

47 **MATTERS FROM THE FLOOR**

48
49 None.

50
51 **CONSENT AGENDA**

52
53 *It was moved by Manager Miller, seconded by Manager Hejmadi, to approve the items*
54 *on the Consent Agenda consisting of approval of the February 13, 2025, Board*
55 *meeting minutes, approval of the General Check Register, including check numbers*
56 *42648 through 42653 in the amount of \$7,897.73, electronic funds withdrawals of*
57 *\$261,085.97, credit card charges of \$3,033.38, managers per diems and*
58 *reimbursements of \$978.18, employee reimbursements of \$371.36, and payroll*
59 *electronic funds withdrawals and disbursements of \$172,362.25, for a total of*
60 *\$445,728.87; the Surety Check Register including payment of \$30.00 in fees to Bremer*
61 *Bank; wire transfer of \$0; and the following resolution:*

62
63 *Resolution 25-016: Authorization to Accept or Waive the Tort Liability Limits on the*
64 *MCWD Property & Casualty Insurance Policy*

65
66 *NOW, THEREFORE, BE IT RESOLVED that the Minnehaha Creek*
67 *Watershed District Board of Managers accepts the statutory tort liability limits*
68 *as set forth in Minnesota Statute § 466.04 and authorizes the District*
69 *Administrator to advise the LMCIT accordingly.*

70
71 *Upon roll call vote, the motion carried, 7-0 as follows:*

72
73 *Olson: Aye*
74 *Miller: Aye*
75 *Loftus: Aye*
76 *Hejmadi: Aye*
77 *Maxwell: Aye*
78 *Sando: Aye*
79 *White: Aye*

80
81 **BOARD, COMMITTEE AND TASK FORCE REPORTS**

82
83 President's Report: President White reported that she and James Wisker met with
84 Representative Cheryl Youakim recently and that she also attended the Minnesota
85 Watersheds legislative day. Members heard about work on the association's priorities to
86 address chloride pollution and state agency permitting of watershed projects, and heard
87 from leaders of the Minnesota Pollution Control Agency, Department of Natural
88 Resources, and Board of Water and Soil Resources.

89

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

93
94 Delegate Selection for MN Watersheds Special Meeting to Approve Process Change for
95 Resolutions and Legislative Priorities:

96
97 President White noted that Minnesota Watersheds will hold a special meeting on March
98 21 to consider amendment to MW Bylaws. *It was moved by President White, seconded*
99 *by Manager Loftus to designate Managers White and Olson as delegates to this special*
100 *meeting. Upon roll call vote, the motion carried, 7-0 as follows:*

101
102 *Olson: Aye*
103 *Miller: Aye*
104 *Loftus: Aye*
105 *Hejmadi: Aye*
106 *Maxwell: Aye*
107 *Sando: Aye*
108 *White: Aye*

109
110 *It was moved by President White, seconded by Manager Miller to designate Manager*
111 *Maxwell as an alternate to the Minnesota Watersheds special meeting. Upon roll call*
112 *vote, the motion carried, 7-0 as follows:*

113
114 *Olson: Aye*
115 *Miller: Aye*
116 *Loftus: Aye*
117 *Hejmadi: Aye*
118 *Maxwell: Aye*
119 *Sando: Aye*
120 *White: Aye*

121
122 President White noted the schedule of upcoming meetings presented in the agenda.
123
124

125 **PERMITS REQUIRING A VARIANCE OR DISCUSSION**

126
127 Permit 24-401: Burl Oaks Golf Course Redesign Exception Request

128
129 Ms. Maggie Menden appeared before the Board of Managers to review the exception
130 request for the Burl Oaks Golf Course. She explained that the applicant is proposing to
131 meet the Wetland Protection Rule through an Exception. The applicant proposes to omit
132 required wetland buffers (2.87 acres), in locations downgradient of cart paths and in

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

- 140
- 141 • 1.95-acre reduction in site hardcover from 5.43 to 3.48 acres;
- 142 • 2.26 acres of low maintenance fescue in areas where wetland buffers are
- 143 required;
- 144 • 3,266 cubic yards, or 2 acre-feet, of additional 100-year floodplain storage;
- 145 • new irrigation system estimated to reduce water consumption by 4.7M to 6.3M
- 146 gallons per year (30-40%);
- 147 • improved grass varieties estimated to reduce pesticide use by 40%, from 8-10
- 148 applications/year to 3-6; and
- 149 • reduced fertilizer inputs by an estimated 20%. Burl Oaks is phosphorus free
- 150 course.

151

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

159

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

166

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

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

177
178 *Olson: Aye*
179 *Miller: Aye*
180 *Loftus: Aye*
181 *Hejmadi: Aye*
182 *Maxwell: Aye*
183 *Sando: Aye*
184 *White: Aye*

185
186 *It was moved by Manager Miller, seconded by Manager Sando to approve the permit*
187 *with the conditions recommended by staff. Upon roll call vote, the motion carried, 7-0*
188 *as follows:*

189
190 *Olson: Aye*
191 *Miller: Aye*
192 *Loftus: Aye*
193 *Hejmadi: Aye*
194 *Maxwell: Aye*
195 *Sando: Aye*
196 *White: Aye*

197
198
199 **PUBLIC HEARINGS & PRESENTATIONS**

200
201 None.

