

1 **MINUTES OF THE REGULAR MEETING OF**
2 **THE MINNEHAHA CREEK WATERSHED DISTRICT**
3 **BOARD OF MANAGERS**
4

5 **June 13, 2019**

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 7:00 p.m. at the District office, 15320 Minnetonka
11 Boulevard, Minnetonka, Minnesota.

12 **MANAGERS PRESENT**

13 Sherry White, William Olson, Richard Miller, Kurt Rogness, Jessica Loftus, Arun Hejmadi.

14 **MANAGERS ABSENT**

15 Eugene Maxwell (designate).

16
17 **DISTRICT STAFF AND CONSULTANTS PRESENT**
18

19 James Wisker, Administrator; Cathy Reynolds, Operations Manager; Telly Mamayek,
20 Communications and Education Manager; Mike Hayman, Project Planning Manager; Tom
21 Dietrich, Permitting Program Manager; Heidi Quinn, Permitting Technician; Erin Manlick,
22 Permitting Assistant; Todd Shoemaker, District Consulting Engineer; Chuck Holtman, District
23 Counsel.
24

25 **HENNEPIN COUNTY REPORT**
26

27 Hennepin County Commissioner Jan Callison gave a brief presentation to the Board on County
28 initiatives and trends. She presented the County recycling report and excerpts from the 2019
29 assessment report indicating general and local property value trends. She noted that the Board of
30 Commissioners held a public hearing yesterday on a proposal to raise the age of tobacco sales
31 from 18 to 21. The ordinance would operate only in a part of the County due to jurisdictional
32 limitations. The County is seeing positive trends in child protection and more investment in
33 affordable housing. The legislative session did not measurably change funding to Hennepin
34 County.
35

36 The managers thanked Commissioner Callison.

37
38 **MATTERS FROM THE FLOOR**
39

40 Gabriel Jabbour, Orono, expressed his appreciation for the Board and particularly for staff as
41 concerns recent Gray's Bay dam management. He emphasized that he and others on the lake do
42 not think of lake interests as elevated over creek interests; District staff has done an excellent job

43 in balancing the lake and creek needs. The District's communications effort has been excellent,
44 and staff have been communicative, respectful and responsive. Mr. Jabbour added that he, and
45 those who joined his sentiments, appreciate having had their ideas and help considered and
46 accepted. He was joined by Richie Anderson, North Shore Marina, who concurred in Mr.
47 Jabbour's comments. President White added that the Board too is very happy with staff's work
48 in this area. Manager Loftus reciprocated that staff has expressed appreciation, as well, for Mr.
49 Jabbour as a resource.

50

51 **APPROVAL OF AGENDA**

52

53 *Manager Miller moved, Manager Olson seconded, to approve the agenda with a switch of*
54 *agenda items 10.1 and 10.2. Upon vote, the motion carried, 6-0.*

55

56 **CONSENT AGENDA**

57

58 *Manager Miller moved, Manager Rogness seconded, to approve the Consent Agenda,*
59 *consisting of the minutes of the May 23, 2019 Board meeting. Upon vote, the motion carried,*
60 *6-0.*

61

62 **REGULAR AGENDA**

63

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

65

66 President's Report: President White reported that Manager Hejmadi had his last on-boarding
67 session on June 5. She and Manager Rogness attended. On June 10, she and Manager Hejmadi
68 attended the Hennepin Watershed Partners meeting on the topic of climate resiliency. District,
69 City of Minneapolis and Minneapolis Park & Recreation Board (MPRB) staff spoke.

70

71 President White noted the need to designate additional liaison roles and proposed herself and
72 Manager Hejmadi as liaisons to Minneapolis and the MPRB; Manager Miller to join President
73 White and Manager Loftus as strategic communications liaisons; and Manager Hejmadi to serve
74 as a website development liaison. *Manager Miller moved, Manager Olson seconded, to*
75 *approve the proposed liaison designations. Upon vote, the motion carried, 6-0.*

76

77 Citizens' Advisory Committee: President White reported that the CAC agenda included
78 members meeting Manager Hejmadi. There was discussion of the 2020 budget; the CAC will
79 provide its comments to the Board by July 11.

80

81 Manager Olson will attend the July 17 CAC meeting.

82

83 Operations and Programs Committee Report: Manager Loftus reported that the O&PC met
84 today. Brian Beck and staff presented the history of the District's aquatic invasive species

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85 management program and future programming and budgeting were discussed, as was the shift to
86 an ecologic management framework.

87

88 President White directed the Board to the upcoming meetings and events listed in the agenda.

89

90 Permit 19-110: The Blake School, Hopkins

91

92 Ms. Manlick presented the staff permit report. She began by distributing an email that an
93 adjoining property owner, Karen Lundholm, transmitted to staff today, and which Ms. Manlick
94 earlier had forwarded to managers.

