



**Title:** MCWD Strategic Dialogs – Phase 1 Historic Analysis – WHITE PAPER #3 CONTINUED

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**Purpose:**

At the November 18, 2021 Policy and Planning Committee (PPC), Louis Smith will continue the conversation with the Board of Managers from November 4, 2021, on the third in a series of white papers that explore the Minnehaha Creek Watershed District's (MCWD) organizational history for timeless strategic insights that will guide and serve future generations of the District team.

**Background:**

2022 represents the midpoint of the Minnehaha Creek Watershed District's 10-year plan, and is also the 5 year anniversary of the District's 2017 plan for organizational alignment. As the District approaches this midterm milestone the Board of Managers expressed a desire to continue strategic preparations for the future.

As part of ongoing preparations for the future, and efforts to continuously improve the organization, the Board has decided to engage in a series of organizational conversations that will explore its past and benchmark its current position, to inform refinements in its mid-term strategic direction and priorities.

This work has been broken into three phases of work as follows:

1. Phase 1 – Past – Where have we been and what have we learned?
  - a. A historical analysis to derive insights that underpin MCWD's identity today, and lessons for the future
2. Phase 2 – Present – Where are we now and what needs to be done?
  - a. Status of current strategic priorities, and assessment of what will be required near term to execute
3. Phase 3 – Future – What challenges will we face in the future, and how can we prepare?
  - a. An inventory and education on emerging strategic issues the District wishes to begin preparing for

Below are links to past Board and Committee packets where Managers and staff discussed the purpose and scope of these strategic dialogs.

- [October 22, 2020 PPC Meeting](#) – Introductory Discussion
- [November 19, 2020 PPC Meeting](#) – Discussion of purpose and desired outcomes
- [January 28, 2021 PPC Meeting](#) – Review proposed process and scope of work
- [February 11, 2021 Board Meeting](#) – Approval of the process and scope of work
- [March 25, 2021 PPC Meeting](#) – Kickoff of Phase 1 Strategic Dialogs – Historic Analysis
- [June 10, 2021 OPC Meeting](#) – White Paper #1, 1967 – 1979
- [August 26, 2021 PPC Meeting](#) – White Paper #3, 1980 - 1992

**November 18, 2021 PPC Meeting:**

To design through a process to mine insights from the District's past, at the March 25, 2021 PPC Meeting, Board Members began by reviewing and discussing a chronology of MCWD's historical periods, key events and preliminary lessons (Attachment A).

Using this framework, and guided by initial discussions by the Board, Louis Smith has researched and drafted a white paper for the third historical time period: *1993 – 1999: Growth of Planning and Implementation*

At the November 18, 2021 Meeting, Mr. Smith will review the key events of this time period, and the preliminary principles and lessons learned that are emerging from the research. Feedback and discussion from the committee will be used to refine White Paper #3, particularly the insights/principles, before moving into the next period of research, *2000 – 2009: Expansion of MCWD Programming*.

**Next Steps:**

Ultimately, the White Papers and associated dialog with the Board will be synthesized into a package that chronicles MCWD's history into discrete periods, key events, and importantly timeless principles that will serve the organization well into the future.

If there are questions in advance of the meeting, please contact James Wisker at [Jwisker@minnehahacreek.org](mailto:Jwisker@minnehahacreek.org)

**Supporting documents (list attachments):**

- Attachment A – White Paper #3. *1993 – 1999: Growth of Planning and Implementation*
- Attachment B – MCWD's Historical Periods

## DRAFT White Paper #3

### 1993 - 1999: Acceleration of Capacity, Planning, and Implementation

November 4, 2021

MCWD entered a time a greater public visibility by addressing water quality in Minneapolis Chain of Lakes. City leaders learned the power of MCWD's broad tax levy, technical expertise, and unique ability to improve water quality in major lake assets. MCWD learned the power of negotiating effective multiparty agreements to reflect true working partnerships and learned the challenging consequences of proceeding with projects such as Long Lake without such partnerships in place.

Along with the accelerated engagement in major projects, the MCWD continued to pursue a strong regulatory program that included drawing lines and rising to challenges with MnDOT and a shoreline contractor, among others. During this period, MCWD also made the significant decision to create its own office and professional staff.

