

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

October 10, 2024

CALL TO ORDER

The regular meeting of the Minnehaha Creek Watershed District Board of Managers was called to order by President Sherry White at 7:00 p.m. on October 10, 2024, at the MCWD offices, 15320 Minnetonka Boulevard, Minnetonka, Minnesota.

ROLL CALL FOR ATTENDANCE

President White called the roll to note attendance:

William Olson:	Present
Richard Miller:	Present
Jessica Loftus:	Present (joined meeting at 7:03 p.m.)*
Stephen Sando:	Present
Eugene Maxwell:	Present
Arun Hejmadi:	Present, participating remotely using interactive technology at Minnehaha United Methodist Church, 3701 E 50th St, Minneapolis, MN
Sherry White:	Present

DISTRICT STAFF AND CONSULTANTS PRESENT

James Wisker, Administrator; Veronica Sannes, Permitting Technician; Michael Hayman, Director of Project Planning; Gabe Sherman, Project Planning Manager; Chris Meehan, District Consulting Engineer; and Louis Smith, District Counsel.

APPROVAL OF AGENDA

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

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

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MATTERS FROM THE FLOOR

None.

CONSENT AGENDA

It was moved by Manager Maxwell, seconded by Manager Sando, to approve the items on the Consent Agenda consisting of approval of the September 26, 2024, Board meeting minutes, and the following resolution:

Resolution 24-055: Authorization to Release RFP for Facilities Management Services Provider:

NOW, THEREFORE, BE IT RESOLVED that the Minnehaha Creek Watershed District Board of Managers authorizes staff to release a request for proposals for a facility management services contractor that includes a not to exceed annual management fee of \$36,000.

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

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

BOARD, COMMITTEE AND TASK FORCE REPORTS

President's Report: President White reported that along with Manager Maxwell she recently attended a Hopkins City Council meeting regarding the 325 Blake Road project.

President White noted the upcoming meeting schedule presented in the agenda.

Projects and Planning Committee Report: None (meeting cancelled).

PUBLIC HEARINGS & PRESENTATIONS

None.

PERMITS REQUIRING A VARIANCE OR DISCUSSION

Permit 24-367: Lake Minnetonka Flats (2400 & 2420 Commerce Blvd, Mound)
Exception Request

(*Manager Loftus arrived at this point in the meeting.) Ms. Veronica Sannes appeared before the Board of Managers to review the permit application and exception request. She reviewed the background on the location and proposed project, to develop the site west of the Lost Lake wetland with three, four-unit, two-story condominium buildings. Ms. Sannes reviewed the application of MCWD’s Erosion Control, Wetland Protection, and Stormwater Management rules. She noted that while no wetland impacts are proposed, the buffer requirement of the Wetland Protection Rule is triggered, and the Applicant requests an exception, pursuant to the MCWD Variances and Exceptions Rule, with respect to Wetland Protection Rule section 5, which requires that a vegetated buffer 75 feet in average width be established adjacent to a wetland with a Preserve management classification. Criteria under section 5(c) requires that the buffer width may be reduced to no less than 50% of the base width of 75 feet, and in most locations this minimum width is not being met. To offset the water quality loss of buffer width, the Applicant proposes to capture and treat approximately an acre of currently untreated impervious surface runoff from Commerce Boulevard, and to improve the wetland buffer performance and habitat through soil amendments and an enhanced buffer planting plan.

It was moved by Manager Miller, seconded by Manager Olson to approve the requested exception, finding that the Applicant has provided sufficient evidence that the proposed project will achieve water resource outcomes equivalent or greater than full rule compliance in regard to section 5 of the Wetland Protection rule, and approve the permit application with the conditions recommended by staff.

Manager Olson stated that he felt the project provides good benefits in lieu of strict compliance with the buffer rule. In response to questions from Manager Maxwell, Ms. Sannes stated that there have been no opposition to the project, no comments received by the MCWD, and the City is on record supporting the project; she also noted that the owners would be responsible for maintenance, with a maintenance declaration recorded on the property. President White stated that she appreciated that the project would result in a net benefit to water resources. Manager Loftus stated that she appreciates the collaborative work with the developer but was curious if the operations and maintenance of the stormwater filtration system is favorable compared to the value of permanent buffers. In response to a question from Manager Loftus, Ms. Sannes reviewed the locations and range of wetland buffer provided. In response to a question from President White, Ms. Sannes noted that further setbacks were explored but were maximized by the project given site conditions.

