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

7 **May 24, 2018**
8

9 **CALL TO ORDER**

10
11 The regular meeting of the Minnehaha Creek Watershed District Board of Managers was called
12 to order at 7:04 p.m. on May 24, 2018 at the District Office, 15320 Minnetonka Boulevard,
13 Minnetonka, MN.
14

15 **MANAGERS PRESENT**

16
17 Sherry White, Brian Shekleton, Kurt Rogness, William Olson, and William Becker.
18

19 **MANAGERS ABSENT**

20
21 Richard Miller, Jessica Loftus.
22

23 **DISTRICT STAFF AND CONSULTANTS PRESENT**

24
25 Also Present: James Wisker, Administrator, Cathy Reynolds, Operations Manager; Michael
26 Hayman, Senior Project Planner; Katherine Sylvia, Permitting Program Manager; Heidi Quinn,
27 Permitting Technician; Elizabeth Showalter, Permitting Technician; Laura Domyancich,
28 Planner-Project Manager; Renae Clark, Policy and Grants Coordinator; Chris Meehan, District
29 Consulting Engineer; and Louis Smith, District Counsel.
30

31 **MATTERS FROM THE FLOOR**

32
33 Paul Silverstein, 555 Oak Ridge Place, Hopkins, appeared before the Board of Managers and
34 expressed a concern for potential degradation of a wetland related to development of a nearby
35 empty lot. Mr. Wisker noted that staff is aware of these concerns, and that the permit application
36 process will include a notice to nearby residents and the opportunity for a hearing request.
37

38 **APPROVAL OF AGENDA**

39
40 *It was moved by Manager Becker, seconded by Manager Rogness, to approve the agenda as*
41 *distributed. Upon vote, the motion carried, 5-0.*
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47 **NEW STAFF INTRODUCTIONS**

48
49 Ms. Kailey Cermak appeared before the Board of Managers and introduced two new field
50 assistants in the Research and Monitoring Department, Alex Kernow and Tom Tulley. The
51 managers welcomed Mssrs. Tulley and Kernow to the District.

52
53 Ms. Katherine Sylvia appeared before the Board of Managers and introduced new permitting
54 technicians Will Roach and Megan Schermers. The managers welcomed Ms. Schermers and Mr.
55 Roach to the District.

56
57 **CONSENT AGNEDA**

58
59 *It was moved by Manager Olson, seconded by Manager Shekleton, to approve the Consent*
60 *Agenda, consisting of the following items: approval of May 10, 2018 Board Minutes; approval*
61 *of the check register for the general checking account, checks numbered 39010 to 39084 for a*
62 *total of \$341,332.39, payroll direct deposit of \$144,467.26, and approve electronic fund*
63 *withdrawals totaling \$652,902.69 for total expenses of \$1,138,702.34 and surety account; and*
64 *acceptance of the 325 Blake Road Checking Account; and adoption of Resolution 18-050:*
65 *Authorization to Execute Programmatic Maintenance Agreement with the City of Edina, as*
66 *follows:*

67
68 ***NOW, THEREFORE, BE IT RESOLVED that the Minnehaha Creek***
69 ***Watershed District Board of Managers hereby authorizes the Board President***
70 ***to execute a programmatic maintenance agreement with the City of Edina.***

71
72 ***Upon vote, the motion carried, 5-0.***

73
74 **REGULAR AGENDA**

75
76 **Board, Committee, and Task Force Reports**

77
78 **President's Report:**

79
80 President's Report: President White reported that she recently attended an open house for the
81 Wayzata Lake Effect, noting three options for the proposed parking lot. She also referred to the
82 legislative report from the Minnesota Association of Watershed Districts, noting the chloride
83 legislation did not pass, and the Lessard Sams Outdoor Heritage Council funding of \$567,000
84 was approved for the MCWD's carp management project in the Six Mile Creek/Halsted Bay
85 Subwatershed.

86
87 Policy and Planning Committee Report: Manager Rogness reported that the committee met
88 earlier in the evening and reviewed the capital improvements plan, consideration of a
89 conservation easement on lakeshore property in Wayzata Bay, Minneapolis southwest Harriet

90 flooding feasibility study update, and an update on the habitat program for Six Mile Creek
91 Halsted Bay.

