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**Resolution 18-077: Authorization to Execute Contract for Legal Services**

*NOW, THEREFORE, BE IT RESOLVED, the Minnehaha Creek Watershed District, Board of Managers hereby authorizes the District Administrator to execute the contracts as negotiated with Smith Partners PLLP.*

**Resolution 18-081: Authorization to Transfer \$15,616.49 from the 325 Blake Road Capital Account to the 325 Blake Road Operations Account**

*NOW, THEREFORE, BE IT RESOLVED that the Minnehaha Creek Watershed District Board of Managers authorizes the transfer of \$15,616.49 from the 325 Blake Road Capital Account (fund ending 017) to the 325 Blake Road Operations Account (fund ending 025) to uphold standard operating expenses.*

**Resolution 18-082: Acceptance of Donation**

*NOW, THEREFORE, BE IT RESOLVED, the Minnehaha Creek Watershed District, Board of Managers hereby accepts the donation of \$243.00 from Spirit of Christ Community Church and authorizes the deposit into the Education Department's budget to support the development of educational materials and displays.*

*Upon vote, the motion carried*

**REGULAR AGENDA**

**Board, Committee and Task Force Reports**

Manager White reported that she has not been to any external meetings in the last couple of weeks and turned to Manager Miller for the Policy and Planning Committee report. Manager Miller stated that the committee received a complete update on the Six Mile Creek Halsted Bay subwatershed restoration and planning work and a progress update on the new park and carp grant work. He said the committee reviewed the refinancing of 325 Blake Road, which will come to the board at the next regular meeting, and the potential acquisition of a conservation easement on Wayzata Bay.

Manager White noted that the schedule of upcoming events and activities is as in the agenda for this evening's meeting. She said the liaison for the next Citizens Advisory Committee meeting is Manager Shekleton.

89 **PUBLIC HEARINGS AND PRESENTATIONS**

90

91 2019 Budget and Levy

92

93 Manager White opened the public hearing on the 2019 budget and levy.

94

95 James Wisker provided an overview of the 2019 budget and levy and work plans for 2019,  
96 noting that his presentation will be followed by the opportunity for comments from the public as  
97 required by statute. He stated that the budget and levy will come forward for adoption at the  
98 September 13 regular meeting. The public will have opportunity to further comment on the  
99 District's budget and levy at the before it's finalized at the December 13 meeting. Mr. Wisker  
100 reviewed the process by which the budget was developed. He stated that in developing work  
101 plans for 2019, staff focused on measureable outcomes and partnership, in keeping with direction  
102 from the recently adopted watershed plan. He stated that one of the primary revisions from prior  
103 years is that staff has gone from 15 to 20 work plans down to three main work plans focused on  
104 the board's priorities as articulated in the watershed plan: the watershed-wide responsive  
105 program, Six Mile Creek Halsted Bay subwatershed and Minnehaha Creek subwatershed. He  
106 said each of the work plans is achieving the triple bottom line of environmental, social and  
107 economic goals. The three plans are focused on providing increased outcomes with no increase  
108 in the levy. He stated that in the Six Mile Creek Halsted Bay subwatershed, the District will be  
109 undertaking the largest rough-fish management project in state history. In the Minnehaha Creek  
110 subwatershed, the District has focused first with multiple partners on the most graded stretch of  
111 the creek and has completed most of that work and is moving into Minneapolis. He said the key  
112 projects include the Federal Emergency Management Agency-funded repair of damage at 13  
113 sites along the creek.

114

115 With regard to the budget Mr. Wisker stated that more detail is available to both the public and  
116 the managers on the District website. Mr. Wisker provided a summary of the District's budget  
117 and revenue expectations for 2019, broken down according to programs, personnel and capital  
118 finance. With regard to revenue, he stated that the District has built up a reserve of funds over the  
119 years such as it is able to plan for no spike in the levy even while the capital projects budget is  
120 doubling in 2019. He said that this is the result of careful planning and management of the levy  
121 over multiple years. The levy remains flat in 2019 and the District has optimized planned  
122 expenditures, freed resources to use elsewhere and engaged in strategic grants solicitation to  
123 receive the highest-ever outside-resource income. He stated that at the September 13 meeting the  
124 board of managers will approve the work plans, certify the levy and adopt the budget, and will  
125 announce the final comment opportunity on the budget and levy. He stated earlier that with  
126 regard to development of the budget, the Citizens Advisory Committee had provided a great deal  
127 of input and valuable perspective.

128

129 Manager White called for any comments from the public on the budget and levy. Seeing none,  
130 she closed the public hearing.