#### Key Events:

##### I. Board Organization and District Staff

Changes to the District staff and the Board of Managers' operations reflected the intense activity of this seven-year period. In late 1992, the Board of Managers hired Ellen Sones (née Klanderma) under a contract with the City of Minnetonka to serve as District Coordinator, a role she held until October 1, 1994 while officed in Minnetonka City Hall. During this time, Board meetings shifted from alternating between St. Louis Park City Hall and Wayzata City Hall to being held exclusively at Minnetonka City Hall. Upon terminating the coordination contract with the City of Minnetonka, the District office moved to a private building on Wayzata Boulevard. On December 1, 1995, the District office moved to the Freshwater Foundation.

From October 1994 through February 1995, as the Board of Managers developed a search for new staff, the District relied on the services of the engineer, attorney, and Manager Tom LaBounty. In March 1995, the Board of Managers hired Gene Strommen, a former executive director of the Lake Minnetonka Conservation District, as District Administrator, and Suzanne Weedman as Assistant Administrator.

Beginning in 1994, the District began to regularly hold two meetings per month, and in 1995 amended its rules to set the District's regular meeting schedule with two meetings per month. Even two meetings were not always adequate; in August 1995, the Board held four meetings. The Board had six standing committees, with two managers assigned to each committee. For each major District project, the Board assigned two or three members to serve as lead managers for the project.

##### II. Major Projects

###### A. *Gleason Creek Improvement Project*

The Gleason Creek Improvement Project, petitioned by the City of Wayzata, involved three primary components that were intended to manage floodwaters and improve water quality. These components were: a new outlet structure and raised elevation for Gleason Lake; stormwater ponds near Lake

Minnetonka; and a stormwater pond near Glenbrook. In April 1993, the District held a joint special meeting with the Wayzata City Council to adopt plans and specifications for the project, and adopted a cooperative agreement for the project. Manager LaBounty served as lead manager for the project, which broke ground in July 1993. The construction of the dam and outlet structure at Gleason Lake was delayed until February 1993 due to the need to obtain easements from all lakeshore property owners, a very slow process that resulted in attainment of easements from 75% of owners; and a Phase II environmental site assessment for water quality of a pond upstream of Gleason Lake, offered as an incentive for lakeshore owners to provide easements, which was ultimately ordered in September 1994.

During the project, the District encountered funding issues with the City of Wayzata. The Board learned after the execution of a cooperative agreement that the City received a MnDOT grant for its share of the project funding. The Board considered the MnDOT grant a shared resource, and offset half of the MnDOT grant amount in its final payment to the City for the project. The funding dispute was ultimately resolved through mediation.

### *B. Minneapolis Chain of Lakes Improvement Project*

In July 1993, the Minneapolis Park and Recreation Board presented a study of water quality problems within the Minneapolis Chain of Lakes, and approached the District to partner on a Minnesota Pollution Control Agency Clean Water Partnership grant. Throughout 1993, the District remained in talks with the Park Board, and the District engineer identified two early potential projects: the first, Twin Lakes in St. Louis Park; and the second, Cedar Meadows adjacent to Cedar Lake. The Park Board submitted an application for the Clean Water Partnership grant in October 1993, supported by a letter from the District. During this time and throughout the project, the residents surrounding Twin Lakes actively met as a task force to explore how Twin Lakes could be improved while contributing to improving Cedar Lake's and the Chain of Lakes' water quality.

By February 1994, the District and the Park Board received news that MPCA approved the Clean Water Partnership grant, and the two entities began to discuss a work plan and joint agreement. In March 1994, the District learned that the mayor of Minneapolis had designated the project as a high priority, and proposed a summit meeting of the parties, directing District counsel to outline a cooperative agreement. The Board designated Manager Maple, Manager Love, and Manager Blixt as lead managers for the project. In April 1994, the summit meeting was deemed a success. The District emerged as the largest funder of the project, through funding from its watershed-wide levy, and its occasion to influence public understanding of the project's watershed approach. District counsel was assigned to draft a cooperative agreement, and the Park Board was assigned to draft a work plan.

The cooperative agreement drafted by District counsel resulted in several months of negotiation, specifically over shared control of communications and public education between the District and Park Board, and the District's request for six years of committed sweeping in the project's subwatershed from the City of Minneapolis. A Coordinating Board of policy makers for project oversight and governance, an Implementation Committee to drive staff work, and a Communications Committee to coordinate project public relations were established among the parties. Hennepin County also joined the project, embracing its role as a project financier. The cooperative agreement was finalized in August 1994, and the District ordered the project at a cost of \$2.5 million. The District amended its watershed plan to include project work in September 1994, and the District engineer proceeded with detailed design, specifications, and permitting for the project. The parties participated in a cooperative

agreement signing ceremony on November 23, 1994. The Coordinating Board planned to meet quarterly to oversee and govern project progress.

