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***NOW, THEREFORE, BE IT RESOLVED that the Minnehaha Creek Watershed District Board of Managers hereby adopts the attached 2023 CIP.***

*Upon vote, the motion carried 6-0 (President White absent).*

**BOARD, COMMITTEE AND TASK FORCE REPORTS**

Operations and Programs Committee Report: Manager Loftus reported that the Committee discussed draft organizational principles derived from the study of MCWD’s history. Mr. Smith and Mr. Wisker will continue to complete this project and bring the project back to the Board later in the year.

Minnesota Association of Watershed Districts (MAWD) Summer Tour

Managers Hejmadi and Olson reported on attending the MAWD Summer Tour in the Red River Valley. Manager Hejmadi noted that it was a very interesting program that showed the scale and challenge of flood mitigation in the face of climate change in a largely flat agricultural landscape. He observed that there are ongoing challenges that pose the question of whether to try to subdue or collaborate with Nature. Manager Olson noted the number of farm ring dikes and the large scale of the Agassiz Valley Impoundment Project.

Upcoming Meeting and Event Schedule: Vice President Olson directed the managers to the meetings listed on the agenda.

**PERMITS REQUIRING A VARIANCE OR DISCUSSION**

Permit 22-349: 325 Blake Road, Building A, Hopkins

Ms. Abigail Ernst appeared before the Board of Managers to review this permit application from Alatus Hopkins LIHTC I LLC for construction of “Building A” Lot 2, Block 2, Mile 14 on Minnehaha Creek (Parcel) which is part of the overall 325 Blake Road Restoration and Redevelopment project. Ms. Ernst explained that the Applicant proposes the construction of a multi-unit residential building, parking, hardscaping, and landscaping. She noted that the proposed project will trigger MCWD regulations for Erosion Control and Stormwater Management. A combination of underground infiltration basins (Underground Facility), pervious pavement, and a regional stormwater management facility (Regional Facility) are proposed to provide permanent volume control for the Parcel’s impervious surface. Ms. Ernst explained that the District considers the proposed project to result in 6% decrease in impervious surface when compared to the historic use of the site as a cold storage facility. She noted that due to

90 the logistics of project phasing, land acquisition, and the necessity of stormwater  
91 treatment, the Applicant's ability to meet the rule requirements rests on its use of the  
92 District's Regional Facility and its temporary use of other land within the 325 Blake  
93 Road site still under District ownership. Two agreements to address these needs are listed  
94 as recommended conditions of permit approval. The agreements are as follows- 1)  
95 Agreement for Use of Regional Stormwater Management Facility; and 2) Temporary  
96 Easement for Stormwater Management.

97  
98 Upon a question from Manager Olson, Ms. Ernst reviewed the details of the MCWD  
99 treatment facility, and phasing to assure that construction will not be in the way of the  
100 future MCWD project. Upon a question from Manager Maxwell, Mr. Meehan explained  
101 that the pipe would be buried and would not freeze in the winter. In response to a  
102 question from Manager Loftus, Mr. Michael Hayman reviewed the demolition process  
103 and the sedimentation basin's creation in relation to that process.

104  
105 Resolution 22-055: Authorization to Execute the Agreement for Use of Regional  
106 Stormwater Management Facility and Authorization to Execute the Temporary Easement  
107 for Stormwater Management with Alatus Hopkins LIHTC I LLC

108  
109 Ms. Ernst explained that Mr. Hayman would review the proposed agreement for use of  
110 the regional stormwater management facility and the proposed temporary easement for  
111 stormwater management, so that the Board of Managers would be briefed on these  
112 recommended conditions of permit approval before acting on the application. Mr.  
113 Hayman reviewed the agreement and easement terms, and the planned sequencing of  
114 phases in the project. In response to a question from Manager Miller, Mr. Hayman noted  
115 that if for any reason Alatus abandons the project, possession of the site would be  
116 returned to the MCWD by January 31, 2024. Upon a question from Manager Maxwell,  
117 Mr. Hayman reviewed the terms of the letter of credit.

