

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

4
5 **January 25, 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 7:07 pm on January 25, 2024, at the MCWD
11 offices, 15320 Minnetonka Boulevard, Minnetonka, Minnesota.

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13 **MANAGERS PRESENT**
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15 Sherry White, William Olson, Arun Hejmadi, Stephen Sando and Jessica Loftus.

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17 **MANAGERS ABSENT**
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19 Richard Miller, Eugene Maxwell.

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21 **DISTRICT STAFF AND CONSULTANTS PRESENT**
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23 James Wisker, Administrator; Trey Jonas, Permitting Technician; Sophia Green, Planner
24 – Project Manager; Michael Hayman, Director of Project Planning; Rena Weiss, District
25 Consulting Engineer; and Louis Smith, District Counsel.

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27 **MATTERS FROM THE FLOOR**
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29 Senator Zaynab Mohamed appeared before the Board of Managers. She thanked
30 President White, Mr. Wisker and the staff for providing an informative briefing to her on
31 the Nokomis Surface and Groundwater Study, as well as MCWD's emerging partnership
32 with the City of Minneapolis and the Minneapolis Park and Recreation Board. The
33 managers thanked Senator Mohamed for her interest and attending the meeting.

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35 **APPROVAL OF AGENDA**
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37 *It was moved by Manager Hejmadi, seconded by Manager Sando to approve the*
38 *Agenda as distributed. Upon vote, the motion carried 5-0.*
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40 **CONSENT AGENDA**
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42 *It was moved by Manager Hejmadi, seconded by Manager Loftus to approve the items*
43 *on the Consent Agenda consisting of approval of the January 11, 2024 Board meeting*
44 *minutes; approval of the General Check Register, including check numbers 42483*
45 *through 42501 in the amount of \$166,828.20, electronic funds withdrawals of*
46 *\$35,892.93, Managers Per Diems and Reimbursements of \$276.20, employee*

reimbursements of \$0, and payroll electronic funds withdrawals and disbursements of \$150,072.26, for a total of \$353,069.59; the Surety Check Register including payment of \$660.00 to Alex McDonald for permit 22-183, payment of \$1,200 to Tim Elam for permit 21-074; the Wire Check Register including a debt service payment of \$147,515.00 to the City of Richfield for bond series 2020A; and the following resolutions:

Resolution 24-007: Authorization to Renew Metro Watershed Partners Membership

NOW, THEREFORE, BE IT RESOLVED that the Minnehaha Creek Watershed District Board of Managers authorize the District Administrator to spend \$6,000 to renew MCWD's Metro Watershed Partners annual membership;

Resolution 24-008: Approval to Continue Joint Funding Agreement with the USGS for Gauging Stations and Technical Assistance in 2024 and 2025

NOW, THEREFORE, BE IT RESOLVED that the Minnehaha Creek Watershed District Board of Managers authorizes the Administrator to extend a joint funding agreement with the USGS for services from October 1, 2023 through September 30, 2025 with a total cost not to exceed \$54,918 annually;

Resolution 24-009: Approving Programmatic Maintenance Agreement with the City of Minneapolis

NOW, THEREFORE, BE IT RESOLVED that the Minnehaha Creek Watershed District Board of Managers hereby authorizes the Board President, on advice of counsel, to execute a programmatic maintenance agreement with the City of Minneapolis;

BE IT FURTHER RESOLVED that the Board approves the Programmatic Maintenance Agreement (PMA) with the City of Minneapolis and authorizes the Administrator to sign the PMA, with any non-substantive changes and on advice of counsel; and

Resolution 24-010: Approval of the 2024 District Fee Schedule

NOW, THEREFORE, BE IT RESOLVED that the Minnehaha Creek Watershed District Board of Managers hereby approves the following District fee schedule.

District Fee Schedule

District professional staff*	\$ 70.07
District administrative staff*	\$ 50.74

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Consulting Engineer/Technician	\$ Contracted Rate
District Counsel	\$ Contracted Rate
Permit Application Fee	\$ 10.00
Wetland Buffer signs	\$ 2.85
B&W Copy Costs (8½ x 11 page)	\$ 0.25 + actual staff time
Color Copy (8½ x 11 page)	\$ 1.00 + actual staff time
Electronic Records	\$ cost of production

District expenses for postage, mailing labels, contracted services, and other miscellaneous services will be billed at cost. The “Application Fee” applies to all permits, including fast track permits.

*Blended/burdened professional rate.

Upon vote, the motion carried 5-0.

REGULAR AGENDA

Board, Committee and Task Force Reports

President’s Report: President White reported that she and Mr. Wisker recently met with Hennepin County Commissioners Greene and Conley, and also attended a recent meeting of the Minnetrista City Council.