The District presented a viable design in February 1995. The City of St. Louis Park had requested to dredge Twin Lakes to a depth of 6.5 feet, which encountered objections from the DNR, and the design subsequently focused on two wet detention ponds, one near Twin Lakes and one in Cedar Meadows. In April 1995 the Coordinating Board met and resolved ongoing issues regarding neighborhood communications and citizen involvement in the project. Public engagement on project design included questions about mosquitoes and landscaping. Pursuant to design recommendations from Damon Farber, the Park Board asked for a \$200,000 landscaping budget for Cedar Lake, for which the District engineer originally estimated at \$17,000. The parties ultimately compromised on a \$50,000 landscaping budget. The construction contract for project work was awarded in September 1995 for work at Twin Lakes, Twin Lakes Park, and Cedar Meadows. The groundbreaking ceremony was held in October 1995, along with a Coordinating Board meeting. In late 1996, the Park Board requested that the District submit an application for wetland banking credits under the Wetland Conservation Act for work being done at Cedar Meadows.

Following the project at Cedar Lake, the District and its partners turned attention to planning at project to improve water quality for Lake Bde Mka Ska (then Calhoun). Public concern over the wetlands at Cedar Meadows pond mounted through 1997, and in March of that year the Board held a public hearing on the environment assessment worksheet for the Southwest Calhoun Ponds/subwatershed improvement project, and assessed whether there was a need to prepare an environmental impact statement. In April 1997, the Board voted that no environmental impact statement was required for the project, and moved forward with a minor plan amendment in September.

In 1998, the Board held a public hearing on a minor plan amendment for a Lake Nokomis project, and in 1999 the Minneapolis Park & Recreation Board expressed its preliminary approval for the project.

In 1998, the Board authorized a technical evaluation panel to address wetland issues regarding the Chain of Lakes, and continued to work with the U.S. Army Corps of Engineers regarding permitting, the State Historic Preservation Office's designation of adverse impact on the historical landscape of the area, and a memorandum of understanding with USACE, SHPO and the Park Board, including federal input on historical preservation. In 1998, the District elected to seek a permit from itself for wetland excavation work related to the project. Citizen and community concerns continued to arise regarding dewatering elements of the project and perceived potential for related damage to homes. The Board approved an emergency pumping request from the Park Board for the Chain of Lakes in 1998. Project planning continued through 1999 and beyond.

### *C. Long Lake Improvement Project*

About the time that BWSR approved the MCWD's Water Resources Management Plan in May 1993, the District received a Clean Water Partnership grant from the Minnesota Pollution Control Agency of \$100,000 for the Long Lake Improvement Project. Throughout 1993, the MCWD worked on outreach to the cities of Long Lake, Medina and Orono, and applied in October 1993 for Phase II of the Clean Water Partnership funding.

The MCWD established a technical advisory committee for the project in January 1994, and Manager Martha Harfiel (spouse of Long Lake council member and later mayor) reported to the Board of

Managers that the three cities were concerned about whether the MCWD was sufficiently committed to the successful completion of this project. She noted that cities wanted assurance of MCWD's funding commitment, while the Board of Managers noted that the MCWD's newly approved plan had the project identified as a priority. The Board directed counsel to work on a draft cooperative agreement to reflect these commitments.

MCWD's work on the project continued earnestly through 1994. The TAC continued to meet, the Board of Managers authorized a feasibility study, and the DNR expressed support of the preliminary design concept for the project. In July 1994, the MCWD engineer presented the project to the city councils of Medina, Orono and Long Lake. By August 1994, the Long Lake city council adopted a resolution of support for the project, while Medina and Orono expressed conceptual approval. The MCWD attorney presented a draft cooperative agreement approved by the Board of Managers for circulation to the three cities. In September 1994, the Board of Managers ordered the Project and adopted a minor plan amendment, and by October 1994, Hennepin County and BWSR had expressed support for the project.

While all appeared generally sound for the Project to proceed, fundamental problems then emerged. First, the MCWD had yet to acquire land rights to construct the Project. William and Barbara Pearce, owners of the County Road 6 pond location, retained legal counsel and an engineer. The Pearces appealed the ordering of the Project and pursued related litigation. The MCWD resolved the litigation with the Pearces by agreeing to downsize the pond on the Pearce property and look upstream in the sub-watershed for additional treatment capacity.

