

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

4
5 **August 9, 2018**
6

7 **CALL TO ORDER**

8 The regular meeting of the Minnehaha Creek Watershed District Board of Managers was called
9 to order by President Sherry White at 7:00 p.m. on August 9, 2018 at the District Office, 15320
10 Minnetonka Boulevard, Minnetonka, MN.

11 **MANAGERS PRESENT**

12
13 Sherry White, Brian Shekleton, Richard Miller, Kurt Rogness, William Olson, Jessica Loftus,
14 and William Becker.

15
16 **MANAGERS ABSENT**

17
18 None.

19
20 **DISTRICT STAFF AND CONSULTANTS PRESENT**

21
22 James Wisker, Administrator; Cathy Reynolds, Operations Manager; Becky Christopher, Policy
23 Planning Manager; Michael Hayman, Project Planning Manager; Thomas Dietrich, Permitting
24 Program Manager; Cole Thompson, Permitting Technician; Elizabeth Schowalter, Permitting
25 Technician; Chris Meehan, District Consulting Engineer; and Louis Smith, District Counsel.

26
27 **MATTERS FROM THE FLOOR**

28
29 None.

30
31 **APPROVAL OF AGENDA**

32
33 *It was moved by Manager Rogness, seconded by Manager Shekleton to adopt the agenda as*
34 *distributed, moving the Administrator's Report in front of Item 12.1. Upon vote, the motion*
35 *carried, 7-0.*

36
37 **CONSENT AGENDA**

38
39 *It was moved by Manager Becker, seconded by Manager Shekleton, to approve the Consent*
40 *Agenda, consisting of the following items: approval of July 26, 2018 Board minutes; adoption*
41 *of Resolution 18-076: Authorization to Execute Programmatic Maintenance Agreement with*
42 *ISD 277 as follows:*

43

44 ***NOW, THEREFORE, BE IT RESOLVED that the Minnehaha Creek***
45 ***Watershed District Board of Managers hereby authorizes the Board President***
46 ***to execute a programmatic maintenance agreement with the ISD 277.***
47

48 **And adoption of Resolution 18-078: Authorization to Execute Temp to Hire Contract and**
49 **Conversion Fee as follows:**

50
51 ***NOW, THEREFORE, BE IT RESOLVED, the Minnehaha Creek Watershed***
52 ***District, Board of Managers hereby authorizes the District Administrator to***
53 ***execute a temp to hire contract and pay the associated conversion fee in an***
54 ***amount not to exceed \$9600 to transition the temporary employee into a full***
55 ***time District position.***
56

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

58
59 **REGULAR AGENDA**

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

62
63 **President's Report**

64
65 President White noted that the Board of Managers conducted Mr. Wisker's quarterly
66 performance review at the July 26 meeting and read the following summary: on July 26, the
67 Managers convened in closed session to review Mr. Wisker's performance over the 2nd Quarter,
68 as well as goals and expectations for the 3rd and 4th quarters. The Board commended efforts
69 taken to date to manage the strategically planned organizational change, and expressed support
70 for steps being taken to consolidate the Operations department. Looking ahead, the Board and
71 Mr. Wisker discussed 3rd and 4th quarter efforts including: ongoing monitoring and adaptive
72 management of human resources; reinforcing organizational culture; and
73 setting direction for the District's permitting and 'responsive' programming.
74

75 **Operations and Programs Committee Report**

76
77 Manager Loftus reported that the Committee met earlier in the evening and reviewed the
78 proposed 2019 budget and a status report on the Wasserman Park project.
79

80 **Citizens Advisory Committee**

81
82 Manager Miller reported that he attended the CAC meeting and felt that it was a very productive
83 meeting where the CAC was fully engaged in discussion of key issues for the organization. Tom
84 Dietrich presented a report to the CAC about streamlining the District's regulatory program and
85 Manager Miller invited Mr. Dietrich to make the same presentation to the Board of Managers.
86 Mr. Dietrich appeared before the Board of Managers and presented his report. He noted that it is