202
203 **ACTION ITEMS**

204
205 **Resolution 25-017: Directing Correspondence to Campbell-Sevey Concerning Shared**
206 **Driveway Easement**

207
208 Mr. James Wisker appeared before the Board of Managers to review the request for board
209 action. He reviewed problems with current site conditions and the lengthy history of
210 seeking a cooperative solution with the MCWD's neighbor, Campbell-Sevey. He noted
211 that the shared driveway easement that spans both MCWD and Campbell-Sevey
212 properties is poorly drafted, obsolete, and would benefit from both parties removing
213 purposeless constraints on each party's ability to use and improve its property. MCWD
214 believes that easement revisions would bring focus and clarity to relieve potential sources
215 of dispute between the neighboring properties while maintaining each owner's ability to
216 ingress and egress to Minnetonka Boulevard over the shared driveway area.

217

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

224
225 ***It was moved by Manager Olson, seconded by Manager Hejmadi, to adopt Resolution***
226 ***25-017: Directing Correspondence to Campbell-Sevey Concerning Shared Driveway***
227 ***Easement as follows:***

228
229 ***NOW, THEREFORE, BE IT RESOLVED that the Minnehaha Creek***
230 ***Watershed District Board of Managers directs the District Administrator, on***
231 ***advice of legal counsel, to once more seek Campbell-Sevey’s engagement in a***
232 ***revision of the easement, and to advise Campbell-Sevey that absent prompt***
233 ***progress in that effort, the MCWD, from necessity, will initiate eminent domain***
234 ***proceedings to revise the easement so that it may perform the necessary***
235 ***reconstruction and resurfacing work on its property.***

236
237 ***Upon roll call vote, the motion carried, 7-0 as follows:***

238
239 ***Olson: Aye***
240 ***Miller: Aye***
241 ***Loftus: Aye***
242 ***Hejmadi: Aye***
243 ***Maxwell: Aye***
244 ***Sando: Aye***
245 ***White: Aye***

246
247 **BOARD DISCUSSION ITEMS**

248
249 **East Auburn Wetland Restoration 60% Design Update**

250
251 Ms. Rachel Baker appeared before the Board of Managers to provide an update on the
252 design of the East Auburn Wetland Restoration Project. She noted that additional
253 modeling of the system revealed that the 30% design weir elevation of 944.0 was
254 unachievable due to a rise of the 100-year High Water Level (HWL) on Wasserman
255 Lake. The design team altered the weir by removing the notch and lowering the sheet pile
256 elevation to 943.9 to achieve no-rise conditions on all nearby FEMA Zone A waterbodies
257 (Wasserman Lake, Carl Krey, and Auburn Lake). Project staff are in coordination with
258 the permitting team and other agency partners as MCWD works through remaining
259 permitting requirements.
260

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

272

273 **BOARD INQUIRIES, ISSUES, AND IDEAS**

274

275 None.

276

277 **STAFF UPDATES**

278

279 **Administrator's Report**

280

281 Mr. Wisker reported on the following items:

282

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

298

299 **President's Report, Continued**

300

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

304 for building the organization’s capacity and mission alignment, for strong working relationships
305 with our partners and for dedication in addressing project challenges. The Board approved an
306 8.4% increase in his salary.

307

308 **BOARD DISCUSSION ITEMS**

309

310 **325 Blake Road Restoration and Redevelopment**

311

312 Mr. Michael Hayman appeared before the Board of Managers to provide an update on
313 negotiations with Alatus and the City of Hopkins concerning redevelopment and the
314 MCWD project at 325 Blake Road in Hopkins. He noted that at the Board’s direction,
315 correspondence from and to the City of Hopkins had been placed in the record of the
316 meeting of February 13, and no further news had been received from the City or Alatus.

317

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

324

325 Mr. Hayman recommended that the Board of Managers ask counsel to guide them into
326 closed session to consider the ongoing negotiations, and the potential termination of the
327 Agreement. ***Pursuant to legal counsel’s recommendation, it was moved by Manager
328 Olson, seconded by Manager Miller for the Board to go into a closed session for the
329 purpose of discussing the potential expiration or revision of terms of the Purchase and
330 Sale Agreement of 325 Blake Road in Hopkins. Upon roll call vote, the motion
331 carried, 7-0 as follows:***

332

333 ***Olson: Aye***

334 ***Miller: Aye***

335 ***Loftus: Aye***

336 ***Hejmadi: Aye***

337 ***Maxwell: Aye***

338 ***Sando: Aye***

339 ***White: Aye***

340

341 The Board of Managers went into closed session.

342

343 The Board of Managers returned to open session.

344

345

346

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

347 **Adjournment**

348

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

351

352 Respectfully submitted,

353

354

355

356 Eugene Maxwell, Secretary

DRAFT