Citizen’s Advisory Committee: In Manager Maxwell’s absence, Ms. Samantha Maul noted that the recent CAC meeting included a presentation on the 2024 work plan by Mr. Wisker, election of CAC officers, and onboarding of new members.

Metro Watersheds Quarterly Meeting: President White noted that the Metro Watersheds meeting included a presentation on chloride pollution, snow gardens, and agency reports. The summer tour will be June 25-27 hosted by Capitol Region and Ramsey Washington Metro Watershed Districts. The Clean Water Council invited comments on its strategic plan.

President White directed the Board’s attention to the upcoming meeting schedule.

Permits Requiring a Variance or Discussion

Permit 23-534: 2001 Arbor Lane, Mound; Variance from Floodplain Alteration Rule

Mr. Trey Jonas appeared before the Board of Managers to review the permit application and variance request. He noted that the compensatory storage requirement of the floodplain alteration rule is being met, but the applicant is requesting a variance from the two-foot freeboard requirement for the proposed garage. He reviewed the general

compliance with MCWD Rules, and the applicant's variance request, based on site constraints and the inability to raise the garage higher without decreasing flood storage on the site. Mr. Jonas reviewed the other considerations in addressing the variance request.

It was moved by Manager Olson, seconded by Manager Hejmadi to approve the variance request based on the findings presented by staff in the permit report.

Manager Hejmadi stated he was concerned with the flood risk that the homeowners would assume, and asked about protections they were taking to address this risk. Mr. Wisker noted that the home will be above the two-foot freeboard; the garage low floor opening will not, and will be constructed of flood resistant materials. The nonformance with the MCWD Rule will be recorded. Ms. Julie Jensen, the applicant's contractor, appeared before the Board of Managers and reviewed the site constraints in further detail. Manager Loftus stated that she was also concerned about the flood risk and wanted to be sure that the homeowners would take adequate precautions and that the nonconformance would be thoroughly documented and recorded.

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

Action Items

None.

Board Discussion Items

None.

Board Inquiries, Issues and Ideas

None.

Staff Updates

East Auburn Wetland Restoration Feasibility Study

Ms. Sophia Green appeared before the Board of Managers to provide an update on the feasibility study, conducted by Moore Engineering and Wetland Solutions, to address phosphorus loading from the East Auburn wetland complex to East Auburn Lake, and to provide an update on next steps, including the ongoing partnership with the City of Victoria, project ordering, design and schedule. Ms. Green noted that the feasibility study confirms that the Cell 1 Wetland is the

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primary contributor of phosphorus to East Auburn Lake. She reviewed the alternatives analysis of seven different approaches to address this phosphorus loading, presented in a matrix that scores the various alternatives.

Upon a question from Manager Olson about the location of a weir in relation to a boardwalk, and cost responsibility, Mr. Michael Hayman appeared before the Board of Managers to note discussions with the City of Victoria on these questions and design options. At Manager Hejmadi's request, Mr. Hayman explained the concept of the design. Manager Loftus expressed her appreciation for the alternatives matrix. The managers thanked Ms. Green for her report.

Administrator's Report

Mr. Wisker reported on the following items:

1. The Minnetrista City Council gave a warm reception to the MCWD's recent presentation; there is a discussion underway about potential upstream work and the feasibility of alum dosing;
2. The meetings with President White and Hennepin County Commissioners Fernando, Conley and Greene were productive, and focused on work along Minnehaha Creek in Minneapolis and the downstream benefits of work at 325 Blake Road;
3. Discussions with Hopkins staff about 325 Blake Road continue, and consideration of City bond issuance will be given in the next 4-6 weeks;
4. The Hennepin County Board re-appointed President White and tied in a vote on Manager Sando's reappointment, so that decision was laid over to February;
5. The Northside Park project in St. Louis Park received bids below the estimate; work should proceed and be completed by the end of March;
6. MCWD, City of Minneapolis, and Minneapolis Park & Recreation Board leadership staff met to continue planning the collaborative work; a cooperative agreement should be completed by the end of March and appointments completed for a Policy Steering Committee meeting in May or June;
7. MCWD has received a request from Monarch Development LLC and the City of Mound to meet concerning potential development on the west side of Lost Lake; dredging for greater navigation access will likely be a part of this discussion; and
8. Staff continue to press on completion of the remedial work on the Minnehaha Preserve Boardwalk; in two weeks, staff hope to have a submittal made to the City of St. Louis Park for approval of all proposed remedial work; plans and schedule for field testing remedial methods; and a meeting with the contractor JTS.

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224 In response to a question from Manager Hejmadi, Mr. Wisker confirmed that JTS is incurring
225 liquidated damages of \$100 per day.

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227 **Adjournment**

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229 There being no further business, President White declared the meeting of the Board of
230 Managers adjourned at 8:19 p.m.

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232 Respectfully submitted,

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235 Eugene Maxwell, Secretary

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