118  
119 ***It was moved by Manager Miller, seconded by Manager Hejmadi to approve Permit***  
120 ***Application 22-349 with the following conditions recommended by staff:***

- 121  
122 ***1. Signing of Agreements 1 and 2 (Agreement for Use of Regional Stormwater***  
123 ***Facility and Temporary Easement for Stormwater Management)***  
124 ***2. Payment of permit review fees***  
125 ***3. Submission of financial assurance***  
126 ***4. Submission of proof of NPDES permit***  
127 ***5. Recordation of maintenance declaration for the Parcel's stormwater facilities***  
128 ***(Underground Facility, pervious***  
129 ***pavement, and interim infiltration basin)***

130  
131 ***Upon vote, the motion carried, 6-0 (President White absent).***  
132

133 *It was moved by Manager Loftus, seconded by Manager Maxwell to adopt Resolution*  
134 *22-056: Authorization to Execute the Agreement for Use of Regional Stormwater*  
135 *Management Facility and Authorization to Execute the Temporary Easement for*  
136 *Stormwater Management with Alatus Hopkins LIHTC I LLC as follows:*

137  
138 *NOW, THEREFORE, BE IT RESOLVED that the Minnehaha Creek*  
139 *Watershed District Board of Managers authorizes the District Administrator to*  
140 *execute the Agreement for Use of Regional Stormwater Management Facility*  
141 *and the Temporary Easement for Stormwater Management with Alatus*  
142 *Hopkins LIHTC I, LLC, with non-substantive changes and on advice of legal*  
143 *counsel.*

144  
145 *Upon vote, the motion carried, 6-0 (President White absent).*

146  
147 **ACTION ITEMS**

148  
149 Resolution 22-056: Authorization to Contract for Pilot Model Scenario File Development  
150 Ms. Kailey Cermak appeared before the Board of Managers to review the request for  
151 board action. She noted that a critical first step within MCWD's Climate Action  
152 Framework is building a new, high resolution, 2D watershed model to quantitatively  
153 assess the impact of climate change on this watershed. This tool will also support policy  
154 development and long-range planning with communities, by allowing MCWD to evaluate  
155 the impact of different adaptation strategies and projects, under future climate forecasts.  
156 She explained the need for consulting to develop land use scenarios to be used in the pilot  
157 2D model; staff asked Stantec to prepare a scope of work based on its strong  
158 understanding of the hydraulic and hydrologic conditions within the subject areas and of  
159 the District's stormwater management rules, which together should allow Stantec to  
160 create scenario files efficiently and effectively.

161  
162 *It was moved by Manager Miller, seconded by Manager Hejmadi to adopt Resolution*  
163 *22-056 as follows:*

164  
165 *NOW, THEREFORE, BE IT RESOLVED that the Minnehaha Creek*  
166 *Watershed District Board of Managers authorizes the District Administrator, on*  
167 *advice of counsel, to execute a contract with Stantec Consulting Services Inc. to*  
168 *develop pilot model scenario files, in accordance with the submitted scope of*  
169 *work and in an amount not to exceed, \$26,963.*

170  
171  
172 Upon a question from Manager Miller, Ms. Cermak affirmed that Stantec has performed  
173 this work in the past. Manager Loftus asked if staff had quantified the amount of  
174 duplication that would be involved in having another firm do this work, and Ms. Cermak

175 stated that no such quantification per se had been done. *Upon vote, the motion carried,*  
176 *5-1, with Manager Loftus voting against the motion.*

177  
178 *It was moved by Manager Miller, seconded by Manager Maxwell to reconsider the vote*  
179 *on this motion. Upon vote, the motion to reconsider carried, 6-0.* Manager Miller  
180 asked Manager Loftus why she opposed the motion, and Manager Loftus stated that she  
181 supports competitive bidding for services and felt that other quotes should be obtained in  
182 this situation. Manager Maxwell stated that he agreed with this general approach, and  
183 Manager Miller stated that he felt that this work was within the province and expertise of  
184 the District Engineer. Mr. Wisker noted that Manager Loftus had shared her concern and  
185 that staff will undertake due diligence in these situations going forward.