That additional capacity was found in Medina on the property owned by Jack Wahlfors. An initially friendly conversation with the Wahlfors became more adversarial once the Wahlfors retained legal counsel. An extended period of negotiations led the Board of Managers, through several board meetings of consideration to initiate condemnation proceedings by September 1995. The MCWD acquired the necessary easement through 'Quick Take' condemnation, but ultimately paid significant sums for the easement and related payments to the Wahlfors for accepting excavation spoils on their property.

The Long Lake City Council, after extensive review of multiple drafts, ultimately signed a cooperative agreement for the Project. The Medina City Council, sympathetic to the interests of their constituent Jack Wahlfors, never agreed to execute the cooperative agreement. Medina objected to contributing to maintenance of the Project, given that Long Lake is not within their city – though the upstream treatment pond was. Similarly, the Orono City Council had similar objections to sharing in maintenance costs, and never signed the cooperative agreement. The Board of Managers contemplated establishing localized sub-watershed assessment districts to pay for project maintenance, but ultimately did not pursue that option.

Groundbreaking for the Long Lake Improvement Project finally occurred in November 1995, and the MCWD implemented an alum treatment of Long Lake in 1996. In later years, monitoring data raised ongoing questions about poor performance of the treatment ponds at the Pearce and Wahlfors sites.

#### *D. 60<sup>th</sup> and 1<sup>st</sup> Project*

In 1998 the Board of Managers held a public hearing on construction of a regional water quality and stormwater management facility as 60<sup>th</sup> St. and 1<sup>st</sup> Ave. So. in Minneapolis. The MCWD adopted a plan amendment for the project and a cooperative agreement with the City of Minneapolis. In 1999, the

Board approved the cooperative agreement, along with a plan for the District to design demolition for the project and a wet detention pond, and to take responsibility for site work in coordination with the City of Minneapolis. [Note: MCWD and Minneapolis financial issue...]

### III. Regulatory Policy and Enforcement

#### A. Landview Landscaping

Landview Landscaping was a contractor and sole proprietor with chronic performance problems in installing shoreline improvements and rip-rap within the District. Issues with the contractor included slope steepness; mono-, rather than mixed-sized, boulders for stability and erosion prevention; and repeated violations. The District had successfully implemented a licensing program for dredging contractors for several years, and elected to adopt a shoreline contractor license program as a way to ensure that shoreline improvement contractors complied with District adequate shoreline protection and erosion prevention standards.

In May 1993, the District received evidence of multiple violations of its standards by Landview. Following a public hearing concerning Landview's fitness for a shoreline contractor's license, at which the DNR went on record affirming Landview's repeated violations, the Board issued a conditional license to Landview. The District placed the same conditions on Landview's license for the following two years as well.

Landview appealed these license conditions to the Board of Water and Soil Resources, arguing that the District failed to provide due process and challenging the District's authority to license contractors. BWSR affirmed the District's decisions, upholding the District's authority to license and finding that the conditions the District imposed on the licenses were reasonable and were not in violation of due process. Specifically, BWSR concluded that "MCWD has authority to adopt rules to require permits for shoreline improvements; licensing of shoreline improvement contractors is a reasonable means for MCWD to implement its regulatory program; the conditions imposed on Landview's 1994 and 1995 Licenses are reasonable; Landview had adequate notice and an opportunity to be heard."

BWSR also affirmed the District's rationale for its licensing rule:

The need for the licensing of shoreline improvement contractors will vary from watershed district to watershed district. In the case of Lake Minnetonka, there is a great deal of shoreline improvement activity by means of placement of rip rap. The MCWD has determined that, in light of the amount of this activity and its potential for significant impact upon the watershed, it is necessary to ensure that rip rap and other shoreline improvements are properly constructed in accordance with MCWD rules and permit requirements.

Landview continued to contest the conditions placed on its licence, and appealed BWSR's decision to the Minnesota Court of Appeals, where it ultimately found success. In 1997, the court of appeals reversed BWSR and sustained Landview's challenge, holding that the District lacked express or implied statutory authority to license shoreline improvement contractors. When Landview then sued the MCWD for damages, the court of appeals held that, although the District's conduct in promulgating shoreline contractor licensing rules was determined to be without statutory authority, the District's conduct was

protected by statutory discretionary and due-care immunity because its actions were consistent with the public purpose underlying its rule and comported with due process.

