

47 **CONSENT AGENDA**

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49 *It was moved by Manager Olson, seconded by Manager Hejmadi, to approve the items*
50 *on the Consent Agenda consisting of approval of the February 27, 2025, Board*
51 *meeting minutes and the following resolution:*

52

53 *Resolution 25-018: Authorization to Extend the Contract with Solution Builders*
54 *for IT Managed Services*

55

56 *NOW, THEREFORE, BE IT RESOLVED that the Minnehaha Creek*
57 *Watershed District Board of Managers hereby authorizes the District*
58 *Administrator to negotiate and execute an extension of the District's IT*
59 *managed services contract with Solution Builders, Inc., for a period of two*
60 *years.*

61

62 *Upon vote, the motion carried, 7-0.*

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

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66 President's Report: None.

67

68 Operations and Planning Committee Report: Manager Loftus reported that the
69 Committee met earlier in the evening and received an excellent briefing on the permitting
70 program. The Committee anticipates similar regular briefings on the permitting program
71 in the future.

72

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

74

75 **PUBLIC HEARINGS & PRESENTATIONS**

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77 None.

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79 **PERMITS REQUIRING A VARIANCE OR DISCUSSION**

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81 Permit 24-560 Highway 11 Road Project, Carver County

82

83 Ms. Maggie Menden appeared before the Board of Managers to review the permit
84 application. She noted that the district administrator had directed this permit application
85 be presented to and considered by the Board of Managers for decision, due to long-
86 standing interest of Zumbra Lake homeowners in high water level issues and concerns
87 raised by these residents during the permit's public notice period regarding the
88 configuration of the culvert under Highway 11 which conveys drainage from Stone,
89 Sunny and Zumbra Lakes, west into Auburn Lake. Ms. Menden noted that staff have

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90 determined that the application complies with MCWD Rules and recommends approval
91 of the permit with the conditions noted in the permit report. She reviewed the
92 background on the project and the application of the MCWD Rules to the proposed
93 project.

94
95 President White invited comments from the public. Mr. Chip Kemppainen appeared
96 before the Board of Managers and expressed his concern that he did not want to repeat
97 the flooding of 2014. He had built a berm to prevent further flooding and then removed
98 it. He said that he was concerned about backflow from Stone Lake to Sunny Lake to
99 Lake Zumbra.

100
101 Mr. Kevin Lohmann appeared before the Board of Managers and expressed concern that
102 the current 24-inch culvert will be downsized to an 18-inch culvert. He requested that the
103 Board deny the permit application to allow for an opportunity to design a larger culvert.
104 In response to a question from President White, Mr. Meehan reviewed the design
105 considerations to replace the 24-inch corrugated metal culvert with an 18-inch culvert
106 with a design and material to facilitate smooth flow and hence a greater capacity. Mr.
107 Meehan also noted that the MCWD's collaboration with other partners to review local
108 watershed conditions in this area in 2014-2017 has included a focus on in-kind
109 replacement of highway culverts so as to not exacerbate conditions. Mr. Wisker
110 reviewed the time that MCWD has taken with Carver County, Three Rivers Park District,
111 the Department of Natural Resources, City of Victoria and area residents to review the
112 flow dynamics and hydraulic conditions in this area. The group reviewed a range of
113 potential improvements with various benefits and impacts. A backflow flap concept
114 would have provided the most relief in highwater conditions, significantly more than
115 enlarging culverts. This alternative was ultimately not adopted and was outside of the
116 MCWD's role and authority, as it does not own the pertinent infrastructure.

117
118 Mr. Scott Leonard appeared before the Board of Managers and stated that he felt Mr.
119 Wisker was correct in saying that many alternatives have been evaluated, but in Mr.
120 Leonard's view, none of these alternatives would have a significant effect. Mr. Leonard
121 said that Lake Zumbra is serving as the storage basin in highwater conditions and cannot
122 drain. These conditions infringe on property owners' rights to use the lake. Mr. Leonard
123 said that MCWD rules aside, this is a longstanding problem, with human-created issues
124 and it needs correction. He asked that MCWD and other parties reconvene and solve the
125 problem with everyone at the table.

126
127 Mr. Wisker noted that the previous studies identified a range of flood reduction options
128 on Lake Zumbra, but these options also often involved impacts on other water bodies and
129 other landowners. While the backflow flap or flapgate was not embraced by all parties
130 and not advanced, the options with larger benefit to Lake Zumbra had larger impacts on
131 others.

132

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133 Mr. Scott Pikovsky appeared before the Board of Managers and stated that he had
134 reviewed DNR information on lake bounce. Lake Zumbra has a bounce of eight feet,
135 whereas other lakes in the area have a bounce of more like four feet. He stated that the
136 goal should be to reduce Lake Zumbra's bounce in highwater conditions.

137
138 Ms. Mary Dolan appeared before the Board of Managers and stated that the flap
139 alternative appeared too small to provide the necessary relief.

140
141 Mr. Scott Leonard appeared again before the Board of Managers and stated that he felt
142 that Lake Zumbra's bounce could be reduced without harming the park and that the
143 flapgate was not a good solution. He stated that he felt the earlier outreach efforts by
144 Carver County did not highlight the water issues but rather focused on the general road
145 project.

