

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

May 11, 2023

CALL TO ORDER

The regular meeting of the Minnehaha Creek Watershed District Board of Managers was called to order by President Sherry White 7:11 p.m. on May 11, 2023.

MANAGERS PRESENT

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

MANAGERS ABSENT

None.

DISTRICT STAFF AND CONSULTANTS PRESENT

James Wisker, Administrator; Michael Hayman, Project Planning Manager; Abigail Ernst, Permitting Technician; Kate Moran, Policy Planning Coordinator; Becky Christopher, Policy Planning Manager; Josh Wolf, Project and Land Program Manager; Chris Meehan, District Consulting Engineer; and Louis Smith, District Counsel.

APPROVAL OF AGENDA

It was moved by Manager Maxwell, seconded by Manager Miller, to approve the Agenda as distributed. Upon vote, the motion carried 7-0.

MATTERS FROM THE FLOOR

None.

CONSENT AGENDA

It was moved by Manager Miller, seconded by Manager Hejmadi to approve the items on the Consent Agenda consisting of approval of the April 27th Meeting Minutes, and the following resolution:

Resolution 23-025: Recognition of CAC Member Marc Rosenberg

***NOW, THEREFORE, BE IT RESOLVED that the Minnehaha Creek
Watershed District Board of Managers hereby formally acknowledges Marc***

Rosenberg's contribution to the organization and expresses its deep gratitude and thanks for his service.

Upon vote, the motion carried 7-0.

BOARD, COMMITTEE AND TASK FORCE REPORTS

President's Report: President White noted the upcoming meeting schedule.

Operations and Programs Committee Report: Manager Loftus reported that the Committee met earlier in the evening and received a presentation from Mr. Wisker on the preliminary 2024 budget for operations and programs. Staff will present a preliminary 2024 capital improvement program budget in June.

At Mr. Wisker's request, President White moved to the presentation of the final design of the 325 Blake Road Regional Stormwater and Greenway Project in order to set the context for the two permits on the agenda relating to this project.

ACTION ITEMS

Resolution 23-026: Approval of Final Design for 325 Blake Road Regional Stormwater and Greenway Project

Mr. Michael Hayman appeared before the Board of Managers to review the request for board action. He noted that Mr. Andrew Judd of HDR and Mr. Andrew Montgomery of Damon Farber were present, and that Mr. Gabe Sherman had worked extensively as staff to shepherd this design process. He reviewed the design goals and the dual track process that designed the stormwater infrastructure parallel to the private redevelopment of the site. He reviewed the final design at the key nodes, and the updated estimate of probable cost for this project of \$5,697,273.

In response to a question from Manager Miller, Mr. Hayman reviewed elements of the cascade and retaining wall. Manager Miller expressed his support for the MCWD proceeding with the elements of the project that would not be dependent on the private redevelopment work. He noted that perhaps the bid package could provide for some phasing flexibility. Manager Loftus expressed her appreciation of the design elements, as did President White. Upon a question from President White, Mr. Hayman noted that the cost split between stormwater treatment and public realm improvements is about 50-50. Mr. Hayman also reviewed the outside grant funding supporting the project.

Upon a question from Manager Olson, Mr. Hayman that the water quality improvement/wasteload allocation is not an item yet determined but would be based on cost responsibility. Mr. Hayman reviewed the project schedule in relation to the work of

the City of Hopkins and Alatus. He stated that plans are for bidding to allow construction to start Spring 2024. He noted that the City of Hopkins would be considering the design on May 16, along with the Cottageville Park cooperative agreement, to be discussed later on the agenda.