#### *E. City of Greenwood*

Kee Construction, Inc. (Kee) applied to the District for a dredging permit in connection with the excavation of a navigational channel at the inlet of St. Alban's Bay on Lake Minnetonka, located in the City of Greenwood. Following hearings on the permit application, the District determined that the project did not have the potential for significant environmental impact and issued the permit. The City of Greenwood sued in district court contesting the MCWD's issuance of the permit.

The district court held that the permit was valid and granted summary judgment for the MCWD, but imposed its own additional conditions on the permit and the activities authorized under the permit. The district court set compulsory dates for dredging activities, required specific descriptions of work authorized, and stated that any violation by Kee of District rules or of Kee's permit would result in the District having violated the district court's order.

The MCWD appealed, arguing that the district court exceeded its scope of review by imposing conditions on the permit and ordering that the District would be held to be in violation of the court's order if Kee failed to comply with District rules or the permit itself. The Minnesota Court of Appeals agreed, and removed the conditions imposed by the district court. The court of appeals addressed the specific conditions of the permit, holding that decisions by administrative agencies are subject only to limited review. Specifically, courts may only decide whether the agency has authority with respect to a specific matter, whether it acted under the correct theory of applicable law, and whether the facts found by the agency are supported by the evidence. In short, the court could declare the existing permit valid or invalid as issued. The court agreed with the District that detailed decisions about how to reduce the impact on the environment of dredging do not fall within judicial functions. The court held that when courts impose detailed conditions, they improperly substitute their judgment for that of the responsible administrative agency. The court further agreed that the district court had exceeded its authority when it ordered that the District would be held in contempt if Kee violated the terms of its permit. Since Kee had not begun work, much less violated the terms of the permit, such a question was purely speculative.

#### *F. Ewing Wetland*

In July 1994, the developer Halley Custom Homes proposed a multi-lot subdivision home construction project near Ewing Avenue in Minneapolis and St. Louis Park in an area abutting a wetland. Citizen opposition to the project included prominent environmental and conservation activists, voicing concerns about groundwater impacts, including the groundwater connection to Cedar Lake. (Many of these same conservation activists would appear later before the MCWD concerning Camp Coldwater Springs as noted below.) The District tabled the project proposal several times for further analysis. The District engineer confirmed the wetland delineation for the project, and that the project had no impact on the wetland, and a hydrogeologist from Wenck confirmed that there were no groundwater impacts from the project. The District's permit decision was appealed to BWSR, an appeal that was ultimately abandoned, and later mooted by construction of the project.



### *G. MnDOT Permitting*

In 1994, the District learned that MnDOT was pursuing its work at the Highway 62/35W interchange without an MCWD permit. In September 1994, the District received notice of a blanket MnDOT policy change: MnDOT would no longer seek watershed district permits for highway projects. A June 1995 environmental impact statement letter from US DOT also reported MnDOT's position that it need not apply for watershed district permits. Near the Highway 62/35W interchange, residents of Grass Lake expressed concern about the impact of the MnDOT project to the lake, and the District formed a Grass Lake Citizens Advisory Committee to monitor this issue and develop a management plan for Grass Lake.

The Board of Managers adopted a motion that any MnDOT project proceeding without a permit would be considered a violation and brought this issue to the 1995 annual conference of the Minnesota Association of Watershed Districts (MAWD). MAWD adopted a strong resolution advocating that MnDOT projects should be subject to watershed district permitting, and in 1996, the Legislature added a specific provision to the Watershed law making it explicit that MnDOT must obtain watershed district permits for its projects.

In early 1999, MnDOT sought a stormwater management permit for reconstruction work along Highway 55 in Minneapolis. The Board of Managers developed concerns that the construction involved deep disturbance of bedrock and could potentially impact seeps and springs in the area. The Board ultimately approved the project permit with conditions, and directed a hydrogeological study of the construction area. MnDOT challenged these permit conditions in district court, and the litigation continued beyond 1999 (to be discussed in Chapter 4).

### *H. Hennepin County Study of Water Management*

In December 1994, the District learned of a Hennepin County legislative initiative to abolish watershed organizations and turn water resource management over to county government. The District promoted a resolution, adopted at the MAWD annual conference, affirming watershed districts as cost effective and environmentally sound managers of water resources. Hennepin County staff prepared a report on the alternatives to watershed district management. At a study session briefing on the Long Lake Improvement Project, MCWD managers learned that the apparent root of the County's concern came from Commissioner Mike Opat, who have been frustrated with the lack of progress toward addressing water quality issues in his district. After a productive discussion with MCWD managers, Commissioner Opat withdrew his earlier interest in broad reform and invited collaboration to address local water issues in his district.

