

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

4
5 **May 10, 2018**

6
7 **CALL TO ORDER**
8

9 The regular meeting of the Minnehaha Creek Watershed District Board of Managers was called
10 to order by President Sherry White at 7:02 p.m. on May 10, 2018 at the District Office, 15320
11 Minnetonka Boulevard, Minnetonka, Minnesota.

12
13 **MANAGERS PRESENT**
14

15 Sherry White, Brian Shekleton, Richard Miller, Kurt Rogness, William Olson, William Becker,
16 and Jessica Loftus.

17
18 **MANAGERS ABSENT**
19

20 None.

21
22 **DISTRICT STAFF AND CONSULTANTS PRESENT**
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24 James Wisker, Administrator; Cathy Reynolds, Operations Manager; Katherine Sylvia,
25 Permitting Program Manager; Elizabeth Showalter, Permitting Technician; Laura Domyancich,
26 Planner-Project Manager; Chris Meehan, District Consulting Engineer; and Louis Smith, District
27 Counsel.
28

29 **APPROVAL OF AGENDA**
30

31 *It was moved by Manager Miller, seconded by Manager Rogness, to approve the agenda as*
32 *distributed. Upon vote, the motion carried, 7-0.*
33

34 **CONSENT AGNEDA**
35

36 *It was moved by Manager Rogness, seconded by Manager Shekleton, to approve the Consent*
37 *Agenda, including the Board minutes of April 26, 2018; and Resolution 18-046: Authorization*
38 *to Transfer \$171,155.81 from the 325 Blake Road Capital Account to the 325 Blake Road*
39 *Operations Account as follows:*
40

41 ***NOW, THEREFORE, BE IT RESOLVED that the Minnehaha Creek***
42 ***Watershed District Board of Managers authorizes the transfer of \$171,155.81***
43 ***from the 325 Blake Road Capital Account (fund ending 017) to the 325 Blake***
44 ***Road Operations Account (fund ending 025) to uphold standard operating***
45 ***expenses.***

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

47

48 **REGULAR AGENDA**

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50 **Board, Committee, and Task Force Reports**

51

52 **President's Report:**

53

54 President White noted that she and MCWD staff met recently with Hennepin County
55 Commissioner Peter McLaughlin to review the technical information and agency roles
56 concerning Lakes Nokomis and Hiawatha. She also noted the meeting on May 9 of the Joint
57 Working Group to conduct interviews for the selection of a master developer for 325 Blake
58 Road, and a report will be on the May 24 agenda.

59

60 **Operations and Programs Committee:**

61

62 Manager Loftus reported that the Committee met earlier in the evening. The Committee
63 received updates on the Quarter 2 budget projection, 325 Blake Road, IT Plan goals and
64 processes, and operations issues.

65

66 **PERMITS REQUIRING A VARIANCE OR DISCUSSION**

67

68 **Permit 18-162: 19700n Manor Road, Deephaven**

69

70 Ms. Katherine Sylvia appeared before the Board of Managers and reviewed the permit
71 application. She noted that the application is for a permit for erosion control and wetland
72 protection for the construction of a single-family home within a two-lot subdivision at 19700
73 Manor Road in the City of Deephaven. She explained that one wetland was identified on-site,
74 triggering the buffer provision of the wetland protection rule. Ms. Sylvia noted that the permit
75 was before the Board of Managers at the request of a member of the public who was concerned
76 about possible impacts to the wetland from the project. Staff provided further information and
77 the person's concerns were addressed. All required exhibits have been submitted, and the
78 application meets the requirements of District Rules. ***There being no further discussion, it was***
79 ***moved by Manager Shekleton, seconded by Manager Becker, to approve the permit application***
80 ***with the conditions recommended by staff. Upon vote, the motion carried, 7-0.***

81

82 **Permit 18-002: Marx Subdivision, 2700 Parkview Drive, Medina**

83

84 Ms. Elizabeth Showalter appeared before the Board of Managers to review the variance request
85 and permit application. She noted that this site is also on the agenda for approval of the
86 MCWD's conservation easement and related agreements. Ms. Showalter reviewed the site plan
87 in detail, and explained that the permit application reflects two phases of work: a first phase to
88 construct a driveway related to subdivision of the site, and also stormwater management for
89 future home sites based on assumed and modeled conditions. She stated that when the individual
90 home sites apply for erosion control permits, the actual plans will be reviewed for comparison to

91 the modelled conditions and adjustments to the stormwater management plans and wetland
92 protection will be made as necessary at that time. By reviewing these changes as permit
93 amendments rather than new permits, she explained, the permitting process for the homes will be
94 more effective.