95

96 Ms. Manlick reviewed the proposed building addition and parking lot reconstruction on the
97 Blake School campus in Hopkins. It is the fifth phase of campus improvements permitted by the
98 District since 2015. Ms. Lundholm requested that the permit come before the managers for
99 consideration. Ms. Manlick reviewed the applicable rules and the finding of the District engineer
100 that the proposal meets District stormwater volume management and rate control standards.

101 There is no wetland disturbance, however one downgradient wetland will be subject to a
102 vegetated buffer on that portion that will receive runoff from new hard surface. The buffer will
103 be subject to a recorded declaration to protect it in perpetuity. Stormwater will be managed by
104 two new underground infiltration basins, an existing infiltration basin and an existing pond.

105

106 Ms. Quinn added that the District has tracked the prior site work as “connected actions” under
107 the rules. The cumulative impact remains under the rule threshold so the present permit requires
108 only that new and reconstructed hard surface be treated.

109

110 Ms. Quinn also described the permit review process, specifically concerning Ms. Lundholm’s
111 concern as to increased flows into the wetland, which lies in part on her property. The wetland,
112 classified as a Manage 2, has a bounce and period of inundation allowance under the rules, which
113 the original plan met. However, with Ms. Lundholm’s comments and the fact of other property
114 owners sharing the wetland, the applicant redesigned to redirect a part of the stormwater. As a
115 result, the rate and volume of stormwater to the wetland in fact will decrease over present.

116

117 Ms. Manlick summarized and recommended approval with the conditions recommended in the
118 report.

119

120 ***Manager Miller moved, Manager Olson seconded, to approve the permit with staff-***
121 ***recommended conditions.*** Manager Olson asked how the redirected water is being conveyed to
122 the other stormwater practices. Ms. Quinn replied that the applicant will install piping for that
123 purpose. ***Upon vote, the motion carried 6-0.***

124

125 Manager Miller observed that Ms. Lundholm was present and wished to speak. ***Manager Miller***
126 ***moved, Manager Rogness seconded, to reconsider the motion just acted on. Upon vote, the***
127 ***motion carried 6-0.***

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128 Ms. Lundholm, 309 Arthur Street, Hopkins, asked whether the managers had received her email
129 and had a chance to review it. The managers generally affirmed that they had. Ms. Lundholm
130 expressed her objection to a permit approval action tonight. She would like an accurate survey
131 of the wetland boundary. In her view, the applicant is creating a holding pond on her property.
132 She said that she only learned on May 16 that her property is involved. She would like a
133 continuance until the issues are resolved. She believes that the applicant has alternatives to
134 directing the stormwater from the new hard surface into the wetland.

135

136 Dan Kelly, Chief Financial Operations Officer for the applicant, expressed his respect for Ms.
137 Lundholm. He said the relationship extends into the past, and the applicant takes her comments
138 and its relations with its neighbors seriously. He emphasized that the rate and volume of runoff
139 will decrease from the present condition, and said that the applicant's engineer specifically
140 advised not to redirect any additional portion of the runoff, in order to protect the hydrologic
141 supply to the wetland.

142

143 President White called the question. *Upon vote, the motion carried 6-0.*

144

145 Permit 11-140F: Woodland Cove Lake 3rd Addition, Minnetrista

146

147 Mr. Dietrich reviewed the proposed development of a 40-lot subdivision addition within the
148 Woodland Cove development. The present proposal is the sixth phase of the buildout on 490
149 acres on the southwest side of Halsted Bay. Each phase is reviewed and permitted separately
150 under the umbrella of permit 11-140, with details reviewed for conformance to the standards
151 established under that permit, specifically standards of volume management, peak flow control,
152 water quality and downstream impacts. The last of these explicitly includes the effect on bounce
153 and inundation period of the receiving water. In this case, an amendment is requested because
154 the proposed plan would increase the single-event volume (SEV) leaving the site under relevant
155 precipitation events, which is used to calculate bounce and inundation period.

156

157 The reason for the amendment is that under permit 11-140, this phase was to use an infiltration
158 basin for volume management. However, infiltration basins constructed for earlier phases have
159 performed poorly, leading to additional geotechnical investigation in the area of the proposed
160 basin here. This work indicates clay-till soils and seasonally high groundwater, leading the
161 applicant and the District engineer to conclude that an infiltration basin in the proposed location
162 likely would perform poorly as well. Mr. Dietrich noted that methods of soils evaluation in 2011
163 were less revealing and groundwater elevation likely has risen in this location over time. As a
164 result, the applicant has proposed an irrigation re-use system. The basin will serve as a reservoir
165 and stormwater will be piped and applied to green space within the development.

