

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

4
5 **March 14, 2024**

6
7 **CALL TO ORDER**
8

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 March 14, 2024, at the MCWD
11 offices, 15320 Minnetonka Boulevard, Minnetonka, Minnesota.
12

13 **MANAGERS PRESENT**
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15 Sherry White, William Olson, Stephen Sando, Jessica Loftus, and Eugene Maxwell.
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17 **MANAGERS ABSENT**
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19 Richard Miller and Arun Hejmadi.
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21 **DISTRICT STAFF AND CONSULTANTS PRESENT**
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23 James Wisker, Administrator; Sophia Green, Planner – Project Manager; Michael
24 Hayman, Director of Project Planning; Chris Meehan, District Consulting Engineer; and
25 Louis Smith, District Counsel.
26

27 **OATH OF OFFICE**
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29 Mr. Smith administered the oath of office to newly reappointed Managers Sherry White
30 and Stephen Sando.
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32 **APPROVAL OF AGENDA**
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34 *It was moved by Manager Maxwell, seconded by Manager Sando, to approve the*
35 *Agenda as distributed. Upon vote, the motion carried 5-0 (Managers Miller and*
36 *Hejmadi absent).*
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38 **MATTERS FROM THE FLOOR**
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40 None.
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42 **CONSENT AGENDA**
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44 *It was moved by Manager Olson, seconded by Manager Loftus to approve the items on*
45 *the Consent Agenda consisting of approval of the February 22, 2024, Board meeting*
46 *minutes; and approval of the following resolution:*

Resolution 24-014: Approval of Nine Mile Creek Watershed District Joint Powers Agreement

NOW, THEREFORE, BE IT RESOLVED that the Minnehaha Creek Watershed District Board of Managers authorizes the MCWD administrator to execute the proposed joint powers agreement, with any further non-substantive changes and on advice of counsel.

Upon vote, the motion carried 5-0.

BOARD, COMMITTEE AND TASK FORCE REPORTS

President's Report: President White noted that she and Mr. Wisker had a productive meeting recently with Minneapolis Council Member Linea Palmisano.

Operations and Programs Committee Report: Manager Loftus reported that the Committee met earlier in the evening and received a briefing on the County Road 6 Pond Retrofit Project.

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

PUBLIC HEARINGS & PRESENTATIONS

Public Hearing for East Auburn Wetland Restoration Project

President White opened the public hearing.

Ms. Sophia Green appeared before the Board of Managers to provide background information on the proposed East Auburn Wetland Restoration Project. She reviewed the notices for the public hearing and noted that no comments have been received on the Project to date. She traced the previous monitoring and data analysis to determine that a relatively small portion of the East Auburn Wetland is exporting a significant level of phosphorus. She described the results of a feasibility study that reviewed seven alternative approaches to manage this phosphorus export. The recommended alternative identified hydrologic restoration of the wetland through the installation of an outlet control structure as an opportunity to reduce nutrient export to East Auburn Lake by 50% while restoring the wetland to a more natural hydrologic condition.

President White invited comments from the public. Mr. John Gilbertson appeared before the Board of Managers and asked for an exploration of the hydrologic restoration. Ms. Green reviewed the concept of the placement of a weir near the boardwalk. She noted that the details of work in the channel have not yet been considered. Following a further

question from Mr. Gilbertson, Michael Hayman appeared before the Board of Managers to review the design considerations involving a notched weir that would create more sheet flow through the wetland and avoid the greater swings in wet/dry cycles. In response to a question from Mr. Gilbertson, Mr. Hayman stated that fish would pass the weir in high flow conditions.

Mr. David Teslov appeared before the Board of Managers and asked about the elevation of the weir. Ms. Green noted that the elevation is yet to be established through the design process, but there would be no impact on residents or cause a change in flooding conditions. Mr. Hayman noted the elevation would be approximately 944 feet, and the water would be 12-24 inches deep, and lower the boardwalk. In response to a further question from Mr. Teslov, Ms. Green noted that there have been discussions with the City of Victoria about replacement of the boardwalk in coordination with the weir replacement.

Mr. Tom Spartz asked if there would be a further hearing to address the variables not yet determined. Ms. Green and Mr. Hayman noted that if the design is ordered, the MCWD would hold a community meeting to discuss the 60-90% level design.

President White thanked the residents for their questions and comments and closed the public hearing.

ACTION ITEMS

Resolution 24-015: Ordering of the East Auburn Wetland Restoration Project and Authorization to Release a Request for Proposals for Design and Engineering Services

Ms. Green reviewed the MCWD's partnership discussions with the City of Victoria and the City's resolution of February 26 providing access to the site and further collaboration for the Project. She reviewed the background and process to develop the request for proposals for engineering design services to advance the Project.

It was moved by Manager Olson, seconded by Manager Loftus to adopt Resolution 24-015: Ordering of the East Auburn Wetland Restoration Project and Authorization to Release a Request for Proposals for Design and Engineering Services as follows:

NOW, THEREFORE, BE IT RESOLVED that pursuant to Minnesota Statutes § 103B.251 and the WMP, the Minnehaha Creek Watershed District Board of Managers orders the East Auburn Wetland Restoration Project;

BE IT FURTHER RESOLVED that the MCWD Board of Managers authorizes the District Administrator, on advice of counsel, to release the Request for Proposals for Engineering Design Services.

Manager Olson noted that the boardwalk is strong but in an aged condition, and that he supported the benefits of a notched weir to slow the water down.

Upon vote, the motion carried 5-0.

BOARD DISCUSSION ITEMS

None.

BOARD INQUIRIES, ISSUES, AND IDEAS

None.

STAFF UPDATES

Administrator's Report

Mr. Wisker reported on the following items:

1. Staff is planning the annual Citizens Advisory Committee field trip for mid-April and will survey Board members to find a convenient date;
2. Due to low precipitation this winter, the Spring flooding risk is at less than 50%, the lowest rating; much of the region and state is still in moderate drought; Lake Minnetonka is at the runout elevation of 928.6;
3. Staff and legal counsel are continuing to press forward to address the repairs of the Minnehaha Preserve Boardwalk; the engineering package is being prepared for submittal to the City of St. Louis Park and field testing of remedies is planned with the hope that the repair work can take place in May and June; in response to a question from Manager Loftus, Mr. Wisker noted that staff is working with legal counsel to document warranty issues and consider warranty extension;
4. MCWD is supporting the renewed application to the Legislative Citizens Commission on Minnesota Resources by Hennepin County and Three Rivers Park District for protection/conservation of the last best natural resources in the county;
5. A presentation is planned to the Orono City Council to pursue the city's support of the County Road 6 Pond Retrofit Project;

- 176 6. As President White mentioned, the meeting with Minneapolis Council
177 Member Palmisano included a productive review of the partnership with the
178 City and the Minneapolis Park & Recreation Board.
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180 **PERFORMANCE EVALUATION**

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182 *It was moved by Manager Olson, seconded by Manager Maxwell to move into Closed*
183 *Session for the purpose of discussing the administrator's performance evaluation.*
184 *Upon vote, the motion carried 5-0.*
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186 Whereupon the Board of Managers went into Closed Session.
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188 The Board of Managers returned to Open Session.
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190 **Adjournment**

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192 There being no further business, President White declared the meeting of the Board of
193 Managers adjourned at 9:10 p.m.
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195 Respectfully submitted,
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198 Eugene Maxwell, Secretary