95
96 Ms. Showalter reviewed the request for variance from the buffer requirements of the wetland
97 protection rule as set forth in detail in the staff report. ***It was moved by Manager Miller,***
98 ***seconded by Manager Rogness, to approve the variance based on the findings set forth in the***
99 ***staff report.*** Manager Miller asked if the proposed project will result in any additional
100 stormwater runoff to Long Lake, and Ms. Showalter explained that there will be a slight increase
101 in bounce and inundation to the wetland within acceptable limits of the rules, and that any impact
102 to Long Lake would be very attenuated. Mr. Meehan noted that the best management practices
103 required for the site will improve water quality, though would result in an increase in volume.
104 ***Upon vote, the motion to approve the variance carried, 7-0.***

105
106 ***It was moved by Manager Miller, seconded by Manager Becker, to approve the permit***
107 ***application with the conditions recommended by staff.*** Mr. Smith suggested an additional
108 condition to the permit, specifically noting that the stormwater management plan using rain
109 gardens for the single family homes is based on modelled conditions as submitted by the
110 applicant, and shall be adjusted through permit amendment as the actual impervious surface e
111 and grading plans for the individual homes may require to address the cumulative impacts of the
112 entire development. ***It was moved by Manager Miller, seconded by Manager Shekleton to***
113 ***amend the motion as suggested by Mr. Smith. Upon vote, the motion for the amendment***
114 ***carried, 7-0. Upon vote, the motion to approve the permit application as amended carried, 7-0.***

115
116 **ACTION ITEMS**

117
118 **Resolution 18-047: Authorization to Submit Comments to MPCA Regarding Draft Construction**
119 **Stormwater Permit**

120
121 Ms. Elizabeth Showalter appeared before the Board of Managers to review the request for board
122 action. She noted that staff would be working with legal counsel to coordinate review of the
123 proposed comment letter, but that any revisions would be within the scope of the proposed
124 comments. ***Following discussion, it was moved by Manager Skeleton, seconded by Manager***
125 ***Becker to approve the request for board action, subject to review and refinement with legal***
126 ***counsel. Upon vote, the motion carried, 7-0.***

127
128 **Resolution 18-048: Authorization to Execute an MOU with the City of Medina for School Lake**
129 **Preserve Easement Enforcement and to Execute an Indemnification Agreement for School Lake**
130 **Preserve Public Trails and to Execute the School Lake Preserve Conservation Easement**

131
132 Ms. Laura Domyancich appeared before the Board of Managers to review the request for board
133 action. She noted the history of the MCWD's involvement with this site and board discussions.
134 She explained the several approvals requested as set forth in detail in the staff report. The

135 MCWD will hold a conservation easement on the site; the MCWD will enter into a
136 Memorandum of Understanding with the City of Medina about easement enforcement; and the
137 MCWD will be indemnified by the City of Medina for any occurrences or claims relating to trail
138 use, except to the extent arising from the District's own negligence.
139

140 ***Following discussion, it was moved by Manager Becker, seconded by Manager Rogness to***
141 ***adopt Resolution 18-048 as recommended by staff. Manager Becker asked about the permitted***
142 ***uses on the trails and the trail composition.*** Ms. Domyancich explained that the trails would be
143 crushed rock and for non-motorized use only. President White noted language in the
144 conservation easement concerning conservation value of addressing climate change. ***There***
145 ***being no further discussion, upon vote, the motion carried, 7-0.*** Mr. Michael Pressman
146 appeared before the Board of Managers on behalf of Mr. Marx to thank the board for its work.
147 He noted the history of various efforts to achieve conservation goals at this site, and the
148 opportunity presented by the use of PUD density credits. The managers thanked Mr. Pressman.
149

150 Resolution 18-049: Authorization to Contract with OPG3 for Laserfiche
151

152 Ms. Cathy Reynolds appeared before the Board of Managers to review the request for board
153 action. She noted the need to update the MCWD's licenses for use of Laserfiche, which included
154 a package of participant licenses for use of the system by managers. She stated that the proposed
155 board action would bring the MCWD current with its licenses and also authorize training with
156 the system. Manager Olson stated that he felt that the participant license for managers was
157 unnecessary and the other managers agreed. ***It was moved by Manager Shekleton, seconded by***
158 ***Manager Rogness, to adopt Resolution 18-049, but omitting the participant licenses for***
159 ***managers, which would reduce the cost by \$1,467.30. Upon vote, the motion carried.***
160

161 STAFF UPDATES
162

163 Administrator's Report: Mr. Wisker reported on the following items:
164

- 165 • Joint Working Group and Southwest Community Works Blake Road Subcommittee
166 meeting: these groups met for the developer interviews on May 9, and a recommendation
167 will be brought to the May 24 Board meeting;
- 168 • Lake Minnetonka level is currently at 929.4 and Minnehaha Creek is currently
169 discharging at 100 cfs;
- 170 • Staff and legal counsel are continuing to work to address Carver County concerns with
171 possible MCWD default and insolvency; Mr. Smith reviewed how the proposed process
172 would work through the individual capital improvement hearings and later budget and
173 levy adoption, without additional duplicative hearing processes; the managers stated that
174 they found this process acceptable.
175
176
177
178

Minutes of the Regular Meeting
Minnehaha Creek Watershed District
Board of Managers
5-10-2018

179 **ADJOURNMENT**

180

181 There being no further business, the meeting of the Board of Managers was adjourned at 8:02
182 p.m.

183

184 Respectfully submitted,

185

186

187

188 Kurt Rogness, Secretary

DRAFT