that project work. In response to a question from Manager Loftus, Mr. Langer stated that the work proposed is in the overall budget for the subwatershed and represents 13% of that budget. In response to a question from Manager Olson, Mr. Langer stated that the District is still using the RF tags to track carp and that’s how they know whether the carp will be aggregated under the ice in such a manner that the winter seining will work. Up on vote the motion carried 5-1, Manager Miller voting against.

Resolution 20-010: Approval of Wasserman Lake Park Amendment to Purchase Agreement

Anna Brown came before the Board of Managers and provided background on the progress on the Wasserman Lake project and the specific item before the managers this evening. She noted that she’s handed out a revised version of the resolution that makes a correction to show that the amendment of the purchase agreement was predetermined through the cooperative agreement that the District has entered with the City of Victoria, and that closing on the property will follow the construction bidding and award of contract. She stated that the revisions to the easement provide only that there was a wetland modification to include the stream channel. She stated that the City has incorporated natural areas into the easement and that the City may terminate that part of the easement applicable to the natural areas after 30 years. She stated that the City Council approved the amendment to the purchase agreement on Monday night and that if Board of Managers approves the amendment, the closing on the easement will occur within 21 days after the construction contract is awarded. Manager Miller moved and Manager Olson seconded adoption of Resolution 20-010. Ms. Brown noted that the City has changed the name of Wasserman Park to Wasserman Lake Preserve which is more with keeping with the District’s interest and involvement in the project and she thinks it is a nice change. She stated that bids for the construction work were received and opened on Tuesday and have come out favorably. Staff will be bringing forward a resolution for action on the award of contract on February 27. Upon vote, the motion carried 5-0.

Administrator Salary Increase

Manager Miller moved and Manager Olson seconded approval of an increase in the Administrator’s salary to $137,913.37. Upon vote, the motion carried 5-0.

Carp Barrier Construction Update

Anna Brown provided the managers an update on the quote process for the fourth barrier to be constructed in the Six Mile Creek Halsted Bay Subwatershed at Auburn and Langdon Lakes. She said that the area is underwater but needs some retrofitting and maintenance. She stated that the
Minutes of the Regular Meeting
Minnehaha Creek Watershed District
Board of Managers
2-13-2020

District received one quote for the fourth barrier and it was $20,000 over budget. Staff is led to understand that the overage is because of the site conditions, with continued open water at the location instead of ice, making it more difficult for the contractor to get into the site. She stated that the District might change its approach but would like to postpone the installation of the barrier for a year to look at options. She stated that one option is to re-budget the request to the Lessard Sams Outdoor Heritage Council and to amend the agreement with the Council which she believes the Council would approve. She said before taking that step though the District would like to look at options to manage site conditions or take a different approach. In the meantime, there is a temporary barrier that is in place that will control carp.

Administrator’s Report

Mr. Wisker stated that he Chris Meehan, Louis Smith and he will attend the International Low Impact Development Conference to hold a ninety-minute panel discussion on the District’s work to create a green corridor and the partnership business model. He provided an update on the operations program transition, noting that Ms. Cathy Reynolds will be leaving the District on February 20 and thanking her for her service to the District. He stated that rather than re-staffing the position immediately he will be working with staff to look at facility management, information technology budgeting, human resources and accounting and reorganizing those functions. He stated that Ms. Deb Johnson is likely to take on additional tasks in accounting, and in coordinating with the accountant and auditor to keep the District on track and schedule for the audit this spring. He believes the biggest change discussed concerning the reorganization would be an accounting and finance role that Ms. Johnson will fill. He said that Ms. Reynolds position will not be immediately backfilled but that the District will take a 30-60-90 day timeframe to assess options. Finally, Mr. Wisker noted that Chase Vanderbilt, research assistant, will be leaving and that he’s working with Brian Beck in the research and monitoring program to review performance and make minor adjustments. Manager White extended her thanks to Ms. Reynolds for her service to the District.

Manager Miller noted pending items about which he would like a report soon One is the Richfield project report, and another concerns the District’s Arboretum project signage, which is embarrassingly degraded and obsolete. Mr. Wisker stated that with regard to the Richfield project, the City’s trouble-shooting that was supposed to take place in 2019 has not been satisfactorily completed and he and Ms. Becky Christopher met with the City Engineer and Manager and a public works department representative to transition to Barr Engineering as a new service provider. He said that the investigation will be in completed in 2020 and the District can make a decision about its involvement in the project by the end of the year.

Adjournment

There being no further business, the meeting of the Board of Managers was adjourned at 8:31 p.m.

Respectfully submitted,