

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

4  
5                                   **November 21, 2024**

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7                                   **CALL TO ORDER**

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9                                   The regular meeting of the Minnehaha Creek Watershed District Board of Managers was  
10                                   called to order by President Sherry White at 7:00 p.m. on November 21, 2024, at the  
11                                   MCWD offices, 15320 Minnetonka Boulevard, Minnetonka, Minnesota.

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13                                   **MANAGERS PRESENT**

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

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18                                   **MANAGERS ABSENT**

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20                                   None.

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22                                   **DISTRICT STAFF AND CONSULTANTS PRESENT**

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24                                   James Wisker, Administrator; Abigail Couture, Permitting Assistant; Becky Christopher,  
25                                   Director of Policy Planning; Kate Moran, Policy Planning Coordinator; Kailey Cermak,  
26                                   Project Planning Manager; Rachel Baker, Planner – Project Manager; Gabe Sherman,  
27                                   Project Planning Manager; Chris Meehan, District Consulting Engineer; and Louis Smith,  
28                                   District Counsel.

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30                                   **APPROVAL OF AGENDA**

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32                                   President White suggested moving Item 12.1 Board Discussion of 325 Blake Road, to the  
33                                   end of the Agenda. *It was moved by Manager Maxwell, seconded by Manager Sando, to*  
34                                   *approve the Agenda with this change. Upon vote, the motion carried, 7-0.*

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36                                   **MATTERS FROM THE FLOOR**

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38                                   None.

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40                                   **CONSENT AGENDA**

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42                                   *It was moved by Manager Hejmadi, seconded by Manager Sando, to approve the items*  
43                                   *on the Consent Agenda consisting of approval of the November 7, 2024, Board meeting*  
44                                   *minutes, approval of the General Check Register, including check numbers 42615*  
45                                   *through 42622 in the amount of \$28,254.68, electronic funds withdrawals of*  
46                                   *\$186,531.51, managers per diems and reimbursements of \$1,852.40, employee*

47 *reimbursements of \$1,575.15, and payroll electronic funds withdrawals and*  
48 *disbursements of \$161,082.84, for a total of \$379,296.58; the Surety Check Register*  
49 *including payment of \$30.00 in fees to Bremer Bank, and check numbers 2228 - 2234,*  
50 *for a total of \$28,630.00; and wire transfers of \$820,593.75 to Hennepin County for*  
51 *repayment of Hennepin County 2013B and Hennepin County 2020B.*

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53 *Upon vote, the motion carried, 7-0.*

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55 **BOARD, COMMITTEE AND TASK FORCE REPORTS**

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57 President's Report: President White noted that she met with Hennepin County  
58 Commissioner Angela Conley, along with Manager Hejmadi and Mr. Wisker, which  
59 included a helpful discussion about the 325 Blake Road project.

60

61 Projects and Planning Committee Report: Manager Miller noted that the Committee met  
62 earlier in the evening and received a presentation on the community engagement plan for  
63 the 2027 water resources management planning process. He also noted that he recently  
64 attended a meeting that included representatives of the Minneapolis Park & Recreation  
65 Board who expressed appreciation for the collaborative work with the District and Mr.  
66 Wisker's leadership.

67

68 Citizens Advisory Committee Report: Manager Sando reported that he attended the  
69 recent CAC meeting on November 13 which included a review of the MCWD's planning  
70 goals, an update in the Greenway trail, and planning collaboration with the City of  
71 Victoria.

72

73 Minnesota Watersheds Annual Meeting Notice and Delegate Appointments: President  
74 White noted that the Board of Managers needed to select delegates for the Minnesota  
75 Watersheds annual meeting. *It was moved by Manager Loftus, seconded by Manager*  
76 *Maxwell, to appoint President White and Manager Olson as delegates. Upon vote, the*  
77 *motion carried, 7-0.*

78

79 Ms. Becky Christopher and Ms. Kate Moran appeared before the Board of Managers to  
80 review the resolutions submitted by members of Minnesota Watersheds. Ms. Moran  
81 reviewed each resolution, the Resolutions Committee's recommendations, and the  
82 analysis provided by MCWD legal counsel. The managers thanked Ms. Moran for her  
83 presentation.

