



47 **MATTERS FROM THE FLOOR**

48

49 None.

50

51 **CONSENT AGENDA**

52

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

56

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

59

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

64

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

66

67 Olson: Aye  
68 Miller: Aye  
69 Loftus: Absent  
70 Hejmadi: Aye  
71 Maxwell: Aye  
72 Sando: Aye  
73 White: Aye

74

75

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

77

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

80

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

82

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

84

85 **PUBLIC HEARINGS & PRESENTATIONS**

86

87 None.

88

89

90 **PERMITS REQUIRING A VARIANCE OR DISCUSSION**

91  
92 **Permit 24-367: Lake Minnetonka Flats (2400 & 2420 Commerce Blvd, Mound)**  
93 **Exception Request**

94  
95 (\*Manager Loftus arrived at this point in the meeting.) Ms. Veronica Sannes appeared  
96 before the Board of Managers to review the permit application and exception request.  
97 She reviewed the background on the location and proposed project, to develop the site  
98 west of the Lost Lake wetland with three, four-unit, two-story condominium buildings.  
99 Ms. Sannes reviewed the application of MCWD’s Erosion Control, Wetland Protection,  
100 and Stormwater Management rules. She noted that while no wetland impacts are  
101 proposed, the buffer requirement of the Wetland Protection Rule is triggered, and the  
102 Applicant requests an exception, pursuant to the MCWD Variances and Exceptions Rule,  
103 with respect to Wetland Protection Rule section 5, which requires that a vegetated buffer  
104 75 feet in average width be established adjacent to a wetland with a Preserve  
105 management classification. Criteria under section 5(c) requires that the buffer width may  
106 be reduced to no less than 50% of the base width of 75 feet, and in most locations this  
107 minimum width is not being met. To offset the water quality loss of buffer width, the  
108 Applicant proposes to capture and treat approximately an acre of currently untreated  
109 impervious surface runoff from Commerce Boulevard, and to improve the wetland buffer  
110 performance and habitat through soil amendments and an enhanced buffer planting plan.  
111

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

117  
118 Manager Olson stated that he felt the project provides good benefits in lieu of strict  
119 compliance with the buffer rule. In response to questions from Manager Maxwell, Ms.  
120 Sannes stated that there have been no opposition to the project, no comments received by  
121 the MCWD, and the City is on record supporting the project; she also noted that the  
122 owners would be responsible for maintenance, with a maintenance declaration recorded  
123 on the property. President White stated that she appreciated that the project would result  
124 in a net benefit to water resources. Manager Loftus stated that she appreciates the  
125 collaborative work with the developer but was curious if the operations and maintenance  
126 of the stormwater filtration system is favorable compared to the value of permanent  
127 buffers. In response to a question from Manager Loftus, Ms. Sannes reviewed the  
128 locations and range of wetland buffer provided. In response to a question from President  
129 White, Ms. Sannes noted that further setbacks were explored but were maximized by the  
130 project given site conditions.  
131

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

134  
135 Maxwell: Aye  
136 Olson: Aye  
137 Miller: Aye  
138 Sando: Aye  
139 Loftus: Aye  
140 Hejmadi: Aye  
141 White: Aye

142  
143

144 **ACTION ITEMS**

145

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

148

149 Mr. Gabe Sherman appeared before the Board of Managers to review the request for  
150 board action. He noted that at the previous meeting, the Board of Managers ordered this  
151 project. He reviewed the background, scope and timeline for the next phase of design  
152 work for this project. He noted that the trail connection will bring the Greenway trail  
153 under the newly constructed Southwest Light Rail Transit (SWLRT) corridor, creating  
154 the final trail connection between the Minnehaha Creek Preserve and the Cedar Lake  
155 LRT Regional Trail near 325 Blake Road, providing uninterrupted pedestrian  
156 infrastructure along Minnehaha Creek between Methodist Hospital in St. Louis Park and  
157 Cottageville Park in Hopkins. This project also provides an opportunity to stabilize the  
158 streambanks and enhance the riparian zone of the stretch of Minnehaha Creek between  
159 325 Blake Road and the Minnehaha Creek Preserve. Mr. Sherman reviewed the eight  
160 project design tasks and noted that they are expected to take about nine months to  
161 complete. He explained that the not to exceed budget of \$155,650 would be split equally  
162 with the City of St. Louis Park, pursuant to a cooperative agreement that would be  
163 completed once the project was in the City's final capital improvement program  
164 sometime next year.

