

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

4
5 **August 13, 2020**

6
7 **CALL TO ORDER**
8

9 The regular meeting of the Minnehaha Creek Watershed District was called to order by
10 President Sherry White at 7:06 p.m. on August 13, 2020. President White noted that this
11 meeting was convened electronically through WebEx, pursuant to Minnesota Statutes
12 13D.021, due to the COVID-19 pandemic and her determination that it is not prudent for
13 the Board of Managers, or any committee thereof, to meet in person, and it is not feasible
14 to provide for any member of the Board, or of the public, to meet at the regular meeting
15 location. For this reason, until this determination is withdrawn by the District’s presiding
16 officer, chief legal counsel or chief administrative officer, the meetings of the Board and
17 its committees will be convened by telephone or other electronic means as the presiding
18 officer determines appropriate. All such meetings will be noticed and conducted in
19 accordance with §13D.021 and all other applicable terms of the Open Meeting Law.
20 President White noted that, pursuant to §13D.021, all votes will be by roll call.

21
22 President White called the roll to note attendance:

23
24 Hejmadi: Present
25 Loftus: Present
26 Rogness: Present
27 Miller: Absent
28 Olson: Present
29 Maxwell: Present
30 White: Present

31
32 **DISTRICT STAFF AND CONSULTANTS PRESENT**
33

34 James Wisker, Administrator; Will Roach, Permitting Assistant; Michael Hayman,
35 Project Planning Manager; Gabe Sherman, Planner – Project Manager; Chris Meehan,
36 Consulting Engineer; and Louis Smith, District Counsel.

37
38 **MATTERS FROM THE FLOOR**
39

40 None.

41
42 **APPROVAL OF AGENDA**
43

44 *It was moved by Manager Hejmadi, seconded by Manager Loftus to approve the*
45 *Agenda as distributed. Upon roll call vote, the motion carried 5-0 as follows:*
46

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47 Hejmadi: Aye
48 Loftus: Aye
49 Rogness: Aye
50 Miller: Absent
51 Olson: Absent for vote
52 Maxwell: Aye
53 White: Aye

54

55 **CONSENT AGENDA**

56

57 *It was moved by Manager Rogness, seconded by Manager Maxwell, to approve the*
58 *Consent Agenda consisting of approval of the July 23, 2020 Board minutes, and*
59 *Resolution 20-061: Authorization to Execute Contract for Legal Services as follows:*

60

61 *NOW, THEREFORE, BE IT RESOLVED that the Minnehaha Creek Watershed*
62 *District Board of Managers: hereby authorizes the District Administrator to*
63 *execute a legal services contract with Smith Partners for the period of September*
64 *1, 2020 through August 31, 2022.*

65

66 *Upon roll call vote, the motion carried, 5-0 as follows:*

67

68 Hejmadi: Aye
69 Loftus: Aye
70 Rogness: Aye
71 Miller: Absent
72 Olson: Absent for vote
73 Maxwell: Aye
74 White: Aye

75

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

77

78 President's Report: President White reported that she and Manager Maxwell met with
79 the city council liaisons for the 325 Blake Road project, and that she and Mr. Wisker met
80 with the leadership of the Citizens Advisory Committee.

81

82 Operations and Programs Committee Report: Manager Loftus reported that the
83 Committee received a presentation from Mr. Wisker on the final proposed 2021 budget
84 and work plan; a presentation on the Project Maintenance and Land Management
85 Program analysis; and an update on the Woodland Cove development.

86

87 Citizens Advisory Committee Report: Manager Olson reported that the August 4 CAC
88 meeting addressed two items: 1) discussing COVID-19 related disruptions to workflow,
89 identifying opportunities to continue improving remote meeting dynamics and the CAC's
90 strategic focus; and 2) an update on Long Lake responsive model project planning.

91 Manager Olson noted that an outcome of the first discussion was that staff and the CAC's
92 leadership will use this feedback to develop an agenda plan for the remainder of 2020.

93

94 Upcoming Meeting and Event Schedule: President White directed the managers to the
95 meetings listed on the agenda; all of the meetings to be noticed and held via WebEx.

96

97 **ACTION ITEMS**

98

99 Permit 20-071: 4512 North Avenue, Edina; Resolution 20-062: Adopting Findings and
100 Denying Floodplain Variance Request for 4512 North Ave, Edina

101

102 Mr. Will Roach appeared before the Board of Managers and reviewed the request for
103 board action, a staff recommendation to deny a floodplain variance request. He explained
104 that the property owner has applied for a floodplain alteration permit at this single family
105 home residence on Minnehaha Creek, proposing to convert the current walkout basement
106 to a full basement. The project would involve bringing in 20.4 cubic yards of fill in the
107 floodplain, and does not propose any compensatory mitigation. Mr. Roach reviewed the
108 application of the floodplain rule and consideration of the elements for the District to
109 consider with the variance request. He noted that staff recommends denial of the
110 variance because there are no special conditions inherent to the property, strict
111 compliance with the rule will not cause undue hardship, and the District Engineer has
112 identified a feasible and prudent alternative to construct compensatory storage on the site.

