

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

August 10, 2023

CALL TO ORDER

The regular meeting of the Minnehaha Creek Watershed District Board of Managers was called to order by Vice President William Olson at 7:09 p.m. on August 10, 2023, at the MCWD offices, 15320 Minnetonka Boulevard, Minnetonka, Minnesota.

MANAGERS PRESENT

William Olson, Arun Hejmadi, Jessica Loftus, Stephen Sando, and Eugene Maxwell.

MANAGERS ABSENT

Sherry White and Richard Miller.

DISTRICT STAFF AND CONSULTANTS PRESENT

James Wisker, Administrator; Maria Friedges, Permitting Technician; Josh Wolf, Project and Land Program Manager; Tiffany Schaufler, Senior Project Maintenance Coordinator; Chris Meehan, District Consulting Engineer; and Louis Smith, District Counsel.

APPROVAL OF AGENDA

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

MATTERS FROM THE FLOOR

None.

CONSENT AGENDA

It was moved by Manager Hejmadi, seconded by Manager Loftus to approve the items on the Consent Agenda consisting of approval of the July 27 Meeting Minutes, and the following resolutions:

Resolution 23-042: Authorization to Renew Elements XS Annual License

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NOW, THEREFORE, BE IT RESOLVED that the Minnehaha Creek Watershed District Board of Managers hereby authorizes the renewal of permitting software maintenance and licenses for an amount of \$10,000; and

Resolution 23-041: Acceptance of 2023 Compensation Study Findings, Adoption of 2024 Pay Plan, and Authorization of 2023 Mid-Year Wage Adjustments

NOW, THEREFORE, BE IT RESOLVED that the Minnehaha Creek Watershed District Board of Managers hereby accepts the 2023 Compensation Study Findings; adopts the recommended 2024 Pay Plan; and authorizes the District Administrator to implement a 2.9% adjustment to 2023 wages for filled positions retroactive to July 16, 2023.

Upon vote, the motion carried 5-0.

BOARD, COMMITTEE AND TASK FORCE REPORTS

President's Report: None.

Operations and Programs Committee Report: Manager Loftus reported that the Committee met earlier in the evening and received a project planning update on the East Auburn, County Road 6, Cedar Lake Trail Connection and Minneapolis Parkway projects.

PERMITS REQUIRING A VARIANCE OR DISCUSSION

Permit 23-071: Mediacom Variance Review, 1948 Wayzata Blvd. W., Long Lake

Ms. Maria Friedges appeared before the Board of Managers and reviewed the permit application and request for variance. Mr. Tom Heimel was present on behalf of the applicant. Ms. Friedges explained that Mediacom applied for a permit for the installation of fiber optic cable through directional boring. Mediacom seeks a variance from the provision of the Waterbody Crossings and Structures Rule that requires a minimum 100-foot setback from waterbodies for directional drilling holes, due to spatial constraints associated with the property and proposed use of the adjacent property. Ms. Friedges reviewed the Waterbody Crossings and Structures Rule requirements and the variance criteria. She noted that based on staff and District Engineer analysis of the submittals provided by the applicant, there is a sound technical basis to find that the proposed bore pit sites cannot feasibly be moved further from the channel top of bank.

It was moved by Manager Hejmadi, seconded by Manager Maxwell to approve the requested variance to the 100-foot setback provision of the Waterbody Crossings and Structures Rule, based on the findings set forth in the permit report. In response to a

question from Manager Loftus, Ms. Friedges explained that the utility pole removed by Xcel Energy could not be installed in the same location due to the planned apartment building construction on the site. Mr. Heimel further explained this situation in reference to the site map. Manager Loftus stated that there seems to be no viable alternative and minimal risk to water resources. She asked whether there was an opportunity for improved coordination among various utilities, and Ms. Friedges noted that Xcel Energy and Mediacom are the only utilities involved at the site. ***Upon vote, the motion to approve the variance based on the findings set forth in the permit report carried, 5-0.***

It was moved by Manager Maxwell, seconded by Manager Hejmadi to approve the permit application with the conditions recommended by staff. Upon vote, the motion carried, 5-0.