It was moved by Manager Miller, seconded by Manager Sando to adopt Resolution 23-026: Approval of Final Design for 325 Blake Road Regional Stormwater and Greenway Project, as follows:

NOW, THEREFORE, BE IT RESOLVED that the Minnehaha Creek Watershed District Board of Managers approves the 100% design submittal for the 325 Blake Road Restoration and Redevelopment project produced by HDR, Inc

Manager Olson inquired about the structural strength of the pedestrian bridge, and whether it would support a snowplow. Mr. Hayman noted that the bridge would not support a truck but would support an ATV with a plow. Manager Olson and Manager Maxwell expressed their appreciation to the design team for creating a long-lasting regional amenity. *Upon vote, the motion carried, 7-0.*

PERMITS REQUIRING A VARIANCE OR DISCUSSION

Permit 23-503: 325 Blake Road, Hopkins

Permit 23-040: 415 Blake Road North, Hopkins

Ms. Abigail Ernst appeared before the Board of Managers to review the permit applications for the 325 Blake Road Regional Stormwater and Greenway Project and Phase II of Cottageville Park. She explained the site considerations that led staff to evaluate this work as two projects under related ownership, as explained in the permit report. She reviewed the applicable rules for the 325 Blake Road project (Permit 23-503).

It was moved by Manager Hejmadi, seconded by Manager Loftus to approve Permit 23-503 with the conditions recommended by staff in the permit report. President White noted the three conditions listed in the staff report. In response to a question from Manager Maxwell, Mr. Hayman noted that all of the maintenance obligations will not necessarily be assigned to the City, and that elements such as vegetation maintenance are still under discussion among the partners. In response to a question from Manager Sando, Mr. Hayman noted that if the private redevelopment does not proceed on schedule, this project would stand alone, though some elements may be adapted to such a situation. *Upon vote, the motion carried, 7-0.*

Permit 23-040: 415 Blake Road North, Hopkins (Phase II of Cottageville Park)

Ms. Ernst reviewed the project, noting that erosion control is the only applicable rule. The project will have two infiltration basins though stormwater treatment is not required; the project will decrease impervious surface on the site from 1.58 acres to 0.61 acres.

It was moved by Manager Hejmadi, seconded by Manager Sando to approve the permit with the conditions recommended by staff. Upon vote, the motion carried, 7-0.

ACTION ITEMS, continued

Resolution 23-027: Approval of the Project Agreement for Cottageville Park Improvement and Maintenance

Mr. Hayman reviewed the request for board action to approve the project agreement with the City of Hopkins. He noted that as the partners began drafting a project agreement to establish defined roles and responsibilities, it became clear that much of the previous Cottageville Park agreement contained actions that have been completed. As such, the partners decided that to efficiently set forth the parties' roles and responsibilities for the design, construction and maintenance of the Gateway and Nature Play Elements, it would be best to include all prior management and maintenance obligations, creating a single document for all the Cottageville Park improvements, past and planned.

It was moved by Manager Hejmadi, seconded by Manager Miller to approve the resolution as recommended by staff:

NOW, THEREFORE, BE IT RESOLVED that the Minnehaha Creek Watershed District Board of Managers approves the Project Agreement for Cottageville Park Improvement and Maintenance and authorizes the Board President to execute the agreement, with any non-substantive changes on advice of counsel.

In response to a question from Manager Miller, Mr. Hayman reviewed the purchases by MCWD of the site in 2010, 2011, and 2012. In response to a question from Manager Hejmadi, Mr. Hayman noted that there have been no issues of concern with the City and the parties have worked closely together to craft this agreement. The City's main concern was for project elements such as the pergola and watershed map that would be outside of their maintenance regime or desired replacement responsibility. *Upon vote, the motion carried, 7-0.*

Resolution 23-028: Support for MCWD's Potential Role in the Holy Name Wetland Bank

Ms. Kate Moran and Ms. Becky Christopher appeared before the Board of Managers to review the request for board action. Ms. Moran noted that this project concept grew out of the Long Lake Subwatershed Roadmap and would include a 5-lot subdivision and approximately 19 acres of wetland and upland buffer restoration and creation to establish as a private wetland bank. *It was moved by Manager Miller, seconded by Manager Hejmadi to adopt Resolution 23-028: Support for MCWD's Potential Role in the Holy Name Wetland Bank as follows:*

THEREFORE BE IT RESOLVED that the Board of Managers finds that it is appropriate for the District to assume the longterm management role for the proposed private wetland bank;

BE IT FURTHER RESOLVED that the District administrator is authorized to work with the landowner, the City of Medina and any other interested parties to prepare proposed agreements to implement this initiative;

BE IT FINALLY RESOLVED that any agreement is subject to Board approval, which will rest, among other things, on the Board's determination that District cost and risk will be limited and not disproportionate to the public benefit that the District's involvement will secure.

