

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

February 27, 2025

CALL TO ORDER

The regular meeting of the Minnehaha Creek Watershed District Board of Managers was called to order by President Sherry White at 7:06 p.m. on February 27, 2025, 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:	Present
Stephen Sando:	Present
Eugene Maxwell:	Present, participating remotely as duly noticed from Cimarron Golf Resort, 67603 30th Avenue, Cathedral City, CA
Arun Hejmadi:	Present
Sherry White:	Present

DISTRICT STAFF AND CONSULTANTS PRESENT

James Wisker, Administrator; Maggie Menden, Permitting Technician; Rachel Baker, Planner-Project Manager; Michael Hayman, Director of Project Planning; Chris Meehan, District Consulting Engineer; and Louis Smith, District Counsel.

APPROVAL OF AGENDA

President White suggested moving Item 12.2 Board Discussion of 325 Blake Road, to follow Item 14 at end of the Agenda. *It was moved by Manager Miller, seconded by Manager Olson, to approve the Agenda with this change. Upon roll call vote, the motion carried, 7-0 as follows:*

<i>Olson:</i>	<i>Aye</i>
<i>Miller:</i>	<i>Aye</i>
<i>Loftus:</i>	<i>Aye</i>
<i>Hejmadi:</i>	<i>Aye</i>
<i>Maxwell:</i>	<i>Aye</i>
<i>Sando:</i>	<i>Aye</i>
<i>White:</i>	<i>Aye</i>

MATTERS FROM THE FLOOR

None.

CONSENT AGENDA

It was moved by Manager Miller, seconded by Manager Hejmadi, to approve the items on the Consent Agenda consisting of approval of the February 13, 2025, Board meeting minutes, approval of the General Check Register, including check numbers 42648 through 42653 in the amount of \$7,897.73, electronic funds withdrawals of \$261,085.97, credit card charges of \$3,033.38, managers per diems and reimbursements of \$978.18, employee reimbursements of \$371.36, and payroll electronic funds withdrawals and disbursements of \$172,362.25, for a total of \$445,728.87; the Surety Check Register including payment of \$30.00 in fees to Bremer Bank; wire transfer of \$0; and the following resolution:

Resolution 25-016: Authorization to Accept or Waive the Tort Liability Limits on the MCWD Property & Casualty Insurance Policy

NOW, THEREFORE, BE IT RESOLVED that the Minnehaha Creek Watershed District Board of Managers accepts the statutory tort liability limits as set forth in Minnesota Statute § 466.04 and authorizes the District Administrator to advise the LMCIT accordingly.

Upon roll call vote, the motion carried, 7-0 as follows:

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

BOARD, COMMITTEE AND TASK FORCE REPORTS

President's Report: President White reported that she and James Wisker met with Representative Cheryl Youakim recently and that she also attended the Minnesota Watersheds legislative day. Members heard about work on the association's priorities to address chloride pollution and state agency permitting of watershed projects, and heard from leaders of the Minnesota Pollution Control Agency, Department of Natural Resources, and Board of Water and Soil Resources.

Minutes of the Regular Meeting
Minnehaha Creek Watershed District
Board of Managers
2/27/25

Policy and Planning Committee Report: Manager Miller reported that the Committee met earlier in the evening and had a staff presentation and discussion on relationship management.

Delegate Selection for MN Watersheds Special Meeting to Approve Process Change for Resolutions and Legislative Priorities:

President White noted that Minnesota Watersheds will hold a special meeting on March 21 to consider amendment to MW Bylaws. *It was moved by President White, seconded by Manager Loftus to designate Managers White and Olson as delegates to this special meeting. Upon roll call vote, the motion carried, 7-0 as follows:*

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

It was moved by President White, seconded by Manager Miller to designate Manager Maxwell as an alternate to the Minnesota Watersheds special meeting. Upon roll call vote, the motion carried, 7-0 as follows:

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

President White noted the schedule of upcoming meetings presented in the agenda.

