

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

March 23, 2023

CALL TO ORDER

The regular meeting of the Minnehaha Creek Watershed District was called to order by President Sherry White 7:22 pm on March 23, 2023.

MANAGERS PRESENT

Sherry White, William Olson, Arun Hejmadi, Jessica Loftus, and Stephen Sando.

MANAGERS ABSENT

Richard Miller, Eugene Maxwell.

DISTRICT STAFF AND CONSULTANTS PRESENT

James Wisker, Administrator; Deb Johnson, Office Manager; Becky Christopher, Planner–Project Manager; Tiffany Schaufler, Senior Project Maintenance Coordinator; Kayla Westerlund, Permitting Program Manager; Trey Jonas, Permitting Technician; Louis Smith, District Counsel.

OATH OF OFFICE

Mr. Smith administered the oath of office for Manager Loftus. The managers congratulated Manager Loftus on her reappointment.

MATTERS FROM THE FLOOR

None.

APPROVAL OF AGENDA

It was moved by Manager Olson, seconded by Manager Sando to approve the Agenda as distributed. Upon vote, the motion carried 5-0 (Managers Miller and Maxwell absent).

CONSENT AGENDA

It was moved by Manager Hejmadi, seconded by Manager Olson to approve the items on the Consent Agenda consisting of approval of the February 23rd Board Meeting Minutes; approval of the General Check Register, including check numbers 42206

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through 42227 in the amount of \$403,614.72, electronic funds withdrawals of \$30,910.13, Managers Per Diems and Reimbursements of \$2,811.54, employee reimbursements of \$10.00, and payroll electronic funds withdrawals and disbursements of \$148,597.02 for a total of \$585,943.41; the Surety Check Register Bremer Bank fee in the amount of \$27.00; and the Wire Check Register in the amount of \$28,050.00 in payment to Wells Fargo for 325 Blake Road Refinance.

Upon vote, the motion carried 5-0 (Managers Miller and Maxwell absent).

BOARD, COMMITTEE AND TASK FORCE REPORTS

President's Report: President White provided a summary of the Board's performance review of James Wisker that took place at the previous meeting, in which the Board rated his performance exceptional and approved a 10.3% salary increase. President White also noted that Bob Murphy, former leader of MCWD partner Japs-Olson, recently passed away.

Planning and Policy Committee Report: Manager Sando reported that the Policy and Planning Committee met and received a briefing on the design and timetable for implementation of the new MCWD web site.

Operations and Programs Committee Report

Manager Loftus reported that the Operations Committee Meeting met on March 9 and had a workshop to envision five-year capital improvement priorities.

Citizens Advisory Committee Meeting Report

Manager Olson gave the report on the Citizens Advisory Committee Meeting in which the committee discussed the land and water partnerships. Manager Olson stated that three new members attended for the first time, so the committee went into more detail than typical. He stated the committee broke into groups and came back with recommendations about how to move forward on the land and water partnerships. The committee also discussed the new staff compensation study.

Upcoming Meeting and Event Schedule: President White noted the upcoming meeting schedule, including the directed the board to look at the upcoming schedule and noted the upcoming Metro Watersheds quarterly meeting on April 18, which Manager Loftus will attend.

ACTION ITEMS

None.

BOARD DISCUSSION ITEMS

Permitting Alignment Update

Ms. Kayla Westerlund and Mr. Trey Jonas appeared before the Board of Managers and presented an update on the progress made in aligning the permitting program with the MCWD's Balanced Urban Ecology vision. Ms. Westerlund began the presentation by reiterating the purpose of the program which is to build projects with social, ecological, and urban benefits and shape land and water use policy. She then gave an overview of the proposed rule revisions which included proposals to 1) add a permit track to the erosion control rule, 2) add a fast-track option for dredging and waterbody crossing, and 3) create streamlined tables for stormwater permitting. She discussed the feedback solicited from and given by TAC which included streamlining low risk maintenance work for dredging and increasing the clarity on BMP requirements for stormwater management. She noted that staff is considering a general permit approach to shoreline improvements, given that 90% of the shoreline work is performed by three vendors and annual permits account for only 1.6% of the shoreline on Lake Minnetonka.

Mr. Jonas reviewed the compliance framework updates which would allow staff to be more efficient with their inspections, focus on sites that pose a particular risk to the resource, and be a more trusted partner with the surrounding entities.

Ms. Westerlund noted next steps for the proposed rule revisions including further review by the Technical Advisory Committee, and the by the Policy and Planning Committee. The revised rules are expected to be adopted in 2024.

Ms. Westerlund discussed the partnership framework update which includes the goal of creating systems to support partnership and projects to encourage earlier land use planning. She stated that there are four areas of coordination for pipelines for partnership: land use planning, capital improvement planning, private development, and water resource regulation.