186  
187 *It was moved by Manager Miller, seconded by Manager Sando to adopt Resolution 22-*  
188 *056 as recommended by staff. Upon vote, the motion carried, 5-1, with Manager*  
189 *Loftus voting against the motion.*

190  
191 Resolutions 22-057 and 22-058: Adoption of the 2023 Budget and Workplan, and  
192 Certification of the 2023 Tax Levy

193  
194 Mr. Wisker reviewed the process for development of the 2023 budget. *It was moved by*  
195 *Manager Loftus, seconded by Manager Miller to adopt Resolution 22-057: Adoption of*  
196 *the 2023 Budget and Workplan, and Notice of November 17, 2022 Public Meeting as*  
197 *follows:*

198  
199 ***NOW, THEREFORE, BE IT RESOLVED that the Minnehaha Creek***  
200 ***Watershed District Board of Managers hereby adopts the 2023 budget of***  
201 ***\$14,309,193, and associated workplans and fund transfers, presented to the***  
202 ***Board on September 8, 2022; and***

203  
204 ***BE IT FURTHER RESOLVED that the Minnehaha Creek Watershed District***  
205 ***Board of Managers hereby announces a public meeting for further comment on***  
206 ***the 2023 budget, scheduled for November 17, 2022.***

207  
208 ***The question was on the adoption of the resolution and there were 6 yeas and 0***  
209 ***nays as follows:***

210

Minutes of the Regular Meeting  
 Minnehaha Creek Watershed District  
 Board of Managers  
 9-8-22

211					
212		<u>Yea</u>	<u>Nay</u>	<u>Abstain</u>	<u>Absent</u>
213	MAXWELL	X			
214	OLSON	X			
215	MILLER	X			
216	SANDO	X			
217	LOFTUS	X			
218	HEJMADI	X			
219	WHITE				X

221 *It was moved by Manager Loftus, seconded by Manager Hejmadi to adopt Resolution*  
 222 *22-058: Certified 2023 Tax Levy, as follows:*

223  
 224 ***NOW, THEREFORE, BE IT RESOLVED** that the Secretary, in accordance*  
 225 *with Minnesota Statutes, shall certify to the Auditors of Hennepin and Carver*  
 226 *Counties, in amounts bearing the same proportion to the total levy as the net tax*  
 227 *capacity of the area of county within the watershed bears to the net tax capacity*  
 228 *of the entire watershed district, the following sums to be raised by a levy on all*  
 229 *taxable property in the Minnehaha Creek Watershed District Number 3 for the*  
 230 *year 2023 and the purposes noted below.*

231  
 232 ***2023 Levy: \$9,869,513 for the purpose of paying the cost of watershed***  
 233 ***management and implementation as provided by Minnesota Statutes, Sections***  
 234 ***103B.241 and 103B.251.***

235  
 236 *The question was on the adoption of the resolution and there were 6 yeas and 0*  
 237 *nays as follows:*

238					
239		<u>Yea</u>	<u>Nay</u>	<u>Abstain</u>	<u>Absent</u>
240	MAXWELL	X			
241	OLSON	X			
242	MILLER	X			
243	SANDO	X			
244	LOFTUS	X			
245	HEJMADI	X			
246	WHITE				X

247  
 248 **BOARD INQUIRIES, ISSUES, AND IDEAS**

249  
 250 None.

251  
 252 **STAFF UPDATES**

253

254 Administrator's Report

255

256 Mr. Wisker reported on the following items:

257

258 1. Water levels are declining and will likely continue to do so due to below normal  
259 precipitation. Lake Minnetonka is at 928.13, and the control structure is closed,  
260 with no flow (less than 1 cfs) in the Creek.

261

262 2. Plans are underway for a groundbreaking event at the Alatus project at 325 Blake  
263 Road for October 12 at 4 p.m.

264

265 3. Staff appreciates the cooperation of Board members in photos for the new web  
266 site.

267

268 4. There will be a vacancy on the Citizens Advisory Committee as one member is  
269 stepping down, and plans are underway to recruit for 2023.

270

271 5. The Legislative Citizens Commission on Minnesota Resources has recommended  
272 full 100% funding of the MCWD request for the 2D Model Project.

273

274 6. Staff met with leadership of the St. Anthony Falls Laboratory to discuss a second  
275 phase of research on wake boats impact on water resources. MCWD can provide  
276 some in-kind use of monitoring equipment for this study.

277

278 7. Staff is preparing for the bidding process for reconstruction of the Minnehaha  
279 Preserve Boardwalk.

280

281 8. The American Council of Engineering Companies awarded national recognition  
282 to the Arden Park project.

283

284 Adjournment

285

286 There being no further business, Vice President Olson declared the meeting of the Board  
287 of Managers adjourned at 8:37 p.m.

288

289 Respectfully submitted,

290

291

292

293 Eugene Maxwell, Secretary