PERMITS REQUIRING A VARIANCE OR DISCUSSION

Permit 24-401: Burl Oaks Golf Course Redesign Exception Request

Ms. Maggie Menden appeared before the Board of Managers to review the exception request for the Burl Oaks Golf Course. She explained that the applicant is proposing to meet the Wetland Protection Rule through an Exception. The applicant proposes to omit required wetland buffers (2.87 acres), in locations downgradient of cart paths and in

locations where new storm sewer is to be placed within wetland edges, on the ground that they would interfere with golf play. Instead, the applicant is proposing an Exception, an alternative approach that would achieve or improve water resource outcomes of the type the Board intends with its wetland buffer standards, including a 3.93-acre wetland restoration, which removes historic wetland fill and 1.51 acres of wetland buffers in locations not required, where they do not interfere with play. Other elements of the applicant's proposal, intended to contribute additional water resources benefit, include:

- 1.95-acre reduction in site hardcover from 5.43 to 3.48 acres;
- 2.26 acres of low maintenance fescue in areas where wetland buffers are required;
- 3,266 cubic yards, or 2 acre-feet, of additional 100-year floodplain storage;
- new irrigation system estimated to reduce water consumption by 4.7M to 6.3M gallons per year (30-40%);
- improved grass varieties estimated to reduce pesticide use by 40%, from 8-10 applications/year to 3-6; and
- reduced fertilizer inputs by an estimated 20%. Burl Oaks is phosphorus free course.

Ms. Menden noted that MCWD staff and the District Engineer have evaluated the exception request by assessing the functions the required buffers, in the existing setting, would serve for water quality, habitat and vegetation, and flood storage, and comparing them to the applicant's proposed alternative measures. She stated that staff and the Engineer find that the applicant has provided sufficient evidence to demonstrate that the proposed project will achieve water resource outcomes equivalent to or greater than full rule compliance.

It was moved by Manager Sando, seconded by Manager Miller to grant the Exception as recommended by staff. In response to a question from Manager Loftus, Ms. Menden reviewed the design constraints that limited the applicant's ability to provide 2.8 acres of wetland buffer. Ms. Menden explained that these constraints did not necessarily constitute a hardship as would need to be shown for a variance, but rather a design choice to achieve equal or greater resource protection.

Manager Hejmadi noted people present and asked for introductions. Marvin Johnson introduced himself as a neighboring landowner and expressed his appreciation for the thoughtful project design. Others introduced themselves as representatives of the Burl Oaks golf course, including: Jim Tierney (Board president), Nathan Peters (Course superintendent), Adam Thiele (Anderson Engineering), Ben Hodapp (Anderson Engineering), and attending remotely was David Link (Board member). In response to a question from President White, Ms. Menden explained that it was the applicant's choice to make Burl Oaks a phosphorus-free course. She also reviewed the comparative

assessment of functions and values under the exception analysis. *Upon roll call vote, the motion to grant the exception as recommended by staff carried, 7-0 as follows:*

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

It was moved by Manager Miller, seconded by Manager Sando to approve the permit with the conditions recommended by staff. Upon roll call vote, the motion carried, 7-0 as follows:

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

PUBLIC HEARINGS & PRESENTATIONS

None.

ACTION ITEMS

Resolution 25-017: Directing Correspondence to Campbell-Sevey Concerning Shared Driveway Easement

Mr. James Wisker appeared before the Board of Managers to review the request for board action. He reviewed problems with current site conditions and the lengthy history of seeking a cooperative solution with the MCWD's neighbor, Campbell-Sevey. He noted that the shared driveway easement that spans both MCWD and Campbell-Sevey properties is poorly drafted, obsolete, and would benefit from both parties removing purposeless constraints on each party's ability to use and improve its property. MCWD believes that easement revisions would bring focus and clarity to relieve potential sources of dispute between the neighboring properties while maintaining each owner's ability to ingress and egress to Minnetonka Boulevard over the shared driveway area.

Mr. Wisker noted that while MCWD recognizes that using eminent domain to reconfigure the shared driveway easement as it lies on the MCWD property would be an avoidable expense by both parties, and likely would introduce friction into neighborly relations, absent Campbell Sevey's cooperative engagement in revising the easement, MCWD will need to consider this option to properly address safety concerns, manage public liability and risk, and maintain the function and value of its property.

It was moved by Manager Olson, seconded by Manager Hejmadi, to adopt Resolution 25-017: Directing Correspondence to Campbell-Sevey Concerning Shared Driveway Easement as follows:

NOW, THEREFORE, BE IT RESOLVED that the Minnehaha Creek Watershed District Board of Managers directs the District Administrator, on advice of legal counsel, to once more seek Campbell-Sevey's engagement in a revision of the easement, and to advise Campbell-Sevey that absent prompt progress in that effort, the MCWD, from necessity, will initiate eminent domain proceedings to revise the easement so that it may perform the necessary reconstruction and resurfacing work on its property.