92

93 **PERMITS REQUIRING A VARIANCE OR DISCUSSION**

94

95 Permit 18-147: 3100 West Lake Street, Minneapolis

96

97 Ms. Elizabeth Showalter appeared before the Board of Managers and reviewed the permit
98 application, noting that a member of the public had requested a hearing based on groundwater
99 management concerns for the area. Ms. Showalter noted that the application met or exceeded
100 District requirements. No one from the public appeared to comment on the permit application.
101 ***Following discussion, it was moved by Manager Shekleton, seconded by Manager Rogness, to***
102 ***approve the permit application with the conditions recommended by staff. Upon vote, the***
103 ***motion carried, 5-0.***

104

105 Permit 17-367: Casco Point Addition, Ivy Place, Orono

106

107 Ms. Heidi Quinn appeared before the Board of Managers and reviewed the variance request and
108 permit application. She noted that the project involved changing a three-lot subdivision to two
109 lots for single family home construction and a shared driveway. The proposed project is exempt
110 from District stormwater management requirements, and meets District erosion control, flood
111 plain, sand blanket requirements. She reviewed the impacts of the proposed project on wetlands
112 at the site, including a restoration plan for any temporary construction impacts. Ms. Quinn noted
113 that the project did not meet minimum wetland buffer requirements at a pinch point for the
114 driveway, and so the applicant is requesting a variance.

115

116 She noted a letter in the record from Mr. Jay White reviewing the history of the land parcels and
117 easement, and expressing concerns about the scope of the driveway and wetland buffer impacts.
118 Ms. Quinn reviewed the criteria for consideration of a variance as set forth in the staff report, and
119 noted that the project will provide two underground filtration facilities that are not required by
120 District rules. ***Following discussion, it was moved by Manager Olson, seconded by Manager***
121 ***Rogness, to approve the variance based on the detailed findings set forth in the staff report.*** In
122 response to a question from Manager Olson, Ms. Quinn noted that past permitted shoreline
123 stabilization work included a maintenance declaration. President White noted that she resided in
124 the area and had a concern that the project was a very tight fit and needed assurance of protection
125 for the wetland. Ms. Quinn reviewed the plan to address impacts to the wetland; that the project
126 would be a priority for compliance inspection; and that the applicant would post a financial
127 assurance for erosion control and the wetland buffer. ***There being no further discussion, upon***
128 ***vote, the motion to approve the variance carried, 4-0, with President White abstaining.***
129 ***It was moved by Manager Becker, seconded by Manager Shekleton, to approve the permit***
130 ***application with the conditions recommended by staff.*** Manager Shekleton noted the letter from
131 Mr. Jay White and asked staff for further response to his concerns. Ms. Quinn noted that even an
132 eight foot driveway would still require a variance, and reviewed the reasons set forth in the staff

133 report supporting the finding that the applicant did not create the hardship. ***Upon vote, the***
134 ***motion to approve the permit application carried, 4-0, with President White abstaining.***
135

136 Resolution 18-051: Selection of a Master Developer for 325 Blake Road and Authorization to
137 Negotiate Terms and Conditions of a Master Development Agreement
138

139 Mr. Michael Hayman appeared before the Board of Managers and reviewed the request for board
140 action. He reviewed the lengthy and detailed process for request for qualifications, and the
141 interviews of three developer team finalists on May 9 by the Joint Working Group that included
142 Managers White, Miller and Loftus, as well as Hopkins City Council Members Campbell and
143 Kuznia; members of the Blake Road Subcommittee of Southwest Community Works also
144 attended the interviews and participated in the deliberations. He noted that the Joint Working
145 Group was very pleased with the quality of the presentations and the entire process. Following a
146 lengthy deliberation and discussion, the Joint Working Group voted to recommend the Kraus
147 Anderson team for selection, and the Blake Road Subcommittee concurred with this
148 recommendation.
149

150 Mr. Hayman introduced Ms. Jaci Bell of Kraus Anderson who expressed great interest on behalf
151 of her team for taking on this project. Mr. Hayman stated that once the Board of Managers
152 selects a master developer, the next step would be to prepare a three-way development
153 agreement with the City of Hopkins, the master developer, and the MCWD. Mr. Hayman also
154 expressed gratitude to all of the development teams that submitted qualifications and participated
155 in the process.
156

