

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

October 24, 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 7:01 p.m. on October 24, 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:	Absent*
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

*Manager Loftus was absent at roll call, and abstained from voting, but participated remotely later in the meeting pursuant to Minnesota Statutes 13D.02, subdivision 1.

DISTRICT STAFF AND CONSULTANTS PRESENT

James Wisker, Administrator; Maggie Menden, Permitting Technician; Kailey Cermak, Project Planning Manager; 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 Sando, to approve the Agenda as distributed. Upon roll call vote, the motion carried, 6-0 as follows:

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

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Sando: Aye
White: Aye

MATTERS FROM THE FLOOR

None.

CONSENT AGENDA

It was moved by Manager Sando, seconded by Manager Millerl, to approve the items on the Consent Agenda consisting of approval of the October 10, 2024, Board meeting minutes, approval of the General Check Register, including check numbers 42607 through 42614 in the amount of \$ 30,584.05, electronic funds withdrawals of \$178,156.97, credit card charges of \$ 3,376.91, managers per diems and reimbursements of \$ 2,838.56, employee reimbursements of \$743.25, and payroll electronic funds withdrawals and disbursements of \$165,850.61, for a total of \$381,550.35; the Surety Check Register including payment of \$30.00 in fees to Bremer Bank, and check numbers 2226 - 2227, for a total of \$4,030.00; and wire transfers of \$52,461.58 to Bremer Bank for MCWD campus refinance.

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 noted that she attended the recent meeting of the Metro Chapter of Minnesota Watersheds, about which Manager Olson will give the report.

Projects and Planning Committee Report: Manager Miller noted that the Committee met earlier in the evening and received a presentation on the key focus areas and scoping of the District’s 2027 water resources management plan, which included discussion of flood management, focal geographies, Land & Water Partnership, and evaluation.

Metro Chapter – Minnesota Watersheds

Manager Olson reported that President White chaired the meeting and key topics included plans for watershed training videos by the Board of Water and Soil Resources, plans for association dues to be distributed earlier this year, and other agency reports.

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

PERMITS REQUIRING A VARIANCE OR DISCUSSION

Permit 24-460: 4685 West Branch Road, Orono - Variance Request

Ms. Maggie Menden appeared before the Board of Managers to review the variance request. She explained that the applicant requested consideration of this variance request prior to submitting a full permit application. Ms. Menden noted that staff recommends denial of the variance request due to the proposed project's increase in flood stage of the stream that flows at this site.

Ms. Menden reviewed the background on the location and proposed scope of the project, the application of MCWD floodplain and water body crossing rules to the proposed project, and the requested variance from those rules. She noted that staff had participated in multiple meetings with the applicant, which resulted in this request for a variance to allow construction of two 48-inch culverts. She explained the hydraulic impact of the proposed project, which resulted in less than two feet of freeboard above the 100 year flood elevation for 4701. She noted that the two neighbors do not support allowing this flood rise or the sharing of a driveway with the applicant. Ms. Menden noted staff recommended denial of the variance request due to the small but measurable increase in flood elevation on the adjacent property; the fact that the structure on the adjacent property already is not well elevated above the 100-year flood elevation; and the fact that alternative solutions have not been fully pursued.

Mr. Ryan Ortlip, applicant for the variance, appeared before the Board of Managers. He explained that the neighboring landowners have not agreed to the shared driveway or culvert connection due to maintenance concerns. He noted that he has done everything possible to try to match the existing drainage. In response to a question from Manager Maxwell, Mr. Ortlip explained that the neighbors have refused to agree to a culvert extension or connection.

Following discussion, it was moved by Manager Miller, seconded by President White to deny the requested variance pursuant to the recommendation of staff. Manager Olson asked who could participate in developing a possible solution to the applicant's problem. Ms. Menden noted that potential solutions included the construction of six culverts under

the proposed driveway, a 10-foot box culvert, or construction of a shared driveway for the three parcels with the city's approval.

Mr. Ortlip stated that he understood that installing six culverts would still result in flood rise, and that another option would be a whole bridge construction, which is not feasible for his single-family project.