Upon roll call vote, the motion carried, 7-0 as follows:

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

BOARD DISCUSSION ITEMS

East Auburn Wetland Restoration 60% Design Update

Ms. Rachel Baker appeared before the Board of Managers to provide an update on the design of the East Auburn Wetland Restoration Project. She noted that additional modeling of the system revealed that the 30% design weir elevation of 944.0 was unachievable due to a rise of the 100-year High Water Level (HWL) on Wasserman Lake. The design team altered the weir by removing the notch and lowering the sheet pile elevation to 943.9 to achieve no-rise conditions on all nearby FEMA Zone A waterbodies (Wasserman Lake, Carl Krey, and Auburn Lake). Project staff are in coordination with the permitting team and other agency partners as MCWD works through remaining permitting requirements.

Minutes of the Regular Meeting
Minnehaha Creek Watershed District
Board of Managers
2/27/25

Ms. Baker noted that the boardwalk designs have been updated to reflect the City's desire to create a leaner and less costly boardwalk. Project staff also delivered a draft term-sheet to the City of Victoria that covers terms for construction and maintenance access as well as terms for repayment of boardwalk construction costs. Ms. Baker noted that the 60% design construction cost estimate has been revised to \$667,280. Manager Olson noted the City's contribution for the boardwalk, and also expressed his appreciation of the design changes in the weir. In response to a question from Manager Miller, Ms. Baker reviewed the trail location in relation to the project. Manager Loftus asked if, at 140 feet long, the weir is unusual in length and Mr. Meehan noted that the Gray's Bay weir is 300 feet long, and that this weir is shallower than others. The managers thanked Ms. Baker for this presentation.

BOARD INQUIRIES, ISSUES, AND IDEAS

None.

STAFF UPDATES

Administrator's Report

Mr. Wisker reported on the following items:

1. Staff is working on a format for briefing the Board of status of permits and will present the format at an upcoming meeting;
2. Staff have continued to participate in transportation project planning in Carver County concerning Highway 11 at Carver Park Reserve. There has been much discussion of culvert sizing and the current design would be MCWD permit requirements. This project may come to the Board at the March 13 meeting;
3. The Minnehaha Preserve Boardwalk change order has been issued and also approved by the City of St. Louis Park. The contractor is currently reviewing the change order;
4. Staff continued to meet with the City of Richfield and Barr Engineering to review performance problems with the Taft Lake project. The discussions have included concerns with the project design, operations issues, and modeling of alternatives. Staff should have an update for the Board in the second quarter of this year.

President's Report, Continued

President White noted that at its meeting of February 13, the Board of Managers met in closed session for the purpose of evaluating the performance of James Wisker, MCWD Administrator. The Board of Managers expressed deep appreciation for Mr. Wisker's commitment to MCWD,

for building the organization's capacity and mission alignment, for strong working relationships with our partners and for dedication in addressing project challenges. The Board approved an 8.4% increase in his salary.

BOARD DISCUSSION ITEMS

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 noted that at the Board's direction, correspondence from and to the City of Hopkins had been placed in the record of the meeting of February 13, and no further news had been received from the City or Alatus.

Manager Miller suggested that as the MCWD may enter a new phase of this project, the MCWD drop references to 325 Blake Road and work on a new name, such as "Gateway to the Greenway." He stated that he felt that 325 Blake Road had the connotation of a development site, and it seems more appropriate to focus on MCWD's natural resource improvements. Mr. Wisker noted that it does not appear to be a viable development site under the present circumstances.

Mr. Hayman 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. ***Pursuant to legal counsel's recommendation, it was moved by Manager Olson, seconded by Manager Miller 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, 7-0 as follows:***

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

The Board of Managers went into closed session.

The Board of Managers returned to open session.

Minutes of the Regular Meeting
Minnehaha Creek Watershed District
Board of Managers
2/27/25

Adjournment

There being no further business, President White declared the meeting of the Board of Managers adjourned at 8:36 p.m.

Respectfully submitted,

A handwritten signature in cursive script, reading "Eugene J. Maxwell". The signature is written in black ink and is positioned above the printed name of the signatory.

Eugene Maxwell, Secretary