### *I. Metropolitan Airport Commission*

In 1996, the Metropolitan Airport Commission applied for wetland alteration permits to expand the Minneapolis International Airport. The Board approved MAC's permit application in 1997, and in 1998 approved a variance from Rule B because stormwater runoff from the project would discharge outside of the District, into another watershed (the Mississippi River).

### *J. Rule Amendments*

The latter half of the 1990s saw various amendments to the District's rules. In 1996, the Board amended its rules to include buffer zones around wetlands. That same year, the Board proposed revisions to Rule

B, stormwater management, and Rule D, wetland protection. In 1998, the Board voted to revise the District's treatment of multi-unit residential development in its rules and to amend Rule B, stormwater management, and Rule N, erosion control, pursuant to that aim.

### **Reflections and Lessons Learned:**

- 1. Value of Partnerships:** The MCWD learned the value of strong relationships with local leaders in pursuing major watershed improvement projects. Collaboration with the mayor of Minneapolis and Hennepin County commissioners positioned the MCWD to assert a more vigorous leadership role in the Minneapolis Chain of Lake projects. MCWD also learned through the Gleason Lake project how partner transparency and shared understanding of project finances can be an essential element of project success.
- 2. Lonely tough decisions may create long-lasting consequences:** MCWD faced tough dilemmas deciding whether to proceed with the Long Lake project. While some local leaders pushed the District to proceed, the lack of clear commitment from all three affected municipalities became a serious challenge. Ordering a major watershed project without the necessary property rights in hand creates serious project risks. Exercising eminent domain to acquire these property rights worked to a satisfactory conclusion with the Painter Creek project but created significant costs in local perceptions and relationships for the Long Lake project. Just because there is science to support a project does not mean the District is ready to proceed, or should go it alone. There are many more opportunities and needs than time or money can fully support. Selectively working where MCWD has partnership capital provides long term wind in our sails, and credibility. Building relationship capital requires more than MCWD's technical study or financial investment.
- 3. Earning mutual respect can require speaking up or drawing a line:** Especially in its early years, MCWD occasionally faced critical tests of its credibility and authority. MnDOT deciding that it would not comply with watershed district permitting requirements posed one such test for MCWD and watershed districts generally. Over time, working through these issues allowed MCWD to find a stronger and more productive posture with MnDOT and other actors, one based on mutual respect. Similarly, adopting a shoreline contractor license program seemed to be an appropriate means to address a persistent case of noncompliance. While certainly MCWD was simultaneously pursuing major watershed improvement projects, but active and visible enforcement actions present risk in creating the perception of heavy-handed regulatory agency

## DRAFT - MCWD Historical Periods, Key Events and Preliminary Lessons

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### **1967 – 1979: Formation of MCWD and Initial Mandate**

In its first twelve years, the MCWD focused on addressing flooding issues and construction of the Gray's Bay dam. Invited by cities to review land use development for water resource impacts, the MCWD developed its first regulatory program, initiated several major technical studies, and pursued an early land conservation initiative along the Creek in St. Louis Park.

#### Key Events:

- Impetus for the 1966 Petition made by Hennepin County and MCWD's initial "mandate"
- 1969 Watershed Plan – Goals and Programs included Monitoring, Permitting, CIP
- Elimination of municipal wastewater discharges to Lake Minnetonka (1971 – 1986)
- Construction of Gray's Bay Dam
  - Extensive litigation with USACE on legal requirements
- First computer model developed for Lake Minnetonka watershed
- Initial role in reviewing development projects at city requests
- Development of first rules to require watershed district permits; early enforcement actions
- Wayzata Wetland Study for USEPA
- Early land conservation initiative along Minnehaha Creek in St. Louis Park, partnership with City for HUD grants to acquire riparian easements

#### Hypotheses:

- Flood mitigation is central to MCWD mission, identity, and relationships; flooding will always be a source of conflict and strategic opportunity for MCWD to provide value at the nexus of land use and water management
- MCWD establishes its value through responding to the needs of cities and other land use actors with science-based or data-driven technical assistance
- Establishing a credible regulatory program requires a commitment to enforcement
- MCWD can play a leadership role in mobilizing resources for conservation of riparian areas in collaboration with a city partner

### **1980 – 1992: First Evolution – Establishing Data Driven Project Planning**

The MCWD continued to build its technical understanding of the watershed, keeping a primary focus on flood mitigation, while also writing a second more comprehensive water resources management plan.