Ms. Westerlund provided an update on the Information Technology Initiative. IT has been used to help track the processing of permits and allows tracking GIS info for any given project. She then began presenting the data driven insights which highlight successes and the need for improvements in the current program. Regarding permit volume, permits are down 14.8% this year from last year. This year has the lowest permit volume since 2012. Hot spots of activity included Edina (where there is currently lots of building and tearing down), Laketown (there are new additions to Laketown development and in Victoria there is more development to downtown) and Lake Minnetonka landscaping. Ms. Westerlund illustrated these hotspots using a heat map. Ms. Westerlund used the data insights to predict how the proposed rules would affect these trends, demonstrating how data collection will allow us to see trends, make policy decisions, and identify opportunities for land-water partnership.

Ms. Westerlund stated that the next steps for the IT project include a time allocation analysis, which aims to reduce staff time allocated to low-risk projects and use staff time most efficiently. Next steps also include continuing data collection and analysis to provide insights that inform policy and support district's Balanced Urban Ecology and identifying process improvements. Ms. Westerlund invited the board's feedback and questions.

Manager Olson asked how many houses would be permitted by a single subdivision permit, to which Ms. Westerlund responded that three houses or more would require a subdivision permit. Manager Olson also asked about the extent of legal expense in ensuring compliance. Ms. Westerlund responded that last year, the staff worked extensively with legal counsel on agreements. However, on compliance, Mr. Jonas said, it is rare to get legal counsel involved.

Manager Sando asked about the challenges regarding compliance with these permits and regulations. Mr. Jonas responded by stating the main concern is allocation of staff time due to the sheer volume of permits, and emphasized the need to prioritize sites based on water resource risk.

In response to a question from Manager Loftus, Ms. Westerlund reviewed the data presentation capabilities, and the assistance from Alex Steele and Brian Beck. Manager Loftus expressed concern about the challenges of thorough inspection and enforcement. For erosion control plan, Ms. Westerlund clarified that the permits will still be reviewed, just that low risk erosion permits will have less staff time spent on them and less frequent inspections. Ms. Westerlund said Manager Loftus's concerns are good feedback and they will work with the TAC to discuss compliance tools and making sure things are not falling through the cracks. Manager Loftus also challenged the idea of low-risk sites if there is exposed soil and significant storm events. The impacts can be a big deal to people who live there and there is some value in having an eye on those permits. Ms. Westerlund said the intent behind the rule changes is not to change the compliance requirements, but rather to enable staff to spend more time in the field.

Manager Sando asked is there much duplication with cities with permitting and inspections. Westerlund responded that the idea behind these discussions with TAC and the proposed rule changes is to reduce the redundancy with the cities in inspection. Manager Loftus stated that she wants to make sure the burden of this does not fall squarely on MCWD's shoulders and that there is give and take with members of the TAC.

Manager Hejmadi congratulated Ms. Westerlund and Mr. Jonas on the use of GIS maps and data visualization, presentation of the hard data, but expressed concern for tracking soft data such as the customer service aspects in the process. To better explain what he

meant, Manager Hejmadi used an example of HIV treatment in healthcare and whether people were “adhering to treatment” rather than “complying with treatment” so that people are not being forced or seen as bad. Health outcomes improved when healthcare staff worked with HIV patients as partners rather than problems. Ms. Becky Christopher responded by stating that the CAC has good ideas on how to quantify soft data. Ms. Christopher stated that the staff will come back to the Board with ideas to measure those things. Manager Hejmadi then suggested that we start to think about what we’re going to want to do with the data as it starts to accumulate in analyses.

Manager Hejmadi t asked if the TAC will continue to be available to the MCWD or will they only be available through May. Manager Hejmadi stated that if TAC is available long term, the committee can help us improve our rules as we implement them. Ms. Westerlund stated that after May we are offering to continue coordination with members of the TAC who are interested in staying involved with the rules. Ms. Christopher then added that we are actively working on our coordination policy with the TAC and figuring out how we formalize partnerships with the TAC. MCWD will at a minimum have annual meetings with the TAC to evaluate how things are going.

President White asked about the level of inspection for single family site plans that staff are proposing. Ms. Westerlund responded that this was still an open question, and President White recommended random inspections. Furthermore, President White mentioned that not all shoreline work is equal and there have been some real problems with replacing retaining walls and such and White thinks this needs to be considered.

In response to a question from Manager Maxwell, Ms. Westerlund gave examples of cooperating with cities in issuing stop work orders in cases of noncompliance. Manager Loftus noted the value of partnering with cities in this enforcement process.

Mr. Smith referred to the proposal for general permits of shoreline improvements. He noted that while there may be only 1.6% of the Lake Minnetonka shoreline owners seeking permits each year, in twenty years that would amount to over 30% of the shoreline. While 90% of the shoreline projects may be constructed by three vendors, the MCWD’s history suggests that the other 10% can do a lot of damage.

