

46 ***It was moved by Manager Miller, seconded by Manager Hejmadi to approve the***
47 ***Agenda as distributed. Upon roll call vote, the motion carried 7-0 as follows:***

48
49 Hejmadi: Aye
50 Loftus: Aye
51 Sando: Aye
52 Miller: Aye
53 Olson: Aye
54 Maxwell: Aye
55 White: Aye

56

57 **CONSENT AGENDA**

58

59 ***It was moved by Manager Maxwell, seconded by Manager Hejmadi, to approve the***
60 ***Consent Agenda consisting of approval of the September 9, 2021 Board minutes; the***
61 ***General Checking Account consisting of checks 41659 through 41689 in the amount of***
62 ***\$139,977.08; electronic funds withdrawals in the amount of \$29,612.22; manager per***
63 ***diems and reimbursement direct deposits in the amount of \$1,384.07; employee***
64 ***reimbursements - direct deposits in the amount of \$210.24; and payroll direct deposits***
65 ***in the amount of \$147,062.63; for Total General Checking expenses of \$318,246.24;***
66 ***the surety checking account bank service charge totaling \$30.00; and electronic fund***
67 ***transfer of \$1,556,100.00 in payment to Wells Fargo on 325 Blake Road Note; and***
68 ***adoption of the following resolution:***

69

70 ***Resolution 21-061: Honoring the Contributions of Craig Churchward to Balanced***
71 ***Urban Ecology:***

72

73 ***NOW, THEREFORE, BE IT RESOLVED that the Minnehaha Creek***
74 ***Watershed District Board of Managers hereby honors the contributions of***
75 ***Craig Churchward to balanced urban ecology, expressing our deepest***
76 ***sympathies to Mr. Churchward's family, friends and colleagues on his passing,***
77 ***and acknowledging with gratitude his lasting legacy of care for healthy***
78 ***communities.***

79

80 ***Upon roll call vote, the motion carried 7-0 as follows:***

81

82 Hejmadi: Aye
83 Loftus: Aye
84 Sando: Aye
85 Miller: Aye
86 Olson: Aye
87 Maxwell: Aye
88 White: Aye

89

90

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

92

93 President's Report: President White noted that the Minnesota Association of Watershed
94 Districts annual meeting in December will be held virtually.

95

96 Policy and Planning Committee: Manager Miller reported that the committee received an
97 update on the rule revision process and the responsive program. The managers
98 appreciated the progress and are supportive of the direction.

99

100 Citizens Advisory Committee: Manager Olson reported that the CAC received an update
101 on the 30% design of the public improvements for 325 Blake Road, presentation on the
102 2022 budget, and consideration of accessibility issues for Arden and Wassermann parks.

103

104 Upcoming Meeting and Event Schedule: President White directed the managers to the
105 meetings listed on the agenda.

106

107 **PERMITS REQUIRING A VARIANCE OR DISCUSSION**

108

109 Permit 21-496: Six Mile Marsh Prairie Trail and Interpretation

110

111 Ms. Abigail Ernst appeared before the Board of Managers and reviewed the permit
112 application. She noted this is an MCWD project, and that it meets the requirements for
113 all applicable rules, with the exception of the Stormwater Management Rule. The
114 Applicant has requested an exception to the Stormwater Management rule
115 in order to use enhancement of pervious areas for treatment which provides for more
116 treatment than the installation of a new stormwater treatment facility, which would be a
117 detriment to the restoration. She explained that the District has requested an
118 exception to the requirement of abstracting the first one inch of rainfall, on the basis that
119 the existing native-vegetated pervious land created through the prior upland prairie
120 restoration, would need to be disturbed and displaced to site a BMP. The construction of
121 a stormwater facility would cause disturbance, potential erosion, and loss of habitat. The
122 existing land, as protected, will achieve a greater degree of water resource protection than
123 would strict compliance with the provision.

124

125 *Following discussion, it was moved by Manager Sando, seconded by Manager*
126 *Hejmadio to approve the requested exception from the Stormwater rule requirement on*
127 *the basis noted in the permit report. Upon roll call vote, the motion carried 7-0 as*
128 *follows:*

129

130 Hejmadi: Aye

131 Loftus: Aye

132 Sando: Aye

133 Miller: Aye

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134 Olson: Aye
135 Maxwell: Aye
136 White: Aye

137

138 *It was moved by Manager Hejmadi, seconded by Manager Loftus to approve the permit*
139 *with the conditions recommended by staff. Upon roll call vote, the motion carried 7-0*
140 *as follows:*

141

142 Hejmadi: Aye
143 Loftus: Aye
144 Sando: Aye
145 Miller: Aye
146 Olson: Aye
147 Maxwell: Aye
148 White: Aye

149

150 **ACTION ITEMS**

151

152 **Resolution 21-062: Approval of Six Mile Marsh Prairie trail and interpretation 90%**
153 **design plans and authorization to solicit bids**

154

155 Ms. Laura Domyancich-Lee appeared before the Board of Managers and reviewed the
156 request for board action. She reviewed the project background and the design priorities
157 for the project. She noted that the 90% design plans are currently being refined and with
158 the Board's approval of the design plans and authorization to solicit bids, and approval of
159 the permit, the project will be ready for bid and an anticipated bid award on October 21.