#### Key Events:

- Hydraulic flood study of Creek in Minneapolis
- TR-20 runoff model for 1, 10 and 100 year events for existing and future unmanaged scenarios
- Edina – MNDOT flood management projects at Hwy 100 & dredging at 44<sup>th</sup> Street
- Engagement with MndOT on I-35W construction planning
- Painter Creek subwatershed improvement projects
- 1987 Watershed Plan
  - Response to 1982 Metropolitan Surface Water Management Act
  - Evolution of goals and programs
  - Pursuit of Hennepin County financing for projects (unsuccessful)

### Hypotheses:

- Effective relationships with county boards are vital to MCWD success
- Strong technical understanding of Creek hydrology is essential to mission and establishes a basis for credible regulatory program and project partnership potential
- Merely adequate outreach to cities, counties, and state agencies gains plan approval, but effective engagement with citizens or general public creates more relationship capital and greater project opportunities

### **1993 – 1999: Second Evolution – Growth of Planning and Implementation**

MCWD entered a time of greater public visibility by addressing water quality in the Minneapolis Chain of Lakes. City leaders learned the power of MCWD's broad tax levy, technical expertise, and unique ability to improve water quality in major lake assets. MCWD learned the power of negotiating effective multiparty agreements to reflect true working partnerships, and learned the challenging consequences of proceeding with projects such as Long Lake without such partnerships in place.

### Key Events:

- 1993 Watershed Plan
- Engagement with MNDOT, legislature to establish MCWD permitting jurisdiction over highway projects (1996)
- Extensive litigation on shoreline improvements issues (1996-97)
- Long Lake Feasibility and Pond Projects (1996)
  - Condemnation and litigation
- Gleason Creek Flood Control (1995) and Phase II work for Water Quality (2000s)
- Chain of Lakes and Blue Water Commission (1996 – 2000)
  - Informed the art of negotiating public partnership and cooperative agreements
  - Twin Lakes Projects (1996)
    - Cedar Lake Project; geometry, function and aesthetics
  - Chain of Lakes Stormwater Ponds (1996-1996)
    - Important lawsuit to facilitate project
  - Lake Nokomis Ponds & Weir (1998-2001)
  - Strong working relationship with mayor of Minneapolis, Hennepin County, MPRB, St. Louis Park,
- Outstanding Watershed District of the Year (1996)
- Noted for the largest urban lake restoration project in the United States; received five environmental awards, including the CF Industries National Watershed Award and the Minnesota Governor's Award for Excellence in Pollution Prevention
- MN Landscape Arboretum Wetland Restoration (1997)
- 1997 Watershed Management Plan
  - Increased emphasis on education and public participation

### Hypotheses:

- MCWD occasionally faces critical tests (David v. Goliath) of its credibility and authority; passing these tests can establish MCWD's relevance, but also presents risk in creating perception of heavy-handed regulatory agency

- Partnership with MNDOT, other state agencies based on mutual respect is most productive posture
- MCWD can face tough dilemmas in moving ahead with water quality project without strong partnership with key actors; (cf. Long Lake, Medina, Orono, land owners); just because there is science to support a project doesn't mean the District should go it alone.
- There are many more "opportunities and needs" than time or money. Selectively working where we have partnership capital provides long term wind in our sails, and credibility; building relationship capital requires more than MCWD's financial investment
- Exercising eminent domain to acquire property rights for project can have significant costs in local perceptions and relationships;
  - Note technical issues re Wahlfors, Pearce ponds;
- Price of moving ahead without strong partner support can be long-lasting;
- Relationships with local leaders are essential to success
  - Discuss dynamic with MPRB, Mayor of Mpls, County Commissioners
  - Compare Long Lake challenges and Chain of Lakes successes
    - note emboldened by "David v. Goliath" success

### **2000 – 2009: Third Evolution – Updating Science, TMDL Approach and Expanding Programs**

MCWD entered the new millennium taking strong stands, willing to pursue the leading and bleeding edge of water resources protection. It succeeded with groundwater protection at Highway 55 thanks in part to strong legislative support, and failed with regulatory ideas like imposing lake buffers and allowing fees in lieu of site compliance. A Total Maximum Daily Load or pollutant loading allocation approach in the MCWD plan, followed by the development of new District regulations, brought more stringent standards and imposed somewhat unwelcome demands on cities. The MCWD also continued to expand its vision of partnerships to include private partners such as Methodist Hospital, Duke Realty, and Bachmans. The MCWD also expanded its education programming pursuing cost share projects to promote resident action, to serve as demonstration within the watershed, and to increase grass roots engagement.

