

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

4
5 **August 10, 2023**

6
7 **CALL TO ORDER**

8
9 The regular meeting of the Minnehaha Creek Watershed District Board of Managers was
10 called to order by Vice President William Olson at 7:09 p.m. on August 10, 2023, at the
11 MCWD offices, 15320 Minnetonka Boulevard, Minnetonka, Minnesota.

12
13 **MANAGERS PRESENT**

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

15
16
17 **MANAGERS ABSENT**

18 Sherry White and Richard Miller.

19
20
21 **DISTRICT STAFF AND CONSULTANTS PRESENT**

22
23 James Wisker, Administrator; Maria Friedges, Permitting Technician; Josh Wolf, Project
24 and Land Program Manager; Tiffany Schaufler, Senior Project Maintenance Coordinator;
25 Chris Meehan, District Consulting Engineer; and Louis Smith, District Counsel.

26
27 **APPROVAL OF AGENDA**

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

32
33 **MATTERS FROM THE FLOOR**

34 None.

35
36
37 **CONSENT AGENDA**

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

42
43 *Resolution 23-042: Authorization to Renew Elements XS Annual License*
44

45 ***NOW, THEREFORE, BE IT RESOLVED that the Minnehaha Creek***
46 ***Watershed District Board of Managers hereby authorizes the renewal of***
47 ***permitting software maintenance and licenses for an amount of \$10,000; and***
48

49 ***Resolution 23-041: Acceptance of 2023 Compensation Study Findings, Adoption of***
50 ***2024 Pay Plan, and Authorization of 2023 Mid-Year Wage Adjustments***

51
52 ***NOW, THEREFORE, BE IT RESOLVED that the Minnehaha Creek***
53 ***Watershed District Board of Managers hereby accepts the 2023 Compensation***
54 ***Study Findings; adopts the recommended 2024 Pay Plan; and authorizes the***
55 ***District Administrator to implement a 2.9% adjustment to 2023 wages for filled***
56 ***positions retroactive to July 16, 2023.***

57
58 ***Upon vote, the motion carried 5-0.***

59
60 **BOARD, COMMITTEE AND TASK FORCE REPORTS**

61
62 President's Report: None.

63
64 Operations and Programs Committee Report: Manager Loftus reported that the
65 Committee met earlier in the evening and received a project planning update on the East
66 Auburn, County Road 6, Cedar Lake Trail Connection and Minneapolis Parkway
67 projects.

68
69 **PERMITS REQUIRING A VARIANCE OR DISCUSSION**

70
71 Permit 23-071: Mediacom Variance Review, 1948 Wayzata Blvd. W., Long Lake

72
73 Ms. Maria Friedges appeared before the Board of Managers and reviewed the permit
74 application and request for variance. Mr. Tom Heimel was present on behalf of the
75 applicant. Ms. Friedges explained that Mediacom applied for a permit for the installation
76 of fiber optic cable through directional boring. Mediacom seeks a variance from the
77 provision of the Waterbody Crossings and Structures Rule that requires a minimum 100-
78 foot setback from waterbodies for directional drilling holes, due to spatial constraints
79 associated with the property and proposed use of the adjacent property. Ms. Friedges
80 reviewed the Waterbody Crossings and Structures Rule requirements and the variance
81 criteria. She noted that based on staff and District Engineer analysis of the submittals
82 provided by the applicant, there is a sound technical basis to find that the proposed bore
83 pit sites cannot feasibly be moved further from the channel top of bank.

84
85 ***It was moved by Manager Hejmadi, seconded by Manager Maxwell to approve the***
86 ***requested variance to the 100-foot setback provision of the Waterbody Crossings and***
87 ***Structures Rule, based on the findings set forth in the permit report.*** In response to a

88 question from Manager Loftus, Ms. Friedges explained that the utility pole removed by
89 Xcel Energy could not be installed in the same location due to the planned apartment
90 building construction on the site. Mr. Heimel further explained this situation in reference
91 to the site map. Manager Loftus stated that there seems to be no viable alternative and
92 minimal risk to water resources. She asked whether there was an opportunity for
93 improved coordination among various utilities, and Ms. Friedges noted that Xcel Energy
94 and Mediacom are the only utilities involved at the site. ***Upon vote, the motion to***
95 ***approve the variance based on the findings set forth in the permit report carried, 5-0.***
96

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

100

101 **ACTION ITEMS**

102

103 **Resolution 23-043: Authorization to Contract for Engineering and Design Services for**
104 **2023-2024 Stormwater Pond Survey and Maintenance**

105

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

111

112 ***It was moved by Manager Sando, seconded by Manager Hejmadi to adopt Resolution***
113 ***23-043: Authorization to Contract for Engineering and Design Services for 2023-2024***
114 ***Stormwater Pond Survey and Maintenance as follows:***

115

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

124

125 ***Upon vote, the motion carried 5-0.***

126

127 **BOARD INQUIRIES, ISSUES, AND IDEAS**

128

129 None.

130

131 **STAFF UPDATES**

132

133 **Administrator's Report**

134

135 Mr. Wisker reported on the following items:

136

137 1. Mr. Wisker asked Ms. Schaufler to report on the status of construction review of the
138 Minnehaha Preserve Boardwalk. Ms. Schaufler noted that JTS has submitted solutions
139 for each of the 11 identified defective work categories. For 9 of these 11 work categories,
140 JTS proposes to meet the project specifications, which means they will not require formal
141 approval by SRF/MCWD. For the remaining 2/11 solutions, JTS proposes to use a poly
142 shim and a longer bracket and meet the design intent, but they will need formal review
143 and approval by SRF/MCWD. Next week, SRF and MCWD staff plan to meet with St.
144 Louis Park staff to gain their concurrence on JTS' proposed solutions. As to the process
145 for correcting defects, in the next couple of weeks, SRF/MCWD/St. Louis Park will
146 observe a test of JTS' means and methods for corrections, in which JTS is proposing to
147 lift each boardwalk section to implement corrections. If these means and methods are
148 successful, it will prevent the need for JTS to disassemble much of the boardwalk. If the
149 lift test is not successful, it will require JTS to disassemble the boardwalk to implement
150 corrections. After the lift test, JTS will order materials to implement corrections (lead
151 time on hardware is about 2-3 weeks). At the September 14 Board meeting, staff may
152 need to seek Board approval on a change order for the project. This change order would
153 amend the project schedule and materials, but it would not change the contract price.

154

155 2. Mr. Wisker reported that the watershed and region continue to be in severe drought. The
156 Gray's Bay Dam has been closed since July. About 11% of Minnesota is now in severe
157 drought, including the Minnehaha Creek watershed. Lake Minnetonka is at 928.26 feet,
158 13.6 inches below the Ordinary High Water mark, and four inches below the runout
159 elevation of 928.6 feet.

160

161 3. Staff are engaging in discussions of regional climate action policy, as the legislature
162 added climate action elements to municipal comprehensive plans. Staff has reached out
163 to Metropolitan Council staff to discuss integration of this initiative with watershed
164 planning and the MCWD climate action framework.

165

166 4. Staff is cooperating with Hennepin County Community Works on a funding application
167 for trail connections in the Minnehaha Creek Corridor.

168

169 5. In response to a question from Manager Maxwell, Mr. Wisker confirmed that Alatus has
170 filed its extension request for the 325 Blake Road redevelopment.

171

172

173

Minutes of the Regular Meeting
Minnehaha Creek Watershed District
Board of Managers
8/10/23

174 **Adjournment**

175

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

178

179 Respectfully submitted,

180

181

182 Eugene Maxwell, Secretary

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