87 important for the District to approach its regulatory program in the context of the roles of other
88 regulatory agencies, and to focus on where the District can help with technical assistance and
89 alternative solutions. While the permitting program is an essential function of the District, it also
90 presents opportunities for partnerships through early coordination, technical assistance and
91 creative solutions. He noted past examples of projects triggered by the regulatory program that
92 resulted in significant natural resource benefits. Mr. Dietrich also reviewed plans to revise the
93 District Rules with the goal of achieving more efficiency and partnership opportunities, as well
94 as focusing on the technical niche of the District. He noted that the CAC meeting broke into
95 small groups with assigned perspectives of resource conservation, development and others, and
96 developed ideas from each perspective about the proper function of the permitting department
97 and criteria for better performance.

98
99 Manager Miller stated that he felt that the District has very talented CAC members and that they
100 were very interested in participating in the rulemaking process.

101
102 President White noted the upcoming meeting schedule as presented in the agenda.

103 104 Public Hearings and Presentations

105 106 Annual Public Hearing on MCWD's Stormwater Pollution Prevention Program

107 President White opened the public hearing on the District's Stormwater Pollution Prevention
108 Program and invited Ms. Becky Christopher to appear before the Board of Managers and review
109 the District's annual report on this program. Ms. Christopher noted that the District is required
110 to prepare this report and hold this hearing each year because it is legally responsible for
111 drainage systems and stormwater management facilities that are considered municipal separate
112 storm sewer (MS4) conveyances. She reviewed the District's program for the six minimum
113 control measures. She noted that the District has received no comments from the public to date
114 on the report.

115
116 President White invited anyone from the public to come forward and comment. There were no
117 comments. President White closed the public hearing.

118 Permits Requiring a Variance or Discussion

119 Permit 18-362: 15500 Minnetonka Boulevard, Minnetonka

120 Mr. Cole Thompson appeared before the Board of Managers and reviewed the permit
121 application. He explained that the application concerns a three lot subdivision of an 11.5 acre
122 property in Minnetonka. The project triggers the District's wetland protection rule, and meets
123 the buffer requirements of the rule on two of the three lots; a shortfall from buffer width on the
124 third lot is the subject of a variance request. He reviewed the site plan and location of an 8.3 acre
125 wetland that drains to the creek and is classified as a "Preserve" wetland. Mr. Thompson noted
126 the location of a driveway and home and stated that staff considers that the applicant has
127 proposed buffer to the greatest extent feasible. He also clarified that staff does recommend that

128 the declaration for maintenance and monitoring of the buffer be recorded. *Following discussion,*
129 *it was moved by Manager Becker, seconded by Manager Miller to approve the requested*
130 *variance based on the findings and recommendations set forth in the staff report. Upon vote,*
131 *the motion carried, 7-0.*

132
133 *It was moved by Manager Miller, seconded by Manager Becker, to approve the permit*
134 *application with the conditions set forth in the staff report, including the clarified requirement*
135 *that the wetland buffer declaration be recorded. Upon vote, the motion carried, 7-0.*

136
137 Permit 18-153: 5525 Cedar Lake Road, St. Louis Park

138
139 Mr. Wisker reviewed the history at this site and the need to address a shortfall in compliance
140 from a 2013 project. He noted that the Board of Managers had considered this matter at its
141 previous meeting on July 26 and voted to table the application to allow the staff to explore
142 further options for compliance within the subwatershed. Mr. Wisker stated that the staff had
143 refined its technical analysis, reviewed potential partnership opportunities, and met with staff
144 from the City of St. Louis Park to discuss these issues. Following further discussions with Life
145 Time, staff has developed a term sheet that outlines a partnership agreement with Life Time;
146 staff is not requesting action on this term sheet at this meeting, but only feedback to guide
147 presentation of a proposed agreement at the meeting of August 23.