166

167 Mr. Dietrich reviewed the quantities of volume abstraction and peak flow under permit 11-140,
168 under the current rules, and as proposed. The review shows that the proposed plan achieves
169 better results for these parameters than either the earlier proposal or the current rules standards.
170 If the abstraction standard is met, then the water quality standard is met as well. The SEV will

171 increase, but there will be no impact on bounce or period of inundation because the receiving
172 water is Lake Minnetonka.

173

174 Mr. Dietrich recommended approval with the conditions stated in the staff report.

175

176 ***Manager Rogness moved, Manager Miller seconded, to approve the permit with staff-***
177 ***recommended conditions.*** Replying to Manager Loftus, Mr. Dietrich advised that the volume
178 added to the lake from the development is not measurable and meets the rule standards.

179 Manager White asked if the applicant's original design exceeded the rule standard as a trade-off
180 that the District now would be sacrificing. Mr. Dietrich replied that a rule change was on the
181 horizon and the applicant was attempting to meet anticipated standards, which it ended up
182 exceeding. Manager Olson asked about the future development phase that drains toward Stone
183 Lake. Mr. Dietrich said that the District is looking at each phase individually. Staff met today
184 with the developer for that phase.

185

186 President White recognized the applicant's representative present. He did not wish to speak.

187 ***Upon vote, the motion carried 6-0.***

188

189 Resolution 19-059: Authorization to Execute Contract for Strategic Communications and
190 Engagement Plan

191

192 Ms. Mamayek introduced John Himle and reviewed the background, and the project scope and
193 budget, for development of a strategic communications and engagement plan. The last such plan
194 was prepared in 2013, by Mr. Himle. An organizational plan is needed to tie existing
195 communications plan elements together.

196

197 Mr. Mamayek reviewed the 2019 request for proposals process. The committee reviewed seven
198 proposals and interviewed four finalists. At the conclusion, the committee decided that none of
199 the proposers had fully assimilated the project goals. The committee realized that the request for
200 proposals didn't get precisely at the key for the project, which is external and internal change
201 management. After consideration, the committee concluded that Mr. Himle is uniquely qualified
202 for the work, and that retaining him would be a sound approach.

203

204 Ms. Mamayek reviewed the draft goals for the communications program, the key audiences and
205 the project team. There will be a parallel process of audience and outreach assessment. The
206 project scope will encompass what the District knows, what it doesn't know, conclusions,
207 strategic development, and implementation, with an implementation plan to be completed by
208 February 2020. There are funds in the communications budget for the work and a 10 percent
209 contingency.

210

211 Mr. Himle reintroduced himself to the board. He reviewed his past work as a principal in the
212 Himle Horner firm, which continued after Tom Horner separated. In 2017 he left the firm and
213 formed Himle LLC to work with key clients. When first asked about the present work, he felt

214 the scope was too large for him to properly accomplish, but then thought to bring Mr. Horner in
215 to collaborate. Key to their approach is to conduct interviews themselves, for the nuance to be
216 gained.

217
218 ***Manager Rogness moved, Manager Miller seconded, adoption of the proposed resolution as***
219 ***follows:***

220
221 ***NOW, THEREFORE, BE IT RESOLVED, the Minnehaha Creek Watershed District***
222 ***Board of Managers hereby authorizes the District Administrator, on advice of counsel***
223 ***and with any non-material changes, to execute the contract with Himle LLC for the***
224 ***Strategic Communications and Engagement Plan in an amount not to exceed \$55,000.***
225

226 Manager Hejmadi offered that residents are critical stakeholders, particularly to move toward
227 climate change action. He asked how Mr. Himle would approach them. Mr. Himle replied that
228 the plan suggests the website as the chief platform for this constituency, but he expects that
229 interviews will get into the relationship between the District and residents.

230
231 Manager Miller added that the District's focus is to have an impact on those who have an impact
232 on the land and waters. Many in the realm of city staff, engineers and landowners have viewed
233 the District as a nuisance, but its partnership work seeks to change this perspective.

234
235 Mr. Wisker affirmed that the strategic plan prioritizes communicating the District vision to land
236 development stakeholders, and that the website vendor, with staff and the CAC, will focus on a
237 website strategy.

238
239 Manager Loftus stated that as a project liaison, she finds aiming at alignment and effectiveness to
240 be exciting. She appreciates Mr. Himle's having examined the project scope and helped to refine
241 it. She supports the contract and the project's direction.