84

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

86

87 **PERMITS REQUIRING A VARIANCE OR DISCUSSION**

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89 None.

90

91 **PUBLIC HEARINGS & PRESENTATIONS**

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93 **Annual Public Hearing for MCWD’s Stormwater Pollution Prevention Plan**

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95 President White opened the public hearing to provide an opportunity for public comment  
96 on the District’s Stormwater Pollution Prevention Plan. Ms. Abigail Couture appeared  
97 before the Board of Managers to provide background for the public hearing. She  
98 explained that the MCWD is the drainage authority for eight public drainage systems;  
99 therefore, it is regulated as a municipal separate storm sewer system (MS4) under the  
100 National Pollutant Discharge Elimination System (NPDES) Phase II rules. The NPDES  
101 Phase II rules require that a public hearing be held annually to provide an opportunity for  
102 public input on the District’s Stormwater Pollution Prevent Plan (SWPPP).

103

104 President White invited public comments and there were none. Ms. Couture confirmed  
105 that no written comments had been received. President White closed the public hearing.

106

107 **2025 MCWD Budget and Levy – Public Comment Period**

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109 Mr. James Wisker appeared before the Board of Managers to review the process for  
110 establishing the MCWD’s 2025 budget and levy with formal adoption in September. He  
111 noted that the Board, based on public comment or its own initiative, may adjust the  
112 budget and may decrease, but not increase, the levy. If it does not choose to do so, no  
113 action is needed. No one appeared to offer comments on the 2025 budget and levy and  
114 the Board took no further action.

115

116 **ACTION ITEMS**

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118 **Resolution 24-062: Authorizing Contract for Brose Wetland Restoration Planning**

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120 Ms. Kailey Cermak appeared before the Board of Managers to review the request for  
121 board action. She reviewed the cooperative planning discussions with the City of  
122 Victoria concerning its western growth area, the value of wetland restoration in the area,  
123 and the potential to improve water quality for the Turbid-Lundsten management unit.  
124 She noted recent coordination with the Carver County Soil and Water Conservation  
125 District and engagement with the Pat Brose to explore the potential for a wetland  
126 restoration that aligns with MCWD’s natural resource goals and the family’s long-term  
127 property interests. Ms. Cermak reviewed a proposed scope of work with Moore  
128 Engineering to explore this potential wetland restoration and a letter of intent with Mr.  
129 Brose to outline shared priorities.

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131 ***It was moved by Manager Olson, seconded by Manager Hejmadi, to adopt Resolution***  
132 ***24-062: Authorizing Contract for Brose Wetland Restoration Planning as follows:***

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***NOW, THEREFORE, BE IT RESOLVED that the Minnehaha Creek Watershed District Board of Managers concurs in staff's signing of the letter of interest with the Brose Family regarding their property at 8575 and 8577 Scandia Road, Waconia;***

***BE IT FURTHER RESOLVED that the MCWD Board of Managers authorizes the District Administrator, on advice of counsel, to execute a contract with Moore Engineering for wetland restoration planning, in accordance with the proposed scope of work and in an amount not to exceed, \$23,400.***

In response to a question from Manager Olson, Ms. Cermak noted that while so far there has been no formal engagement with Laketown Township, there have been ongoing staff discussions with Mike Klingelhutz, a member of the Township's board of supervisors, and there are plans to reach out to Carver County as well. Mr. Wisker noted ongoing communication with the Carver Soil and Water Conservation District, and plans for an update to the Carver County Board in early 2025. ***Upon vote, the motion carried 6-0 (Manager Hejmadi absent for vote).***

