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3 **MINUTES OF THE REGULAR MEETING OF**
4 **THE MINNEHAHA CREEK WATERSHED DISTRICT**
5 **BOARD OF MANAGERS**
6
7

8 **CALL TO ORDER**
9

10 President Sherry White called the meeting of the Minnehaha Creek Watershed District Board of
11 Managers to order at 6:45 p.m., at the District office, 15320 Minnetonka Boulevard, Minnetonka,
12 Minnesota 55345.
13

14 **MANAGERS PRESENT**
15

16 Sherry White, Brian Shekleton, Richard Miller, Kurt Rogness, Pamela Blixt, William Olson, Bill
17 Becker.
18

19 **MANAGERS ABSENT**
20

21 None.
22

23 **DISTRICT STAFF AND CONSULTANTS PRESENT**
24

25 Lars Erdahl, Administrator; James Wisker, Planning and Projects Director; Renae Clark, Project
26 Manager; Heidi Quinn, Permitting Technician; Chuck Holtman, Counsel.
27

28 **MATTERS FROM THE FLOOR**
29

30 None.
31

32 **APPROVAL OF AGENDA**
33

34 *Manager Becker moved, Manager Miller seconded approval of the agenda. Upon vote, the*
35 *motion carried 6-0.*
36

37 **INFORMATION ITEMS/CORRESPONDENCE**
38

39 President White noted the items included on the agenda for information purposes.
40

41 **CONSENT AGENDA**
42

43 *Manager Miller moved, Manager Becker seconded approval of the consent agenda consisting*
44 *of the June 9, 2016 Board minutes; the general checking account, consisting of checks 36680*
45 *through 36758 in the total amount payable of \$280,144.77, payroll direct deposits of*

46 *\$158,363.49, and electronic fund withdrawals in the amount of \$155,935.73; the surety*
47 *account; and the 325 Blake Road checking account. Upon vote, the motion carried 6-0.*
48

49 **REGULAR AGENDA**

50
51 Board, Committee and Task Force Reports

52
53 President White reported that on June 21, Manager Miller, Mr. Erdahl, Mr. Wisker, Ms. Clark
54 and she met with City of Hopkins Council members and staff to tour the Minnehaha Preserve
55 and greenway.

56
57 Manager Rogness reported on the Minnesota Association of Watershed Districts summer tour
58 that Manager Olson and he attended. The event was quite enjoyable, with a focus on the City of
59 Winona, Lake Pepin and the Whitewater River Watershed. Managers Rogness and Olson
60 reported on the group's visit to farm sites.

61
62 Manager Shekleton arrived at this time.

63
64 President White and Manager Miller complimented staff on the thoroughness of the Policy and
65 Planning Committee minutes in the packet.

66
67 President White noted the upcoming meetings and events listed on the agenda.

68
69 Permit 15-675, 8135 Krey Lake Court, Victoria

70
71 President White noted that a revised set of permit recommendations has been distributed, with
72 the addition of a sentence to the fourth recommended condition: "For the purpose of locating the
73 present buffer, the applicant will be required to establish the edge of wetland."
74

75 Ms. Quinn presented the application and request for variance from Hartman Communities, LLC,
76 to construct a driveway across an outlot within the Rhapsody North development, owned by US
77 Homes, to reach an adjacent forty-acre parcel owned by the applicant. She noted that Jerry
78 Hartman is present on behalf of the applicant.

79
80 Ms. Quinn reviewed the staff memorandum in the packet, including site layout, proposed design,
81 stormwater management proposal and proposed buffer for the driveway that will extend from an
82 existing cul-de-sac in the Rhapsody North development across the outlot to the edge of the
83 Hartman parcel. A variance is necessary because the only route crosses a narrow gap between the
84 edge of a "Preserve" wetland and the parcel boundary. At this point the mandated 75-foot
85 vegetated buffer is only 25 feet due to the parcel boundary; with the driveway, the buffer would
86 be further reduced to 10 feet in this location. Ms. Quinn noted that the applicant originally owned
87 the larger tract and sold all but the remaining 40-acre parcel to US Homes for the development,
88 while reserving a driveway and utility easement across the outlot.
89

90 Ms. Quinn stated that staff believes that the applicant has demonstrated a basis and justification
91 for the variance. She noted each variance criterion as listed in the staff memorandum and the
92 facts and technical basis to find that the criterion is met. In particular, she reviewed the lack of
93 feasible alternatives to reach the Hartman parcel.