113

114 Mr. Matt Pavek, engineer for the applicant, appeared before the Board of Managers and
115 stated why the site has unique conditions; he offered a photo from the 1930s showing the
116 home in a previous condition and indicating that some subsequent owner excavated from
117 the creek bank floodplain to create the walkout basement condition. Mr. Pavel also
118 showed photos of the basement flooded in 2014. He stated that the proposed mitigation
119 area identified by the District Engineer would involve removal of a mature tree and take
120 up too much of the applicant's yard. He stated that the proposed fill would not adversely
121 impact the creek flood elevation. He noted the practice of using sandbags in flooded
122 conditions, which would negate the use of the proposed compensatory storage area.

123

124 Mr. Devon Hammel, 4604 Cascade Lane, Edina appeared before the Board of Managers.
125 He stated that he was a neighboring property owner to the south, and feels that the
126 groundwater is the source of flooding conditions.

127 President White invited a motion for board discussion. ***It was moved by Manager***
128 ***Loftus, seconded by President White to adopt Resolution 20-062: adopting findings and***
129 ***denying the floodplain variance request for 4512 North Avenue.***

130

131 The managers discussed the site conditions and history. Mr. Jack Weston appeared
132 before the Board of Managers and reviewed the 2014 flood conditions and placement of
133 180-200 sandbags to a height of approximately 40 inches.

134 Manager Hejmadi departed at this point in the meeting.

135

136 Manager Loftus stated that she could see both sides of this issue, noting the reasons why
137 the applicant would seek to convert the basement and gain flood protection; the
138 challenges of the compensatory storage alternative; and yet the sense that at least some
139 floodplain mitigation must be feasible, even if it is not 20 cubic yards. Manager Rogness
140 stated that he agreed with these comments. Manager Maxwell stated that he would like
141 more time for the applicant and staff to find a better solution.

142

143 Mr. Pavcek stated that the applicant is open to a discussion of other alternatives. Manager
144 Loftus asked that these discussions focus on minimizing the need for a variance.

145

146 *It was moved by Manager Maxwell, seconded by Manager Rogness to table this matter*
147 *in order to allow time for the staff and applicant to develop an alternative solution.*

148

149 *Upon roll call vote, the motion to table carried, 5-0 as follows:*

150

151 Hejmadi: Absent

152 Loftus: Aye

153 Rogness: Aye

154 Miller: Absent

155 Olson: Aye

156 Maxwell: Aye

157 White: Aye

158

159 **BOARD DISCUSSION ITEMS**

160

161 Draft Request for Proposals for Design Services for 325 Blake Road Stormwater
162 Management and Site Restoration

163

164 Mr. Michael Hayman and Mr. Gabe Sherman appeared before the Board of Managers to
165 present plans for issuing the request for proposals. Mr. Sherman explained the
166 background, purpose, structure, and timetable involved in this process. He noted that the
167 draft RFP lays out two potential tracks for the design of MCWD's capital project: 1) a
168 stormwater and Greenway restoration project (on approximately 5 acres) that is
169 integrated with a concurrent comprehensive redevelopment of the entire site; and 2) a
170 standalone stormwater and Greenway restoration project (on approximately 5 acres) that
171 leaves the rest of the parcel for redevelopment at a later time. He noted that respondents
172 to the RFP will be expected to demonstrate the ability to implement either track with a
173 high degree of creativity. Mr. Sherman noted that this item would be on the Board's
174 agenda for its August 27 meeting. The managers thanked Mr. Sherman for his
175 presentation.

176

177

178 **STAFF UPDATES**

179

180 **Administrator's Report**

181

182 Mr. Wisker reported on the following items:

183

- 184 1. The staff has received an annual performance report on the Taft Legion Lake
185 project. It has been productive to have Barr Engineering engaged as a new
186 consultant to review the project performance issues.
187
- 188 2. The Lake Minnetonka Conservation District is continuing discussions about an
189 Aquatic Invasive Species master plan, and the MCWD recently received a
190 communication from the Three Rivers Park District expressing process concerns.
191
- 192 3. The City of Greenwood has continued correspondence about its interest in the
193 MCWC shifting its capital project spending to address aquatic invasive species
194 issues in Lake Minnetonka. Mr. Wisker stated that it would be helpful to provide
195 further information to the city concerning the District's strategic planning process
196 and capital improvement program. ***It was moved by Manager Maxwell,***
197 ***seconded by Manager Olson to authorize staff to prepare a response letter for***
198 ***President White's signature. Upon roll call vote, the motion carried, 5-0 as***
199 ***follows:***

200

201 Hejmadi: Absent
202 Loftus: Aye
203 Rogness: Aye
204 Miller: Absent
205 Olson: Aye
206 Maxwell: Aye
207 White: Aye

208

- 209 4. The District has received correspondence from a citizen near Minnehaha Creek in
210 south Minneapolis expressing concern with trash from the nearby encampments
211 impacting the creek, and related communication from the Minneapolis Park and
212 Recreation Board.
213
- 214 5. The District continues to assess work flow in light of the pandemic and plans to
215 continue to work remotely. President White noted the need for attention to staff
216 self care.
217
- 218 6. The CAC provided helpful discussion about work planning and their desire to add
219 value to the work of the District. Some consideration will be given to the CAC
220 taking on more of an evaluation role, and less in managing change and new

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221 initiatives. Manager Olson noted the strong attendance through remote
222 participation in the CAC meeting.

223

224 **Adjournment**

225

226 There being no further business, President White declared the meeting of the Board of
227 Managers adjourned at 9:09 p.m.

228

229 Respectfully submitted,

230

231

232

233 Kurt Rogness, Secretary

234

DRAFT