131

132 Manager Miller stated that he is glad to see the District not increasing its levy while increasing  
133 output, and that he thought it was particularly notable that the District had reduced 10 full-time-  
134 equivalent staff positions. He stated that securing outside funds is critical and that the District has  
135 done a good job of engaging in the watershed to develop the budget. Michael Welch added that  
136 at the December meeting at which the budget and levy will be open for additional public  
137 comment, the managers can lower but cannot increase the levy.

138

139 **PERMITS REQUIRING A VARIANCE OR DISCUSSION**

140

141 Permit 18-153 and Resolution 18-083, Life Time Fitness, 5525 Cedar Lake Road, St. Louis Park

142

143 Elizabeth Showalter presented the background on the resolution and a review of the permit report  
144 for Life Time Fitness' proposed addition to its St. Louis Park facility. Ms. Showalter noted that  
145 the permit is being presented as if the variance has been approved allowing Life Time Fitness to  
146 proceed with its present project without providing stormwater management treatment for prior  
147 redevelopment that should have been encompassed within the District's stormwater management  
148 rule by virtue of the common scheme of development provision. She stated that with regard to  
149 the present proposed work the project is compliant with District requirements except that there is  
150 an additional variance needed from the low-floor requirement because of a doorway that  
151 provides less than the 2-foot freeboard required by the District. Mr. Welch stated that with regard  
152 to the new, additional variance, the managers may wish to condition approval on Life Time  
153 recording the shortfall from the freeboard standard on the deed. He said that the information  
154 could be included in the maintenance declaration that the applicant must record anyway. In  
155 response to an inquiry from Manager Miller as to why counsel is including a variance that was  
156 not discussed in the report, Mr. Welch explained that staff is bringing the variance to the board  
157 of managers' attention now because it was discovered in the final analysis of the proposed  
158 project and that legal counsel is adding the recommended condition. *Manager Miller moved and*  
159 *Manager Rogness seconded adoption of Resolution 18-083 approving the variance and*  
160 *authorizing the administrator to enter into a cooperative agreement with Life Time Fitness to*  
161 *develop projects to offset the stormwater management requirement shortfall from the Life*  
162 *Time Fitness project. Manager Miller clarified that it was his intent to include the approval of*  
163 *the variance from the low-floor requirement with counsel's recommended recordation on the*  
164 *deed as part of his motion. Manager Rogness concurred. Upon vote, the motion carried, 6-0.*

165

166 *Manager Olson moved and Manager Rogness seconded approval of Permit 18-153. Upon vote,*  
167 *the motion carried 6-0.*

168

169 **ACTION ITEMS**

170

171 Resolution 18-084: Authorization to Apply for Board of Water and Soil Resources Clean Water  
172 Fund Competitive Grant Funding for Long Lake Creek Subwatershed Assessment

173

174 Brian Beck explained to the managers that District staff have worked with the Long Lake Waters  
175 Association to develop a proposal for state funding for work in the subwatershed. He added that

176 staff is proposing to apply for an accelerated implementation grant to conduct an assessment of  
177 the upper Long Lake Creek subwatershed to identify cost-effective watershed and in-lake best  
178 management practices to improve water quality and to address impairments in lakes within the  
179 subwatershed. Mr. Beck explained that staff has worked with the cities of Long Lake, Medina  
180 and Orono, as well as the association, to secure letters of support for the application. **Manager**  
181 **Miller moved and Manager Becker seconded adoption of Resolution 18-084.** Mr. Wisker noted  
182 that the letters of support for the project include one recently arrived from the City of Long Lake  
183 that was included in the materials provided to the managers. **Upon vote, the motion carried 6-0.**  
184

185 Resolution 18-085: Authorization to Apply for Water Resource Center and Minnesota  
186 Stormwater Research Council Clean Water Fund Grant Funding to Create Participatory  
187 Modeling in South Minneapolis  
188