94
95 Manager Olson noted that a part of the design is to slope the driveway away from the wetland.
96 Mr. Hartman affirmed that the entire driveway is designed with slope.
97

98 Ms. Quinn also reviewed the soil stockpiling and culvert installation that already have occurred.
99 The stockpiling is on upland and not within buffer, and has been managed with proper erosion
100 control. The culvert installation is jurisdictional and therefore requires an after-the-fact permit.
101 Ms. Quinn reviewed the criteria under the District rule and recommended that the Board find that
102 all criteria are met and that the after-the-fact permit should be approved.
103

104 ***Manager Olson moved, Manager Shekleton seconded approval of the variance and the permit***
105 ***in accordance with staff recommendations.***
106

107 Manager Blixt noted that no house is proposed at this time and asked how, therefore, hardship
108 from a variance denial could be demonstrated. Mr. Hartman replied that in order to market the
109 property for residential construction, access must be established. He affirmed that the intention is
110 to build a single house with a small accessory building as permitted by the City of Victoria.
111

112 ***Manager Becker moved, Manager Olson seconded that the question be divided. Upon vote, the***
113 ***motion carried 7-0.***
114

115 ***Manager Olson moved, Manager Shekleton seconded that the variance be approved with***
116 ***adoption of the staff findings as to the variance criteria. Upon vote, the motion carried 7-0.***
117

118 ***Manager Olson moved, Manager Becker seconded that the permit be approved in accordance***
119 ***with staff recommendations. Upon vote, the motion carried 7-0.***
120

121 **ADMINISTRATOR'S REPORT**
122

123 Mr. Erdahl added concerning the recent Hopkins tour that he considered it a very positive event.
124 He also last week attended a Minneapolis roundtable discussion led by the city manager
125 concerning healthy streams and lakes. Attendees included the Minneapolis Park and Recreation
126 Board, the Metropolitan Council, the Minnesota Pollution Control Agency and other
127 governmental and civic groups engaged in water issues.
128

129 Mr. Erdahl also advised the Board that the Minnesota Board of Water and Soil Resources has
130 issued draft policy statements on a number of questions involved in implementing the new buffer
131 law, with a public comment period extending to July 27. Staff are reviewing the documents and
132 Mr. Erdahl has asked Joel Carlson for any input.
133

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134 Mr. Erdahl also expressed appreciation for Tiffany Schaufler's coordination of a spring staff tour
135 that occurred today and involved about 25 staff members. The agenda was ambitious and
136 included Cottageville Park, 325 Blake Road, Powell Road monitoring, the Japs-Olson project,
137 the Meadowbrook Golf Course, the Methodist Hospital project, Southwest Calhoun Ponds, the
138 Gray's Bay shoreline project and certain District cost-share projects.

139
140 Finally, Mr. Erdahl noted that the July 24 Minnehaha Creek cleanup will be the 10th year for this
141 event.

142
143 Manager Blixt asked how many people have signed up for the creek cleanup. Mr. Erdahl replied
144 that he does not know but can follow up on that. He noted that registration always is highest in
145 the weeks immediately preceding the event.

146
147 Mr. Wisker presented an update on flood mapping by the Federal Emergency Management
148 Agency (FEMA). In May, the affected cities were told that they will need to adopt new flood
149 maps within six months. Mr. Wisker noted that basically, FEMA is adopting the District's maps
150 so there will not be a great deal of change for the District's purposes. He said that FEMA is
151 looking at a potential letter of map revision regarding some areas that presently do not have well
152 defined flood boundaries. The managers discussed city participation in the National Flood
153 Insurance Program.

154
155 **ADJOURNMENT**

156
157 There being no further business, the regular meeting of the Minnehaha Creek Watershed District
158 Board of Managers was adjourned at 7:20p.m.

159
160 Respectfully submitted,

161
162
163
164 Kurt Rogness, Secretary