146
147 Ms. Amy Siefker appeared before the Board of Managers. She noted that the lake level
148 fluctuates every year and she asked what was the obstacle to a larger culvert in the
149 project. She urged that everyone take advantage of this opportunity to get this right.

150
151 Noting no one else wishing to offer public comment, President White invited a motion on
152 the permit application. ***It was moved by Manager Miller, seconded by Manager
153 Maxwell to approve Permit 24-560 with the conditions recommended by staff.***

154
155 Manager Olson asked legal counsel to comment on the application before the Board. Mr.
156 Smith noted that the Board's task is to review the permit application, staff analysis of the
157 application, and all the comments presented in order to determine whether the application
158 meets the requirements of the MCWD rules. The Board's action is subject to legal
159 review, and the question on review will be whether the decision is arbitrary and
160 capricious and whether it is supported by substantial evidence. So, unless there is a basis
161 and evidence to find that the application does not comply with the rules, the Board's
162 obligation is to approve the permit.

163
164 Manager Loftus asked Mr. Wisker to comment on the range of alternatives that were
165 considered in the 2014-2017 discussions. Mr. Wisker noted that leading into the study,
166 there had been requests to have a culvert as large as six feet. In the course of the study,
167 the engineers focused on a range of achievable options that would not have large adverse
168 impacts downstream. Three Rivers Park District was opposed to great increases in the
169 culvert size and had litigated over other highwater impacts that had impacted trees in the
170 park. So, all of these alternatives involve balancing upstream and downstream impacts.
171 The study had indicated that even a larger increase in the culvert size did not significantly
172 impact the conditions at Lake Zumbra.

173
174 ***There being no further discussion, upon vote the motion to approve the permit with the
175 conditions recommended by staff carried, 6-1 (Manager Miller opposed).*** Manager

176 Miller stated that he voted no because he felt that the citizens had not been properly
177 notified and engaged in the course of the development of the project.

178

179

180 **ACTION ITEMS**

181

182 None.

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184 **BOARD INQUIRIES, ISSUES, AND IDEAS**

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186 Manager Hejmadi noted the experience of “weather whiplash” with various extremes of
187 fires, drought, and floods and asked if staff might consider how this dynamic could
188 impact the watershed.

189

190 **STAFF UPDATES**

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192 Administrator’s Report

193 Mr. Wisker reported on the following items:

194

195 1. The MCWD has hired a new Geographic Information Systems coordinator,
196 Owen Stucky, who will start work on April 7;

197

198 2. The MCWD is submitting a letter of support to the Legislative Citizens
199 Commission on Minnesota Resources for an application by the University of
200 Minnesota to develop high resolution land cover maps, which will assist in
201 climate resilience and watershed management planning;

202

203 3. A recent article in the Sun Patriot covered Carver County water management
204 and included the MCWD’s presentation to the Carver County Board;

205

206 4. New audiovisual equipment has been acquired and should be installed by the
207 March 27 meeting;

208

209 5. Community meetings are planned in the coming month on the County Road 6
210 and East Auburn projects, with the East Auburn project meeting on March 25
211 and the County Road 6 project meeting on April 3;

212

213 6. Staff attended a Lake Hiawatha design charette held by the Minneapolis Park
214 & Recreation Board held earlier in the day;

215

216 7. The MCWD has received correspondence from Campbell-Sevey’s attorney
217 concerning the ongoing discussion about the existing easement and the

218 MCWD's need for campus improvements. Staff and counsel will review this
219 correspondence and report back to the Board.

220

221 **BOARD DISCUSSION ITEMS**

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223 **325 Blake Road Restoration and Redevelopment**

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225 Mr. Wisker requested that the Board of Managers go into closed session for staff to
226 provide an update on redevelopment and the MCWD project at 325 Blake Road in
227 Hopkins. *Pursuant to legal counsel's recommendation, it was moved by Manager*
228 *Maxwell, seconded by Manager Olson for the Board to go into a closed session for the*
229 *purpose of discussing the potential expiration or revision of terms of the Purchase and*
230 *Sale Agreement of 325 Blake Road in Hopkins. Upon vote, the motion carried 7-0.*

231

232 The Board of Managers went into closed session.

233

234 The Board of Managers returned to open session.

235

236 President White made the following statement: The Board of Managers just held a closed
237 session for the purpose of discussing the potential expiration or revision of terms of the
238 Purchase and Sale Agreement of 325 Blake Road in Hopkins. I wish to note for the
239 record that given the amount of time that the developer has been out of compliance with
240 the terms of the purchase and sale agreement, and that MCWD has a fully designed and
241 funded water resource project that can no longer reasonably be delayed to fulfill the
242 MCWD's mission, the Board has directed that staff prepare a notice of termination of the
243 purchase and sale agreement for the Board's consideration at its regularly scheduled
244 meeting of March 27, 2025, and further has directed staff to take additional action as
245 discussed in closed session.

246

247 **Adjournment**

248

249 There being no further business, President White declared the meeting of the Board of
250 Managers adjourned at 8:58 p.m.

251

252 Respectfully submitted,

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255

256 Eugene Maxwell, Secretary