189 Tiffany Schaufler said that the professors involved in the development of this participatory  
190 modeling concept reached out to District staff about applying the model to work the District is  
191 pursuing in the Minneapolis. She stated that Dr. Dan Milz at the University of Minnesota will be  
192 leading the project and that there is no contribution of District funding proposed for the work.  
193 She stated that District staff was impressed with the results that Dr. Milz obtained in the Chicago  
194 area, working with resource professionals and officials who changed their proposed project plans  
195 based on participation assessment developed through this modeling. She showed some examples  
196 of the modeling work and the engagement with citizens, noting that it is a low-cost participatory  
197 game board and interactive platform that allows users to see the options that are available in a  
198 particular watershed, then analyze a range of results emanating from choosing different options.  
199 She said staff is recommending authorization for the administrator to draft a letter of support for  
200 implementing the modeling in south Minneapolis. **Manager Rogness moved and Manager**  
201 **Miller seconded adoption of Resolution 18-085.** Manager Olson asked whether the District  
202 would have the rights to utilize the application that is developed as part of the modeling as a  
203 result of its support. Mr. Welch noted that there is no cooperative agreement between the District  
204 and the project team yet, but usually the District includes such licensing in cooperative  
205 agreements entered for such work. Manager White confirmed with Ms. Schaufler that the  
206 watershed game that the District has utilized in its education and outreach programs in other  
207 places is a generic educational tool while the proposed participatory modeling is site-specific.  
208 **Upon vote the motion carried 6-0.**  
209

210 Resolution 18-086: Authorization to Award a Construction Contract for Site 34 of the  
211 Minnehaha Creek Federal Emergency Management Agency Repair Project  
212

213 Tiffany Schaufler explained that site 34 was one that the District had not planned to the pursue  
214 right now, but the Minneapolis Park and Recreation Board is pursuing work in this area and put  
215 the work out for bid and District staff realized the opportunity and coordinated with the MPRB  
216 and city to include site 34 repair as part of the boardwalk reconstruction project on land adjacent  
217 to site 34. She stated that if the District does not go ahead and pursue this project now it will be  
218 more expensive to mobilize and access the area later, therefore staff is recommending that the  
219 District add the project to the MPRB scope of work. She noted that S.M. Hentges & Sons

220 provided a quote for the work that is \$7,000 under the engineer's estimate therefore District staff  
221 is recommending that the managers suspend the District's usual project-solicitation protocol and  
222 accept this single-source bid in the form of a change order to the MPRB contract. **Manager**  
223 **Olson moved Manager Becker seconded adoption of Resolution 18-086. Upon vote the motion**  
224 **carried 6-0.**

225  
226 Resolution 18-087: Authorization to Apply for Conservation Partners Legacy Grand Funding for  
227 Arden Park

228  
229 Renae Clark came before the board and explained that she has just returned from a public  
230 meeting on the Arden Park project and will be reporting on that in the course of her report on the  
231 final design in the next item. But prior to that she brought forward, in keeping with board policy,  
232 a request to apply for a Conservation Partners Legacy Grant for the project. **Manager Miller**  
233 **moved and Manager Rogness seconded adoption of Resolution 18-087.** In response to a  
234 question from Manager White, Ms. Clark stated that the Conservation Partners Legacy is a  
235 Department of Natural Resources-administered grant that is a subpart of the Lessard Sams  
236 Outdoor Heritage Counsel program. She stated that it is for smaller projects that would not  
237 qualify for regular Lessard Sams grants. She said the program is focused on natural resources  
238 restoration and improvement. **Upon vote the motion carried 6-0.**

239  
240 Arden Park Final Design

241  
242 Ms. Clark continued on the Arden Park project, noting that the item on the agenda this evening is  
243 just a review of the final design, which will go before the city council for approval in September,  
244 then the District board of managers at its final meeting in September. She stated that the design is  
245 split into parts that are funded by the city and parts funded by the watershed, and some areas  
246 where costs are shared. She stated that the trails in the project will be funded by the city though  
247 one replacement pedestrian bridge will be supported by the District because the replacement is  
248 needed because of the District's work in the creek. Ms. Clark reviewed the stormwater-  
249 management elements of the proposed design, along with creek access and the removal of a  
250 concrete weir and slip dam under the West 54th Street bridge, which will be undertaken either  
251 partially or entirely. She explained in some detail the tree impacts in the park, noting that 136  
252 total trees will be removed but 407 new trees will be planted. She stated that an operation and  
253 maintenance and natural-area-management plan is being developed by the District's Laura  
254 Domyancich and that these plans will come before the board of managers in conjunction with the  
255 final design for approval. She explained that the District's Telly Mamayek is working on  
256 programming for the park in collaboration with city representatives, and that work is getting  
257 under way now. She stated that staff is implementing efficiency monitoring in this project  
258 consistent with the District's approach in other areas dealing with urban runoff. She said  
259 permitting of the project is also under way and will be coming before the board in September.

260  
261 She reviewed project costs, noting that they have increased because of changes to the facilities  
262 the city is building – the shelter and the playground. Those costs are entirely the city's. She  
263 stated that the archeological scope of work needed is still uncertain, but staff will be bringing

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264 forward a request to amend the design contract to add \$54,800 in September. Some of these costs  
265 are a result of the expanded archeological work needed.