There being no further discussion, upon roll call vote, the motion to approve the exception and permit carried 7-0 as follows:

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

ACTION ITEMS

Resolution 24-056: Authorizing Design Contract for Greenway to Cedar Trail Connection Project

Mr. Gabe Sherman appeared before the Board of Managers to review the request for board action. He noted that at the previous meeting, the Board of Managers ordered this project. He reviewed the background, scope and timeline for the next phase of design work for this project. He noted that the trail connection will bring the Greenway trail under the newly constructed Southwest Light Rail Transit (SWLRT) corridor, creating the final trail connection between the Minnehaha Creek Preserve and the Cedar Lake LRT Regional Trail near 325 Blake Road, providing uninterrupted pedestrian infrastructure along Minnehaha Creek between Methodist Hospital in St. Louis Park and Cottageville Park in Hopkins. This project also provides an opportunity to stabilize the streambanks and enhance the riparian zone of the stretch of Minnehaha Creek between 325 Blake Road and the Minnehaha Creek Preserve. Mr. Sherman reviewed the eight project design tasks and noted that they are expected to take about nine months to complete. He explained that the not to exceed budget of \$155,650 would be split equally with the City of St. Louis Park, pursuant to a cooperative agreement that would be completed once the project was in the City’s final capital improvement program sometime next year.

It was moved by Manager Miller, seconded by Manager Sando, to adopt Resolution 24-056: Authorizing Design Contract for Greenway to Cedar Trail Connection Project, as follows:

NOW, THEREFORE, BE IT RESOLVED that the Minnehaha Creek Watershed District Board of Managers hereby authorizes the District Administrator, on advice of counsel, to enter into a contract with Stantec Consulting Services Inc. to perform design and engineering services for the Greenway to Cedar Trail Connection and Streambank Restoration project, in

an amount not to exceed \$141,500, and further authorizes the Administrator to execute change orders in his discretion up to an additional 10% of this fee.

In response to a question from Manager Sando, Mr. Sherman explained the point of connection with the Three Rivers Parks trail. Manager Hejmadi asked about the potential for flooding issues in this trail section, and Mr. Sherman and Mr. Meehan noted the modeling done for the feasibility study to assure no exacerbation of existing conditions. Mr. Meehan noted that the design process would include examining potential compensatory storage opportunities. In response to questions from Manager Maxwell, Mr. Sherman stated that staff continues to be in touch with the residents whose properties abut this section of the trail and explained that the scope includes soil borings and may require a change order of several thousand dollars for Phase I environmental study. Manager Miller asked that staff consider any potential restoration opportunities for the wetland that lies north and east of the project site. Mr. Meehan noted that stormwater analysis will include opportunities near Louisiana Avenue, and Mr. Michael Hayman noted that the City of St. Louis Park is working on a predictive pumping system at South Oaks Pond.

There being no further discussion, upon roll call vote, the motion to adopt Resolution 24-056 carried, 7-0 as follows:

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

Prior to the closed session on 325 Blake Road, President White turned to the other remaining agenda items.

BOARD INQUIRIES, ISSUES, AND IDEAS

Manager Miller asked about the status of naming the Greenway entrance in honor of Bob Murphy and requested that a report be provided at the next meeting of the Projects and Planning Committee. He also requested a status report on exploring bridgehead land acquisition opportunities.

STAFF UPDATES

Administrator's Report

Mr. Wisker reported on the following items:

1. Lake Minnetonka elevation is now at elevation 928.57 and the Gray's Bay Dam is now closed.
2. MCWD staff and legal counsel have continued work with SRF and St. Louis Park building officials for field testing of approved alternative repair methods for the Minnehaha Preserve Boardwalk. JTS, the contractor, has expressed reservations about proceeding with the field tests without an agreement on shared responsibility for the Boardwalk repair costs. MCWD has consistently requested that JTS provide evidence to support the claim that MCWD or its agents bear responsibility for the Boardwalk's current condition, noting multiple examples of poor workmanship, and JTS has not provided evidence to support its claim. MCWD had been waiting for three weeks to hear from JTS on proceeding with the field tests, and a conversation today with JTS' attorney appeared to establish a path to communication. Staff will update the Board on the status of this matter at the October 24 board meeting.
3. Noting Manager Miller's inquiries, Mr. Wisker noted that he had made a call to Japs Olson about the Greenway entrance naming, and is awaiting a reply. On bridgehead land acquisition opportunities, Mr. Wisker noted that perhaps during Manager Miller's absence, staff had presented a review and priority ranking process for land acquisition opportunities and will share that information with him.

BOARD DISCUSSION ITEMS

325 Blake Road Restoration and Redevelopment

Mr. Michael Hayman appeared before the Board of Managers to provide an update on redevelopment and the MCWD project at 325 Blake Road in Hopkins. He requested that the Board of Managers go into closed session. ***Pursuant to legal counsel's recommendation, it was moved by Manager Miller, seconded by Manager Maxwell for the Board to go into a closed session for the purpose of discussing the potential expiration or revision of terms of the Purchase and Sale Agreement of 325 Blake Road in Hopkins. Upon roll call vote, the motion carried 7-0 as follows:***

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

The Board of Managers went into closed session.

The Board of Managers returned to open session.

Adjournment

There being no further business, President White declared the meeting of the Board of Managers adjourned at 9:07 p.m.

Respectfully submitted,



Eugene Maxwell, Secretary