160 *Following discussion, it was moved by Manager Olson, seconded by Manager Miller to*
161 *adopt the following resolution:*

162

163 ***NOW, THEREFORE, BE IT RESOLVED that the Minnehaha Creek***
164 ***Watershed District Board of Managers approves the 90% design plans for the***
165 ***Six Mile Marsh Prairie trail and interpretation and authorizes the District***
166 ***Administrator to solicit bids for construction.***

167

168 *Upon roll call vote, the motion carried 6-0 as follows:*

169

170 Hejmadi: Aye
171 Loftus: Absent for vote.
172 Sando: Aye
173 Miller: Aye
174 Olson: Aye
175 Maxwell: Aye
176 White: Aye

177

178 **Resolution 21-063: Approval of 30% Design for 325 Blake Road Restoration and**
179 **Redevelopment**

180
181 Mr. Gabe Sherman appeared before the Board of Managers and reviewed the request for
182 board action. He reviewed the status of the project and the dual design process for the
183 public stormwater and greenway improvements, on a parallel track with planning for the
184 private redevelopment. The managers discussed various elements of the design, and the
185 importance of seeking the Hopkins city council's engagement in the design. In response
186 to a request from Manager Miller, Mr. Wisker and Mr. Hayman reviewed the status of
187 grant funding for the project.

188
189 *It was moved by Manager Olson, seconded by Manager Maxwell to adopt Resolution*
190 *21-063 as follows:*

191
192 *NOW, THEREFORE, BE IT RESOLVED that the Minnehaha Creek*
193 *Watershed District Board of Managers accepts the schematic design for the 325*
194 *Blake Road Restoration and Redevelopment project produced by HDR, Inc.,*
195 *with Board comments on the schematic design to be incorporated at the 60%*
196 *design phase .*

197
198 *Upon roll call vote, the motion carried 6-0 as follows:*

199
200 Hejmadi: Aye
201 Loftus: Absent for vote
202 Sando: Aye
203 Miller: Aye
204 Olson: Aye
205 Maxwell: Aye
206 White: Aye

207
208 **Resolution 21-064: Directing Notice of Public Hearing to Consider Ordering the**
209 **Maple Creek Drainage Improvement Project**

210
211 Ms. Kate Moran appeared before the Board of Managers and reviewed the request for
212 board action. She reviewed the development of this project through the pilot phase of the
213 MCWD's responsive program. The next step in the process would be to hold a public
214 hearing to consider ordering the project. *It was moved by Manager Hejmadi, seconded*
215 *by Manager Sando to adopt Resolution 21-064 as follows:*

216
217 *NOW, THEREFORE, BE IT RESOLVED that the Minnehaha Creek*
218 *Watershed District Board of Managers hereby directs the District Administrator*
219 *to notice a public hearing for the ordering of the Maple Creek Drainage*
220 *Improvement Project in accordance with Minnesota Statutes §103B.251; and*

221 ***BE IT FURTHER RESOLVED that the District Administrator is to present at***
222 ***the hearing proposed terms of a funding agreement with the City***
223

224 ***Upon roll call vote, the motion carried 5-0 as follows:***
225

226 Hejmadi: Aye
227 Loftus: Absent for vote
228 Sando: Aye
229 Miller: Abstain
230 Olson: Aye
231 Maxwell: Aye
232 White: Aye
233

234 President White declared a five-minute recess, and then the Board of Managers returned
235 to the agenda.
236

237 **BOARD DISCUSSION ITEMS**
238

239 **Minnehaha Preserve Boardwalk**
240

241 **Closed Session: Minnehaha Preserve Boardwalk Update**
242

243 Mr. Michael Hayman and Ms. Janna Jonely appeared before the Board of Managers and
244 recommended that the Board move into a closed session. ***It was moved by Manager***
245 ***Maxwell, seconded by Manager Hejmadi to convene in closed session under the Open***
246 ***Meeting Law to confer with District counsel on the mediation and litigation of District***
247 ***claims regarding the Minnehaha Preserve boardwalk construction on the finding that***
248 ***confidentiality is essential to review the legal basis for the District's claims. Upon roll***
249 ***call vote, the motion carried 6-0 as follows:***
250

251 Hejmadi: Aye
252 Loftus: Absent for vote
253 Sando: Aye
254 Miller: Aye
255 Olson: Aye
256 Maxwell: Aye
257 White: Aye
258

259 The Board of Managers went into closed session. The Board of Managers returned to
260 open session.
261

262 **STAFF UPDATES**
263

264 **Administrator's Report**

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Mr. Wisker reported on the following items:

1. Drought conditions are persisting across Minnesota, with precipitation still 4.3 inches below normal for the year. The Grays Bay dam has been closed since mid-July and Lake Minnetonka is at 928.2. Minnehaha Creek is flowing at 3 cubic feet per second at Hiawatha;
2. The Legislative Citizens Commission on Minnesota Resources met earlier in the day; a new funding proposal failed to obtain the necessary 12 votes. Staff will continue to monitor the LCCMR's proceedings.

Adjournment

There being no further business, President White declared the meeting of the Board of Managers adjourned at 10:09 p.m.

Respectfully submitted,

Eugene Maxwell, Secretary