

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

July 13, 2023

CALL TO ORDER

The regular meeting of the Minnehaha Creek Watershed District Board of Managers was called to order by President Sherry White 7:00 p.m. on July 13, 2023, at the MCWD offices, 15320 Minnetonka Boulevard, Minnetonka, Minnesota.

ROLL CALL FOR ATTENDANCE

President White called the roll to note attendance:

Loftus:	Present
Sando:	Present
Miller:	Present
Olson:	Present
Hejmadi	Absent
Maxwell:	Present (participating remotely using interactive technology at Tianna Country Club, 7470 State 34 NW, Walker, MN)
White:	Present

DISTRICT STAFF AND CONSULTANTS PRESENT

James Wisker, Administrator; Maria Friedges, Permitting Technician; Kailey Cermak, Hydrologist; Michael Hayman, Project Planning Manager; Gabe Sherman, Planner – Project Manager; Chris Meehan, District Consulting Engineer; and Louis Smith, District Counsel.

APPROVAL OF AGENDA

It was moved by Manager Miller, seconded by Manager Sando, to approve the Agenda as distributed. Upon roll call vote, the motion carried 6-0 as follows:

<i>Hejmadi:</i>	<i>Absent</i>
<i>Loftus:</i>	<i>Aye</i>
<i>Sando:</i>	<i>Aye</i>
<i>Miller:</i>	<i>Aye</i>
<i>Olson:</i>	<i>Aye</i>
<i>Maxwell:</i>	<i>Aye</i>
<i>White:</i>	<i>Aye</i>

MATTERS FROM THE FLOOR

None.

CONSENT AGENDA

It was moved by Manager Miller, seconded by Manager Olson to approve the items on the Consent Agenda consisting of approval of the June 22 Meeting Minutes, and the following resolution:

Resolution 23-037: Recognition of MCWD’s Technical Advisory Committee Members for the Land & Water Partnership Initiative

NOW, THEREFORE, BE IT RESOLVED that the Minnehaha Creek Watershed District Board of Managers hereby formally acknowledges each of the members for their service on the TAC and expresses its deep gratitude for their contributions to the Land & Water Partnership Initiative.

Upon roll call vote, the motion carried 6-0 as follows:

*Hejmadi: Absent
Loftus: Aye
Sando: Aye
Miller: Aye
Olson: Aye
Maxwell: Aye
White: Aye*

BOARD, COMMITTEE AND TASK FORCE REPORTS

President’s Report: President White noted that she attended the Wayzata “sand breaking” boardwalk event and noted that Minnesota Watersheds has invited annual resolutions.

Operations and Programs Committee Report: Manager Olson reported that the Committee met earlier in the evening and received a presentation from Mr. Wisker on the 2024 budget and the consensus is that the budget is ready for review by the Citizens Advisory Committee and then public hearing.

PERMITS REQUIRING A VARIANCE OR DISCUSSION

Permit 23-215: Amira Development, 2285 Arboretum Blvd., Victoria

Ms. Maria Friedges appeared before the Board of Managers and reviewed the permit application. She provided context concerning the ownership of the property. The Heenie Family are the current property owners. United Properties is the developer and has an option to purchase Lot 1. The Heenie family will own Lots 2 and 3 if the development goes through. The Amira development is the name given to the proposed subdivision and development by United Properties. Ms. Friedges reviewed the application and compliance with MCWD rules, noting that the applicant is requesting an exception to the wetland buffer requirement. The application involves an 11% shortfall in total buffer area, but the staff has determined that the applicant has proposed greater water resource protection than that provided by the full buffer through enhanced plantings and additional stormwater management.

It was moved by Manager Olson, seconded by Manager Miller to approve the requested exception to the wetland buffer area requirement. Manager Olson thanked Ms. Friedges for the detailed analysis. President White noted that she reviewed the list of plantings and found it impressive.

Upon roll call vote, the motion carried 6-0 as follows:

*Hejmadi: Absent
Loftus: Aye
Sando: Aye
Miller: Aye
Olson: Aye
Maxwell: Aye
White: Aye*

It was moved by Manager Olson, seconded by Manager Sando to approve the permit with conditions recommended by staff. Upon roll call vote, the motion carried 6-0 as follows:

*Hejmadi: Absent
Loftus: Aye
Sando: Aye
Miller: Aye
Olson: Aye
Maxwell: Aye
White: Aye*

ACTION ITEMS

Resolution 23-038: Authorization to Release RFP for Watershed-wide Model Input Refinement

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Ms. Kailey Cermak appeared before the Board of Managers to review the request for board action. She reviewed the background of the MCWD's Climate Action Framework and earlier phases to build a pilot model. The MCWD is now ready to apply insights gained from the pilot model to begin Phase 1 of the watershed-wide model build.

It was moved by Manager Miller, seconded by Manager Olson to adopt Resolution 23-038: Authorization to Release RFP for Watershed-wide Model Input Refinement as follows:

NOW, THEREFORE, BE IT RESOLVED that the Minnehaha Creek Watershed District Board of Managers authorizes the District administrator to release the request for proposals for watershed-wide model input refinement, with any final edits on advice of counsel.