266  
267 She reported from the public meeting this evening, noting that 50 to 75 people attended to ask  
268 questions and look at the preliminary designs, and that staff saw many of the same faces who  
269 have been at prior meetings but received good feedback on the project design.

270  
271 In response to a question from Manager Olson, Ms. Clark explained the layout of the channel  
272 through the park and how the District will be seeking to meander the creek through the park. Ms.  
273 Clark responded to a question from Manager White by noting that the project should go out for  
274 bid before the end of the year. In response to questions about how the schedule is being  
275 maintained even while additional design work is needed, Ms. Clark said that the bidding  
276 schedule has been moved up a bit. In response to questions from Manager Loftus, Ms. Clark  
277 added additional detail with regard to trees to be removed and the location of new trees to be  
278 planted. She stated that attendees at the public meeting tonight were particularly attracted to the  
279 idea of the 10 large trees that will be maintained in the park and moved to other locations using  
280 specialized equipment. She stated that 150 bare-root trees will be planted along the streambank  
281 and in wooded areas, while ball-and-burlap trees will be spread throughout the park. And she  
282 said that the design of the tree planning correlates with where the removals are happening and  
283 that the city forester has been involved. In response to question from Manager Loftus about the  
284 bridge and trail in the northern part of the park, Ms. Clark said that the idea is to connect and  
285 activate that part of the park and it is being included in the design and specifications as an  
286 alternate because it is not integral to the project. The managers thanked Ms. Clark for her  
287 presentation.

288  
289 Administrator's Report

290  
291 Mr. Wisker stated that the staff continue to work with the City of Minneapolis and the  
292 Minneapolis Park and Recreation Board on high-groundwater issue in south Minneapolis, and  
293 that on Thursday, August 30, there will be a meeting with MPRB staff on Lake Nokomis. With  
294 regard to water-level updates, he stated that the recent drought-like conditions have caused lakes  
295 to drop and that Lake Zumbra and Nokomis are at 814.9 feet, two inches below the Nokomis  
296 weir. Lake Minnetonka is at 928.8 feet, so District staff increased base flow to create additional  
297 space for the 2 inches of rain that is expected in the next few days. He stated that staff is  
298 continuing to make a number of conference presentations, and that Ms. Schaufler will be  
299 presenting with the National Weather Service at two upcoming conferences. The District also  
300 will be presenting to the Environmental Protection Agency in September on how it convened  
301 partners for the Six Mile Creek Halsted Bay subwatershed plan.

302  
303 He noted several media appearances by the District, in the *Sun Sailor* and *Southwest Journal*,  
304 with regard to operation of the dam at Gray's Bay, along with articles on the Arden Park project  
305 and a report on KARE 11 on the 325 Blake Road redevelopment and the greenway.

306

307 He announced that Deb Johnson is now officially on staff at the District and that on September 5  
308 he and Manager White will be meeting with the mayor and planner at the City of Hopkins on the  
309 325 Blake Road redevelopment plan. On September 7 there is a movie in the Cottageville Park.

310

311 Redevelopment and Sale of 325 Blake Road Property

312

313 Michael Hayman came before the Board of Managers to discuss the final design for the  
314 redevelopment of 325 Blake Road. He said that feedback to the Kraus-Anderson team working  
315 on the final design and the proposed scope for the sale of 325 Blake Road has been informed by  
316 two directives from the board of managers: to create a design that is consistent with the balanced  
317 urban ecology framework that the District has adopted and that the transaction must be favorable  
318 to the District. Mr. Hayman introduced Anna Coskran, Michael Schroder and Max Musicant to  
319 describe the work on placemaking that this team has been developing to hone the feedback given  
320 to Kraus-Anderson for the design proposal. Mr. Hayman provided background, noting that the  
321 four key principles for the District are to improve water quality and provide regional treatment at  
322 325 Blake Road, to manage flooding, to expand and enhance greenspace and finally that the  
323 design must be in harmony with the built environment. With that Mr. Hayman suggested that the  
324 board of managers may wish to convene in closed session. ***Manager Miller moved and Manager***  
325 ***Rogness seconded for the board of managers to convene in closed session to discuss the***  
326 ***development of price proposals for redevelopment of 325 Blake Road, Hopkins. Upon vote the***  
327 ***motion carried 6-0.***

328

329 On concluding the closed-session, the board of managers reconvened in open session.

330

331 ADJOURNMENT

332

333 There being no further business, the meeting of the board of managers was adjourned at 10:41  
334 p.m.

335

336 Respectfully submitted,

337

338

339

340 Kurt Rogness, Secretary