Manager Sando stated that he felt the fallback option is for the city to be convinced to take action on the driveway request. President White noted that even though the request resulted in minimal flood rise, flood management is critical, and she would vote to deny the variance. Manager Maxwell stated that he would hope that staff could meet with the City to find a solution at a realistic cost.

Mr. Wisker noted that the MCWD engineer's modeling demonstrated that six culverts would meet the no rise requirement, but staff also recognize that it would not be a realistic solution and more viable alternatives exist, such as the city allowing a one foot variance for a shared driveway. Mr. Wisker noted that the City has the land use authority to address the problem.

There being no further discussion, upon roll call vote, the motion to deny the variance request for Permit 24-460 carried, 6-0 as follows:

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

PUBLIC HEARINGS & PRESENTATIONS

None.

ACTION ITEMS

None.

BOARD DISCUSSION ITEMS

Planning Briefing: Continued Partnership with the City of Victoria

Ms. Kailey. Cermak appeared before the Board of Managers to provide a briefing on the progress and successes of MCWD’s partnership with the City of Victoria and to introduce a new memorandum of understanding (MOU) that will guide the next phase of collaboration. She noted that updated MOU focuses on aligning efforts in the City’s western growth area, providing a clear framework for continued collaboration, investment, long-range planning, and natural resource protection. Ms. Cermak explained that the new MOU has three key areas of focus:

1. Greenway Planning and Implementation: focused planning and investment to implement the greenway vision, ahead of development, to improve and protect natural resources, improve development quality, and reduce development risk;
2. 10-Year Plan Coordination & Ongoing Partnership: Commitment to collaborate on the development of both the City’s 2050 comprehensive plan and the District’s 2027 Watershed Management Plan (WMP) to strengthen the integration of land-use and water management planning; and
3. Regulatory Program Coordination: Continued refinement and streamlining of regulatory processes to minimize conflict between the built and natural environment at the onset of development.

Ms. Cermak noted that the Victoria City Council would consider the MOU on October 28, and the MOU would be before the Board of Managers at its next meeting on November 7. The managers thanked Ms. Cermak for her report.

President White deferred discussion of 325 Blake Road until after the other items on the agenda would be addressed.

BOARD INQUIRIES, ISSUES, AND IDEAS

Manager Miller asked about pathfinding signs for the Six Mile Prairie Marsh. Mr. Wisker noted that staff is communicating with Carver County and MnDOT on this matter.

STAFF UPDATES

Administrator’s Report

Mr. Wisker reported on the following items:

1. MCWD has not received any further communication from JTS, the contractor for the Minnehaha Preserve Boardwalk concerning plans for field tests. Staff will be following up in the coming days and will frame options for the Board at the next meeting on November 7.

2. Mr. Wisker continues communication with Campbell-Sevey on a letter of permission to cooperative on campus improvements including the shared driveway for the MCWD office. Staff also has discussed updated planning and zoning requirements with the City of Minnetonka to inform this work. Mr. Wisker plans to bring this project to the Board for decision at a November meeting.
3. Mr. Gabe Sherman has been making progress with the feasibility study of three projects in the Minnehaha Creek corridor in cooperation with the City of Minneapolis and the Minneapolis Park and Recreation Board. Staff is planning a Policy Steering Committee meeting in the first quarter of 2025.

BOARD DISCUSSION ITEMS, continued

325 Blake Road Restoration and Redevelopment

Mr. Michael Hayman appeared before the Board of Managers to provide an update on negotiations with Alatus and the City of Hopkins concerning redevelopment and the MCWD project at 325 Blake Road in Hopkins.

He recommended that the Board of Managers ask counsel to guide them into closed session to consider the ongoing negotiations, and the potential termination of the Agreement on November 1. *Pursuant to legal counsel's recommendation, it was moved by Manager Maxwell, seconded by Manager Loftus 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 6-0 as follows:*

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

The Board of Managers went into closed session.

The Board of Managers returned to open session.

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Adjournment

There being no further business, President White declared the meeting of the Board of Managers adjourned at 8:56 p.m.

Respectfully submitted,

A handwritten signature in blue ink that reads "Eugene Maxwell". The signature is written in a cursive style.

Eugene Maxwell, Secretary