Manager Miller noted that he had served with Manager Hejmadi as liaisons to staff in this project development and they were impressed with great staff work and excited with the potential for this project to provide a reliable source of information and analysis. In response to a question from Manager Olson, Ms. Cermak noted that the LiDAR option is still available but it is unclear whether conditions will be suitable. Manager Miller noted that Manager Hejmadi had written to express his strong support for this project.

Upon roll call vote, the motion carried 6-0 as follows:

Hejmadi: Absent
Loftus: Aye
Sando: Aye
Miller: Aye
Olson: Aye
Maxwell: Aye
White: Aye

Resolution 23-039: Authorization to Distribute Capital Improvement Plan for Annual Review and Comment

Mr. Michael Hayman appeared before the Board of Managers to review the request for board action. He noted that each year, as described in MCWD's Plan, MCWD revises and distributes its 10-year CIP to its member cities and counties for 30-day review and comment. The purpose of this annual process is to allow MCWD to adjust its 10-year CIP based on feasibility analysis of projects described in the Plan, identification of new project opportunities through coordination with MCWD's Land and Water Partnership Program, shifts in District priorities, and assessment of staff and financial capacity.

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It was moved by Manager Sando, seconded by Manager Miller to adopt Resolution 23-039: Authorization to Distribute Capital Improvement Plan for Annual Review and Comment as follows:

NOW, THEREFORE, BE IT RESOLVED that the Minnehaha Creek Watershed District Board of Managers authorizes staff to distribute the Draft CIP for 30-day review and comment.

Upon roll call vote, the motion carried 6-0 as follows:

Hejmadi: Absent
Loftus: Aye
Sando: Aye
Miller: Aye
Olson: Aye
Maxwell: Aye
White: Aye

In response to a question from Manager Olson, Mr. Hayman noted that the MCWD typically receives several comments and inquiries each year in response to this distribution of the CIP. In response to a question from Manager Miller, Mr. Hayman noted that the cover letter identifies the types of opportunities for partnership envisioned in the CIP.

BOARD DISCUSSION ITEMS

325 Blake Road Restoration and Redevelopment Update

Mr. Michael Hayman and Mr. Gabe Sherman appeared before the Board of Managers to review the status of the project with the developer Alatus. Mr. Hayman noted that Alatus exercised its right to request a first extension of 90 days, and this extension will terminate on August 7. In June, Alatus requested a second amendment to the purchase and sale agreement to provide for a longer-term extension with a variety of other requested concessions and considerations, including fencing and parking.

It was moved by Manager Miller, seconded by Manager Sando to go into closed session for the purpose of considering these offered terms to amend the purchase and sale agreement of 325 Blake Road in Hopkins. Upon roll call vote, the motion carried 6-0 as follows:

Hejmadi: Absent
Loftus: Aye
Sando: Aye

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Miller: *Aye*
Olson: *Aye*
Maxwell: *Aye*
White: *Aye*

Whereupon the Board of Managers went into closed session.

The Board of Managers returned to open session. Manager Maxwell had departed at this point in the meeting.

BOARD INQUIRIES, ISSUES, AND IDEAS

Manager Olson suggested that the “No Trespassing” signs at the new Six Mile Marsh Trail read “Stay on Trail.”

STAFF UPDATES

Administrator’s Report

Mr. Wisker reported on the following items:

1. Representatives from Hennepin County were impressed with the MCWD signs at Wassermann Preserve and requested information on them.
2. The Gray’s Bay Dam is closed, one month earlier than normal. About 11% of Minnesota is now in severe drought, including the Minnehaha Creek watershed. Lake Minnetonka is at 928.5 feet, ten inches below the Ordinary High Water mark. The period of May 15 – June 21 is the driest on record.
3. Staff have continued to be intensely engaged on construction review of the Minnehaha Preserve Boardwalk. Inspections identified 171 of 172 headers with issues. JTS has agreed to the request to uncover areas to inspect 60 additional headers. JTS, SRF and MCWD are meeting to discuss proposed solutions for defects. JTS is eager to get the corrections made and has committed to making them as soon as everything is approved by SRF/MCWD and acceptable with St. Louis Park. The plan is for continuous inspection of the corrective work by SRF and St. Louis Park.
4. The City of Deephaven is inquiring about potential MCWD support to address stormwater management issues through the Land & Water Partnership program. Staff has been working with Stantec to conduct a concept level analysis of opportunities for regional treatment along with review of City-identified opportunities, existing studies, and planned road improvements. There are two projects that have been identified as cost-

effective that the City is interested in advancing. The MCWD will send a letter of support to Hennepin County for these two projects.

5. Taft Legion Project: the Legion infiltration gallery is meeting performance standards, but while Taft Lake has improved, it is still short of the target. Staff has communicated Board concern over servicing debt for a project not meeting targets. The City of Richfield contracted with Barr to document, basis of design, trouble shooting, improvements, and potential next steps. We are in the final leg this year, and it is not clear that the system will ever reach full design standards. The goal is to get Taft Lake delisted from the Impaired Waters list. The city is pursuing a lake response model to show if the improvements to date will push the lake past the tipping point to delist, or if a supplemental traditional alum dosing at the city's cost will get the job done. Staff has proposed to amend the cooperative agreement with updated data for performance targets, once we know whether the lake will be delisted, either on track with existing improvements or with alum treatment.

Adjournment

There being no further business, President White declared the meeting of the Board of Managers adjourned at 9:38 p.m.

Respectfully submitted,



Eugene Maxwell, Secretary