242
243 ***Upon vote, the motion carried 6-0.***
244

245 Resolution 19-064: Authorization to Distribute Capital Improvement Plan for Annual Review
246 and Comment

247
248 Mr. Hayman presented the proposed resolution. The capital improvement program (CIP) is
249 refined based on the District's watershed management plan, its partnership work, any shifts in
250 priorities and the staff and resources expected to be available. The District also uses the
251 distribution process to communicate its implementation approach to its public stakeholders and
252 to encourage their engagement through the District's responsiveness model.

253
254

255 *Manager Olson moved, Manager Hejmadi seconded, adoption of the proposed resolution as*
256 *follows:*

257

258 ***NOW, THEREFORE, BE IT RESOLVED, that the MCWD Board of Managers***
259 ***authorizes staff to distribute the Draft CIP for 30 day review and comment.***

260

261 *Upon vote, the motion carried 6-0.*

262

263 Resolution 19-054: Authorization to Release RFP for Accounting Services

264

265 Ms. Reynolds reviewed the background and purpose of the solicitation. In November 2018, the
266 Board took action directing staff to develop a request for proposals (RFP) to separate accounting
267 services from audit services for the benefit of a greater separation and independence. Staff has
268 developed the proposed RFP for this purpose.

269

270 Ms. Reynolds reviewed the \$85,000 budget for 2019 accounting/audit. She reviewed audit and
271 accounting expenses already incurred and is hopeful that the accounting transition will keep the
272 year's spending within budget. She reviewed the proposed scope of services. One key is to
273 bring all accounting work under a single monthly accounting fee and move away from charges
274 for additional services, which introduces unpredictability.

275

276 *Manager Loftus moved, President White seconded, adoption of the proposed resolution, as*
277 *follows:*

278

279 ***NOW, THEREFORE, BE IT RESOLVED, the Minnehaha Creek Watershed District,***
280 ***Board of Managers hereby authorizes staff to release of the request for proposal for***
281 ***accounting services.***

282

283 Manager Miller reminded that at earlier meetings he objected to having a consultant help prepare
284 the budget. He finds it critical that the budget be program- and policy-driven, not dollar-driven.
285 He will support the action on the basis that this orientation will be preserved.

286

287 Manager Loftus supports Manager Miller's comment. She would like proposers to present a
288 template for quarterly reports they will supply. Ms. Reynolds will include that in the RFP and
289 will ensure that the present accountant, Redpath, provides the 2019 2nd-quarter report. Manager
290 Loftus thanked Ms. Reynolds for her detailed work to develop the RFP.

291

292 President White asked how many accounting firms specifically have the "watershed district
293 experience" for which the RFP asks. Ms. Reynolds replied that experience with governmental
294 bodies is the key, and work with watershed districts is a bonus. President White pointed to the
295 scope item of responding to surveys and information requests, and asked whether the accountant
296 wouldn't supply the data, with District staff responding to the request. Ms. Reynolds said that
297 both approaches occur.

298

299 *Upon vote, the motion carried 6-0.*

300

301 **STAFF UPDATES**

302

303 Administrator's Report

304

305 Mr. Wisker noted the Board retreat scheduled for June 20, 5-9 p.m., at the Minnetonka Regional
306 Park. He has worked with President White to develop the agenda, which will be distributed on
307 June 17. District counsel Louis Smith will facilitate, and the leadership team and District
308 engineer will participate as well. The retreat will be structured as two sessions: current strategic
309 initiatives and emerging issues. The latter will include, in particular, the question of the
310 District's posture on climate adaptation. A state/regional/local scan on that subject will be
311 supplied to the managers before the retreat. A list of strategic initiatives will be sent tomorrow.

312

313 Mr. Wisker provided an update on District water levels. Yesterday the Lake Minnetonka
314 Conservation District terminated its high water declaration. The lake level today is 929.8 feet
315 ASL. Staff is gradually reducing the discharge at the dam; lake level is dropping but creek flow
316 still is high: 310 cubic feet per second at Hiawatha Avenue. Ideally, late next week the lake
317 elevation can be brought to about 929.6 feet. The MPRB has opened the Nokomis weir. The
318 level of Lake Nokomis is 816.1 feet.

319

320 Staff has been in conversation with the Minnesota Department of Natural Resources as to
321 potential adjustments to winter dam operation under evolving precipitation and weather
322 conditions, in order to prepare for spring. Tiffany Schaufler is working with the Metropolitan
323 Council, Hennepin County and the U.S. Geological Service state and regional offices to continue
324 to develop coordination for water quantity management. Ms. Schaufler also met with Hennepin
325 County emergency managers to arrange for County installation of real-time flow sensors at creek
326 crossings.

327

328 **ADJOURNMENT**

329

330 There being no further business, the meeting of the Board of Managers was adjourned at 8:55
331 p.m.

332

333 Respectfully submitted,

334

335

336

337 Kurt Rogness, Secretary