Resolution 24-063: Contract Amendment for East Auburn Wetland Restoration

Ms. Rachel Baker appeared before the Board of Managers to review the request for board action. She explained that due to the higher-than-expected geotechnical costs, the City's request for boardwalk design modifications, and additional coordination costs related to site access and a geotechnical bid addendum process, staff is requesting \$19,000 to be added to the design budget. ***It was moved by Manager Sando, seconded by Manager Hejmadi to adopt Resolution 24-063: Authorization to amend the design budget for the East Auburn Wetland Restoration Project as follows:***

***NOW, THEREFORE, BE IT RESOLVED that the Minnehaha Creek Watershed District Board of Managers authorizes the District Administrator to amend the agreement between MCWD and Moore Engineering, Inc. (East Auburn Wetland Restoration Project) to include additional geotechnical engineering services, boardwalk design, and coordination in an amount not to exceed \$19,000.***

In response to a question from Manager Sando, Ms. Baker noted that the lighter maintenance equipment is used by the City at Wassermann Park. Manager Miller noted the MCWD's history of bad experiences with boardwalks and asked how we plan to avoid these problems going forward. Mr. Wisker said that the MCWD had a positive boardwalk experience with Arden Park, and has learned the importance of specifications, quality construction oversight and field observation. Manager Maxwell asked if an eight-

175 foot-wide boardwalk meets ADA requirements, and Ms. Baker replied that it would.  
176 *There being no further discussion, upon vote, the motion carried 7-0.*

177

178 **BOARD INQUIRIES, ISSUES, AND IDEAS**

179

180 Manager Sando noted recent correspondence about a wetland fill violation in the City of  
181 Plymouth and asked if Mr. Wisker could provide an update.

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183 **STAFF UPDATES**

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185 Administrator's Report

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187 Mr. Wisker reported on the following items:

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- 189 1. In response to Manager Sando's question, Mr. Wisker noted that a neighbor  
190 had reported concern with wetland filling in the City of Plymouth, where the  
191 City is the Local Government Unit responsible for implementation of the  
192 Wetland Conservation Act. The City is sending a notice of violation and will  
193 pursue voluntary compliance action.  
194
- 195 2. The Minneapolis Park & Recreation Board and MCWD have been in  
196 discussion with Ms. Nancy Gibson about maintenance needs at Cedar  
197 Meadows. A site visit is planned soon with MPRB Commissioner Shaffer.  
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- 199 3. While the Gray's Bay dam had been considered previously closed for the  
200 winter, a recent 1.5-inch rain event followed by snow resulted in an increase  
201 in the elevation of Lake Minnetonka and City of Minnetonka Public Works  
202 staff assisted in re-opening the dam to facilitate flow at 75 cubic feet per  
203 second.  
204
- 205 4. MCWD staff met recently with Minnetrista Mayor Whelan to discuss  
206 vegetation concerns for Lake Saunders and general conservation corridor  
207 planning.  
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- 209 5. Staff will participate tomorrow with concerned parties and the City of Orono  
210 to discuss modeling and alternatives for a culvert and crossing in which a  
211 variance request had been denied at a recent board meeting.

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214 **BOARD DISCUSSION ITEMS**

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216 325 Blake Road Restoration and Redevelopment

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Minutes of the Regular Meeting  
Minnehaha Creek Watershed District  
Board of Managers  
11/21/24

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

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222 He recommended that the Board of Managers ask counsel to guide them into closed  
223 session to consider the ongoing negotiations, and the potential termination of the  
224 Agreement on November 1. ***Pursuant to legal counsel's recommendation, it was moved***  
225 ***by Manager Olson, seconded by Manager Miller for the Board to go into a closed***  
226 ***session for the purpose of discussing the potential expiration or revision of terms of the***  
227 ***Purchase and Sale Agreement of 325 Blake Road in Hopkins. Upon vote, the motion***  
228 ***carried 7-0.***

229  
230 The Board of Managers went into closed session.

231  
232 The Board of Managers returned to open session.

233  
234 **Adjournment**

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236 There being no further business, President White declared the meeting of the Board of  
237 Managers adjourned at 9:15 p.m.

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239 Respectfully submitted,

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243 Eugene Maxwell, Secretary