148
149 Ms. Elizabeth Schowalter reviewed the updated staff report and the proposed partnership
150 framework with Life Time, which would involve the establishment of \$490,000 escrow account
151 funded by Life Time and held by the District to be used for a future stormwater improvement
152 project. She also reviewed potential project options identified by Wenck in its memo of August
153 7, 2018.

154
155 Manager Olson noted that the proposed partnership framework addresses the District's
156 requirements and shows Life Time's cooperation, and Manager Shekleton agreed. Upon a
157 question from Manager Becker, Ms. Showalter explained how the partnership framework would
158 address Life Time's variance request. President White noted that Life Time may also offer
159 project ideas during the five year term of the partnership agreement. Manager Loftus
160 complemented the staff work and asked how responsibility for implementation would be assured
161 through the next five years. Mr. Wisker explained that implementation would be an ongoing
162 staff responsibility, and that it would include early review and coordination with the City of St.
163 Louis Park for any development activities in this subwatershed. With no manager expressing
164 objections, Mr. Wisker stated that staff would work on a proposed partnership agreement for the
165 Board's consideration at its August 23 meeting.

166
167 Permit 18-431: 325 Blake Road, Hopkins Cold Storage Demolition, Hopkins

168
169 Mr. Tom Dietrich appeared before the Board of Managers and noted that permit applications for
170 all District projects are presented to the Board. He noted the erosion control measure and inlet

171 protection for the proposed demolition work as set forth in the staff report. ***Following***
172 ***discussion, it was moved by Manager Miller, seconded by Manager Shekleton, to approve the***
173 ***permit application as recommended by staff. Upon vote, the motion carried, 7-0.***
174

175

176 **ACTION ITEMS**

177

178 **Resolution 18-079: Authorization to Execute a Contract with Wenck Associates for**
179 **Construction Oversight Services for Demolition of Facilities at 325 Blake Road**

180

181 Mr. Michael Hayman appeared before the Board of Managers and reviewed the request for board
182 action. He noted the complex safety and site considerations in the oversight of demolition
183 activities. ***Following discussion, it was moved by Manager Rogness, seconded by Manager***
184 ***Olson, to approve Resolution 18-079 as presented. Upon vote, the motion carried, 7-0.***

185

186 **Resolution 18-080: Adoption of Capital Improvement Program**

187

188 Ms. Becky Christopher appeared before the Board of Managers and reviewed the request for
189 board action. She reviewed the process in obtaining feedback and input on this program, and
190 noted the specific comments from the cities of Plymouth and Edina discussed in the staff report.
191 ***Following discussion, it was moved by Manager Shekleton, seconded by Manager Rogness, to***
192 ***adopt Resolution 18-080 as presented. Upon vote, the motion carried, 7-0.***

193

194 **STAFF UPDATES**

195

196 **Administrator's Report**

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198 Mr. Wisker reported on the following items:

199

- 200 • Staff has determined that Wasserman Lake is no longer a suitable site for
201 proposed lake sediment core work analysis to guide carp management; staff will
202 search for a new lake, such as Parley;
- 203 • The Board retreat will be held in September (either September 6 or 20) and
204 options for topics are being developed;
- 205 • Mr. Wisker completed Darren Lochner on a very successful National Night Out
206 with the Dutch Lake Association; and
- 207 • Mr. Wisker thanked the board and staff for its support and hard work.

208

209 **BOARD DISCUSSION ITEMS**

210 **Redevelopment and Sale of 325 Blake Road Property**

211 *It was moved by Manager Olson, seconded by Manager Shekleton, to move into closed session*
212 *for the purpose of discussing the sale of 325 Blake Road property. Upon vote, the motion*
213 *carried, 7-0.*

214
215 The Board of Managers went into closed session at 8:00 p.m. The Board of Managers returned
216 to open session.

217
218 **ADJOURNMENT**

219
220 There being no further business, the meeting of the Board of Managers was adjourned at 8:58
221 p.m.

222
223 Respectfully submitted,

224
225
226
227 Kurt Rogness, Secretary

228
229

DRAFT