ACTION ITEMS

Resolution 23-043: Authorization to Contract for Engineering and Design Services for 2023-2024 Stormwater Pond Survey and Maintenance

Mr. Josh Wolf and Ms. Tiffany Schaufler appeared before the Board of Managers to review the request for board action. Mr. Wolf reviewed the MCWD's study of stormwater pond maintenance, sediment accumulation, and pond effectiveness. He reviewed the request for proposals for engineering and design services, the three proposals received, and the staff recommendation to select Stantec.

It was moved by Manager Sando, seconded by Manager Hejmadi to adopt Resolution 23-043: Authorization to Contract for Engineering and Design Services for 2023-2024 Stormwater Pond Survey and Maintenance as follows:

NOW, THEREFORE, BE IT RESOLVED that the Minnehaha Creek Watershed District Board of Managers authorizes the Administrator, on advice of MCWD legal counsel, to enter into contract with Stantec Consulting for engineering and design services for 2023-2024 stormwater pond survey and maintenance, in an amount set for in the proposal, including the optional task for collecting and analyzing sediment samples, and authorizes the Administrator to execute change orders in his discretion up to an additional 10 percent, in aggregate, of the contract amount.

Upon vote, the motion carried 5-0.

BOARD INQUIRIES, ISSUES, AND IDEAS

None.

STAFF UPDATES

Administrator's Report

Mr. Wisker reported on the following items:

1. Mr. Wisker asked Ms. Schaufler to report on the status of construction review of the Minnehaha Preserve Boardwalk. Ms. Schaufler noted that JTS has submitted solutions for each of the 11 identified defective work categories. For 9 of these 11 work categories, JTS proposes to meet the project specifications, which means they will not require formal approval by SRF/MCWD. For the remaining 2/11 solutions, JTS proposes to use a poly shim and a longer bracket and meet the design intent, but they will need formal review and approval by SRF/MCWD. Next week, SRF and MCWD staff plan to meet with St. Louis Park staff to gain their concurrence on JTS' proposed solutions. As to the process for correcting defects, in the next couple of weeks, SRF/MCWD/St. Louis Park will observe a test of JTS' means and methods for corrections, in which JTS is proposing to lift each boardwalk section to implement corrections. If these means and methods are successful, it will prevent the need for JTS to disassemble much of the boardwalk. If the lift test is not successful, it will require JTS to disassemble the boardwalk to implement corrections. After the lift test, JTS will order materials to implement corrections (lead time on hardware is about 2-3 weeks). At the September 14 Board meeting, staff may need to seek Board approval on a change order for the project. This change order would amend the project schedule and materials, but it would not change the contract price.
2. Mr. Wisker reported that the watershed and region continue to be in severe drought. The Gray's Bay Dam has been closed since July. About 11% of Minnesota is now in severe drought, including the Minnehaha Creek watershed. Lake Minnetonka is at 928.26 feet, 13.6 inches below the Ordinary High Water mark, and four inches below the runout elevation of 928.6 feet.
3. Staff are engaging in discussions of regional climate action policy, as the legislature added climate action elements to municipal comprehensive plans. Staff has reached out to Metropolitan Council staff to discuss integration of this initiative with watershed planning and the MCWD climate action framework.
4. Staff is cooperating with Hennepin County Community Works on a funding application for trail connections in the Minnehaha Creek Corridor.
5. In response to a question from Manager Maxwell, Mr. Wisker confirmed that Alatus has filed its extension request for the 325 Blake Road redevelopment.

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Adjournment

There being no further business, Vice President Olson declared the meeting of the Board of Managers adjourned at 7:58 p.m.

Respectfully submitted,


Eugene Maxwell, Secretary