In response to a question from Manager Loftus, Ms. Moran noted that such opportunities are not frequently encountered and reviewed the likely maintenance responsibilities and risks. In response to a question from Manager Hejmadi, Ms. Moran and Ms. Christopher noted the water quality benefit and that this site would provide a unique opportunity to address external loading to Holy Name Lake. Upon a question from Manager Olson, Ms. Moran noted the estimates for long-term maintenance costs and Mr. Smith noted enforcement procedures. *Upon vote, the motion carried, 7-0.*

BOARD DISCUSSION ITEMS

None.

BOARD INQUIRIES, ISSUES, AND IDEAS

None.

STAFF UPDATES

Administrator's Report

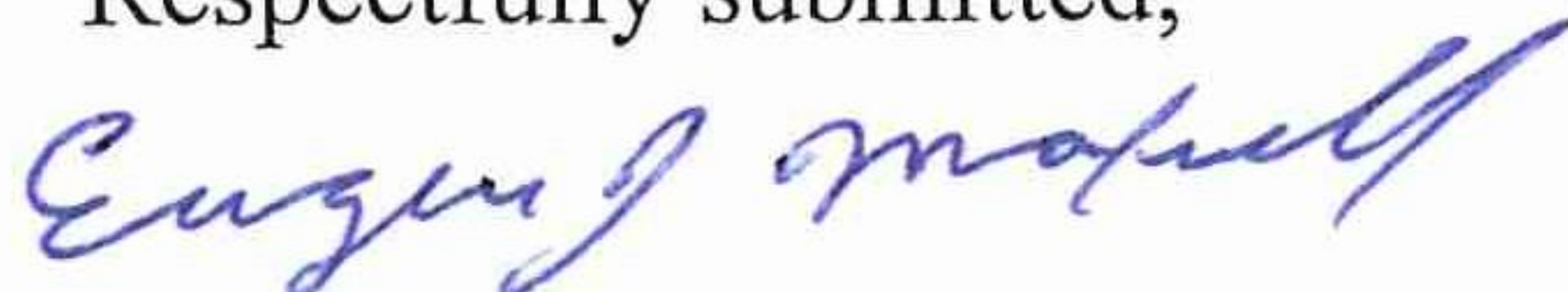
Mr. Wisker reported on the following items:

1. The Holy Name wetland bank is one of several advancements in the Long Lake Subwatershed Roadmap, along with planned improvements to the County Road 6 pond.
2. Precipitation year to date is 10.5 inches, which is 2.8 inches above normal, but still leaves a 5-inch deficit from last year's drought. Lake Minnetonka is at 929.2 feet and Minnehaha Creek is flowing at 17 cubic feet per second at Lake Hiawatha.
3. Beta testing for the new MCWD web site will begin soon with various teams' participation. Plans are for a launch later in the summer, perhaps early August.
4. The Research & Monitoring staff have been meeting with the Department of Natural Resources and U.S. Geological Survey to discuss a network of shallow groundwater wells to support the 2D model development.
5. The reconstruction of the Minnehaha Preserve Boardwalk has been proceeding on schedule, but City of St. Louis Park inspection revealed some work deficiencies. MCWD staff, legal counsel, and SRF are working with the contractor to have these issues addressed.
6. A Swainson's warbler was sighted for the first time in Minnesota in Arden Park, about 1,200 miles from its normal habitat.
7. Mr. Wisker and Manager Olson attended the American Society of Landscape Architects event where the MCWD received a community design award for the Minnehaha Greenway.

Adjournment

There being no further business, President White declared the meeting of the Board of Managers adjourned at 9:25 p.m.

Respectfully submitted,



Eugene Maxwell, Secretary