165

166 ***It was moved by Manager Miller, seconded by Manager Sando, to adopt Resolution 24-***  
167 ***056: Authorizing Design Contract for Greenway to Cedar Trail Connection Project, as***  
168 ***follows:***

169

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

175 *an amount not to exceed \$141,500, and further authorizes the Administrator to*  
176 *execute change orders in his discretion up to an additional 10% of this fee.*  
177

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

192  
193 *There being no further discussion, upon roll call vote, the motion to adopt Resolution*  
194 *24-056 carried, 7-0 as follows:*  
195

196 Maxwell: Aye  
197 Olson: Aye  
198 Miller: Aye  
199 Sando: Aye  
200 Loftus: Aye  
201 Hejmadi: Aye  
202 White: Aye  
203  
204

205 Prior to the closed session on 325 Blake Road, President White turned to the other  
206 remaining agenda items.  
207

208 **BOARD INQUIRIES, ISSUES, AND IDEAS**  
209

210 Manager Miller asked about the status of naming the Greenway entrance in honor of Bob  
211 Murphy and requested that a report be provided at the next meeting of the Projects and  
212 Planning Committee. He also requested a status report on exploring bridgehead land  
213 acquisition opportunities.  
214  
215  
216  
217

218 **STAFF UPDATES**

219

220 **Administrator's Report**

221

222 Mr. Wisker reported on the following items:

223

224 1. Lake Minnetonka elevation is now at elevation 928.57 and the Gray's Bay  
225 Dam is now closed.

226

227 2. MCWD staff and legal counsel have continued work with SRF and St. Louis  
228 Park building officials for field testing of approve alternative repair methods  
229 for the Minnehaha Preserve Boardwalk. JTS, the contractor, has expressed  
230 reservations about proceeding with the field tests without an agreement on  
231 shared responsibility for the Boardwalk repair costs. MCWD has consistently  
232 requested that JTS provide evidence to support the claim that MCWD or its  
233 agents bear responsibility for the Boardwalk's current condition, noting  
234 multiple examples of poor workmanship, and JTS has not provided evidence  
235 to support its claim. MCWD had been waiting for three weeks to hear from  
236 JTS on proceeding with the field tests, and a conversation today with JTS'  
237 attorney appeared to establish a path to communication. Staff will update the  
238 Board on the status of this matter at the October 24 board meeting.

239

240 3. Noting Manager Miller's inquiries, Mr. Wisker noted that he had made a call  
241 to Japs Olson about the Greenway entrance naming, and is awaiting a reply.  
242 On bridgehead land acquisition opportunities, Mr. Wisker noted that perhaps  
243 during Manager Miller's absence, staff had presented a review and priority  
244 ranking process for land acquisition opportunities and will share that  
245 information with him.

246

247

248 **BOARD DISCUSSION ITEMS**

249

250 **325 Blake Road Restoration and Redevelopment**

251

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

259

260

Minutes of the Regular Meeting  
Minnehaha Creek Watershed District  
Board of Managers  
10/10/24

261 Maxwell: Aye  
262 Olson: Aye  
263 Miller: Aye  
264 Sando: Aye  
265 Loftus: Aye  
266 Hejmadi: Aye  
267 White: Aye

268

269 The Board of Managers went into closed session.

270

271 The Board of Managers returned to open session.

272

273 **Adjournment**

274

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

277

278 Respectfully submitted,

279

280

281

282 Eugene Maxwell, Secretary