BOARD INQUIRIES, ISSUES, AND IDEAS

Manager Hejmadi suggested an update on impending spring flooding and crisis planning. President White mentioned that she recently attended a presentation about this issue.

STAFF UPDATES

Minnehaha Preserve Boardwalk Reconstruction

Ms. Tiffany Schaufler reported that contractor JTS Construction began reconstruction of the Minnehaha Preserve boardwalk just two weeks ago and has completed an impressive amount of work to date. She presented photos of the work site, showing that parts of the boardwalk have been decked. Ms. Schaufler mentioned that the contractors want to get the decking done before things get very wet during the spring and that JTS expects most of the construction to be done by next week. Ms. Schaufler stated that she expects there to be a walkthrough inspection soon. The original deadline was March 31, and there were concerns this may need to be extended due to delays in lumber delivery, but the work has gone fast so far that it should be completed at or near the deadline.

Ms. Schaufler then presented a budget update on the project. She mentioned that the Board approved the contract at \$1,858,182. She stated there have been no change orders but that on the design and oversight budget, MCWD will need to tap into the board approved contingency because more hours were needed to prepare the plan sets.

In response to a question from President White, Ms. Schaufler reviewed the lumber treatment process.

Administrator's Report

1. Ms. Schaufler gave an update on the current water levels. She stated that there was an extreme drought followed by very wet winter with 80 inches of snow to date. Ms. Schaufler mentioned that there has been a very ideal melt this week, so the water seems to be free flowing. The amount of water this winter does not seem to be an issue, due to the very low water level the previous year. President White noted the lack of a deep frost this year, so the water is soaking into the ground.
2. Ms. Becky Christopher provided the remainder of the Administrator's Report. She noted that on March 22, the Metropolitan Council approved an amendment to the Minneapolis Park and Recreation Board's long-range plan for Nokomis-Hiawatha Regional Park. Non-golf elements will be eligible for regional parks funding.
3. Carver County recently released an RFP for a highway construction project at CSAH 11 and West Highway 5. The project will involve land acquisition related to Carver Park Reserve and will consider addressing the culvert downstream of Lake Zumbra that was the subject of much discussion during the 2014 flooding. Staff will meet with the City of Victoria, Carver County, and Three Rivers Park District in the coming month to discuss early coordination of feasibility and design work.
4. Ms. Christopher mentioned as noted earlier by President White that that Bob Murphy passed away and James Wisker is planning to send a card on behalf of the organization.

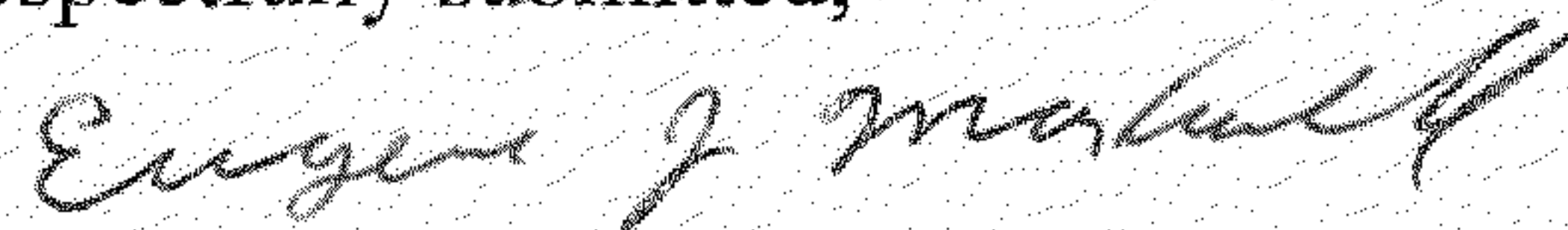
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5. MCWD received a request for a letter of support for an LCCMR grant application from Hennepin County. Hennepin County, Three Rivers Park District, and the Minnesota Land Trust have been discussing how to protect and preserve the last, best natural resources in Hennepin County. Ms. Christopher stated that MCWD has been working with Hennepin County and these partners to discuss natural resource conservation. She stressed the importance of data in this endeavor. Ms. Christopher stated that proposals are due at the end of the month. She spoke with Administrator Wisker and assuming the board is supportive, she and Mr. Wisker would like to provide a letter of support. President White noted the Board's support for this letter.
6. Ms. Christopher mentioned that Samantha Maul and Stacy Carlson are preparing for a spring field trip as a capstone for the CAC members' onboarding process. Ms. Christopher stated that this is a way for CAC, Board, and staff to get to know each other better and learn more about the Minnehaha Greenway. The proposed date is April 28th and Ms. Maul will send a notice.

Adjournment

There being no further business, President White declared the meeting of the Board of Managers adjourned at 8:51 p.m.

Respectfully submitted,



Eugene Maxwell, Secretary