157 President White noted and read for the record a letter to the Board of Managers from Hopkins
158 City Council Members Katy Campbell and Aaron Kuznia, who are also members of the Joint
159 Working Group. The letter expressed strong support for the recommendation of the Joint
160 Working Group for Kraus Anderson as the master developer for the 325 Blake Road site, and
161 noted the longstanding partnership between the MCWD and the City within the Blake corridor
162 and Minnehaha Creek Greenway. ***Following discussion, it was moved by Manager Shekleton,***
163 ***seconded by Manager Becker, to adopt Resolution 18-051 as recommended by staff, selecting***
164 ***Kraus Anderson as the final master developer candidate for 325 Blake Road and authorizing***
165 ***the District Administrator to initiate negotiation of a master development agreement. Upon***
166 ***vote, the motion carried, 5-0.*** Manager Becker thanked the Joint Working Group for the strong
167 process and work leading to this outcome. Ms. Bell thanked Mr. Hayman and NTH for their
168 work in this process.
169

170 Resolution 18-053: Directing Administrator to Develop Agreements with Selected Professional
171 Service Providers for Board Approval
172

173 Ms. Cathy Reynolds appeared before the Board of Managers and reviewed the request for board
174 action. She reviewed the process of posting a request for qualifications for the various
175 professional services, and stated that recommended contracts would be brought for board review
176 at the June 28 meeting. ***Following discussion, it was moved by Manager Olson, seconded by***

177 **Manager Rogness to adopt Resolution 18-053 as presented. Upon vote, the motion carried, 5-**
178 **0.**

179
180 Resolution 18-052: Review and Approval of the 60% Design for the Arden Park Restoration
181 Project.

182
183 Ms. Renae Clark appeared before the Board of Managers to review the request for board action,
184 and also introduced Ms. Ann Katreh, director of parks and recreation for the City of Edina. Ms.
185 Clark reviewed the creek and habitat restoration elements of the project design, and Ms. Katreh
186 reviewed the recreational facility elements. ***It was moved by Manager Rogness, seconded by***
187 ***Manager Shekleton to adopt Resolution 18-052 as presented.*** Upon a question from Manager
188 Olson, Ms. Katreh reviewed ongoing discussion about the hockey rink and dog park. Upon a
189 question from President White, Ms. Clark reviewed the location of swales in the design.
190 Manager Rogness expressed his interest and support for strong design of recreational buildings
191 that reflected the character of the community, and offered the buildings at the University of
192 Minnesota Landscape Arboretum as an example ***There being no further discussion, upon vote,***
193 ***the motion to adopt Resolution 18-052 carried, 5-0.***

194
195 **STAFF UPDATES**

196
197 Administrator's Report:

198
199 Mr. Wisker reported on the following matters:

- 200
- 201 1. MCWD Planning staff recently attended a workshop on climate resiliency at the
 - 202 Minnesota Pollution Control Agency;
 - 203 2. Staff recently prepared a letter on high groundwater conditions in Minneapolis;
 - 204 3. As noted earlier by President White, the legislature approved a Lessard Sams Outdoor
 - 205 Heritage Council grant of \$567,000 for Six Mile Halstead carp management;
 - 206 4. The Painter Creek FEMA funded project is underway;
 - 207 5. BWSR watershed-based funding pilot, formula will provide \$250,000 to MCWD;
 - 208 6. MCWD staff are involved in several upcoming conferences, including the EcoDistrict
 - 209 Summit and International Water Conference; the Bassett Creek Watershed
 - 210 Management Organization recently invited MCWD staff to present information about
 - 211 integrated land use and water planning; MCWD staff are involved in National
 - 212 American Planning Association planning and water case studies;
 - 213 7. The MCWD recently received two communications awards from the Minnesota
 - 214 Government Communicators Association, for the Lake Minnetonka map and Gray's
 - 215 Bay articles;
 - 216 8. Lake Minnetonka level is currently at 929.3; Minnehaha Creek is flowing at 20 cfs.

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Minutes of the Regular Meeting
Minnehaha Creek Watershed District
Board of Managers
5-24-2018

220 Manager Olson expressed his thanks to Ms. Tiffany Schaufler for excellent work on the
221 Minneapolis groundwater correspondence.
222

223 **ADJOURNMENT**
224

225 There being no further business, the meeting of the Board of Managers was adjourned at 8:47
226 p.m.
227

228 Respectfully submitted,
229

230

231

232

233 Kurt Rogness, Secretary

DRAFT