#### Key Events:

- Highway 55 Camp Coldwater Conflict, MNDOT, MAC, Groundwater, Boundary Change (2000s)
- Pamela Park Projects (2000)
- Studies HHPLS, Stream Assessment, Creek Visioning, Assessment of Wetlands (2003-2005)
- Buffer Requirements, Rule M, fee in lieu (2002-2004)
- 2007 Watershed Plan – TMDL approach, abstraction, rules, program expansion
- Land Conservation Program issues
- Rule revisions and BATC (2006 – 2011)
- Terminated feasibility work in Carver, Long Lake; lack of systems context and relationships
- Mound Downtown Redevelopment Projects (2006)
- Bachmans Project
- Methodist Development (2007 – 2009)
- Big Island (2009)
- Duke Realty and formation of LID, later Cost-Share (2009)
- Minnehaha Glen, USACE, MPRB (2007 - 2009) – problems in collective understanding among partners and challenges in project execution
- Grass roots engagement through Cost Share Iterations and the Lake Association initiative

### Hypotheses:

- MCWD is willing to play David against Goliath if the issue is central to its mission
- Partnering with private land developers can yield significant water resource benefits not otherwise attainable
- Good intentions are not enough to succeed in rulemaking or watershed plan; careful stakeholder engagement is essential
  - Substantively important changes in water resource protection; volume, load allocations
  - Critical need to build understanding and support
- Expansive program growth in response to serial requests or perceived needs can expand MCWD reach but also result in lack of focus and alignment
- MCWD benefits by having citizens who understand and support the MCWD mission, but local water issues can also be a source of conflict and divert MCWD resources or attention
- Partnering with land use actors creates endless opportunities, but opportunities should be evaluated for fit with MCWD mission and strategic goals, and risk assessment
  - Unforeseen problems in project execution can have lasting consequences on relationships
  - Spending and science do not necessarily build relational capital

### **2010 – 2020: Fourth Evolution – Focus on Partnerships with Land Use Community**

MCWD entered a new era of strategic focus on integrating its mission with the missions of public and private land use actors through effective partnerships. The organization underwent a significant staff change and undertook its first major strategic planning exercise as an organization which facilitated refocused direction, deeper Board engagement in governance, new staff organizational structure and attention to culture, and capacity to pursue a new watershed management plan.

### Key Events:

- Richfield Taft-Legion Development (2010 – 2013)
- Watershed Partnerships Paper (2011)
- Initiated and Sunset AIS programming (2011-2016)
- Himle-Horner Governance Evaluation (2012)
- Master Water Stewards initiative (2012)
- Reach 14 Streambank Projects (2013)
- Balanced Urban Ecology (2014)
- Leadership Transition (2014)
- Bushaway Road Development (2011 – 2014)
- Strategic planning (2016) and Program Insights
- Greenway Planning (2009 – 2020)
  - Acquisition of 325 Blake Road (2011)
  - Cottageville Park Development (2010 – 2015)
  - Japs Olson (2012 – 2016)
  - Meadowbrook Project Failure
- 2017 Watershed Management Plan
  - Introduce Cities to BUE and Focal Geographies
- Flooding
  - 2014 flood of record

- Wettest six years on record (2014-2019)
  - 2019 wettest year)
- Arden Park (2019)
- Minneapolis Planning
  - 2017 MPRB & Mpls MOU
  - 2018-2019 FEMA Repairs
  - 2020 Minnehaha Parkway)
- Six Mile Creek Halsted Bay
- Focus on culture and leadership

Hypotheses:

- Pausing to reflect deeply on organizational strategy can yield many long-term benefits in MCWD capacity and success
- A thorough risk analysis and staff engagement before launching new projects can help to avoid a misdirection of MCWD resources
- MCWD can achieve much more resource protection by working in partnership with key land use actors including cities and private developers
- MCWD can achieve much more resource protection by developing trusted relationships through concentrating on specific geographic areas
- Relationships alone are not enough; MCWD is most impactful when we have an optimized blend of sound science justifying our work, we integrate outside considerations (land use) to maximize benefit of our actions, we assess risks, and develop relationships and support at all levels needed to be successful
- Continued assessment and reflection can develop a culture of self-awareness, learning, celebrating failures as opportunities to grow, and continuous improvement
- Careful attention to staff/Board leadership and personnel can transform the organization's culture, resiliency, and capacity for success.