

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

4
5 **September 9, 2021**

6
7 **CALL TO ORDER**

8
9 The regular meeting of the Minnehaha Creek Watershed District was called to order by
10 President Sherry White at 7:00 p.m. on September 9, 2021. President White noted that
11 this meeting was convened electronically through Zoom, pursuant to Minnesota Statutes
12 13D.021, due to the COVID-19 pandemic and her determination that it is not prudent for
13 the Board of Managers, or any committee thereof, to meet in person, and it is not feasible
14 to provide for any member of the Board, or of the public, to meet at the regular meeting
15 location. For this reason, until this determination is withdrawn by the District's presiding
16 officer, chief legal counsel or chief administrative officer, the meetings of the Board and
17 its committees will be convened by telephone or other electronic means as the presiding
18 officer determines appropriate. All such meetings will be noticed and conducted in
19 accordance with §13D.021 and all other applicable terms of the Open Meeting Law.
20 President White noted that, pursuant to §13D.021, all votes will be by roll call.

21
22 President White called the roll to note attendance:

23
24 Hejmadi: Present.
25 Loftus: Absent
26 Sando: Present
27 Miller: Present
28 Olson: Present
29 Maxwell: Present
30 White: Present.

31
32 **DISTRICT STAFF AND CONSULTANTS PRESENT**

33
34 James Wisker, Administrator; Helen Schnoes, Outreach Manager; Erin Manlick
35 Permitting Assistant; Chris Meehan, Consulting Engineer; and Louis Smith, District
36 Counsel.

37
38 **MATTERS FROM THE FLOOR**

39
40 None.

41
42 **APPROVAL OF AGENDA**

43
44 *It was moved by Manager Miller, seconded by Manager Hejmadi to approve the*
45 *Agenda as distributed. Upon roll call vote, the motion carried 6-0 as follows:*
46

47
48 Hejmadi: Aye
49 Loftus: Absent
50 Sando: Aye
51 Miller: Aye
52 Olson: Aye
53 Maxwell: Aye
54 White: Aye

55
56 **INFORMATION ITEMS/CORRESPONDENCE**

57
58 **Staff Introduction**

59
60 Mr. Wisker introduced Ms. Helen Schnoes, the District's new Outreach Manager. Ms.
61 Schnoes appeared before the Board of Managers and reviewed her background and
62 experience. The managers welcomed Ms. Schnoes to the MCWD.

63
64 **CONSENT AGENDA**

65
66 *It was moved by Manager Miller, seconded by Manager Hejmadi, to approve the*
67 *Consent Agenda consisting of approval of the August 26, 2021 Board minutes, and*
68 *Resolution 21-056: Amendment to the 2021 Budget as follows:*

69
70 ***NOW, THEREFORE, BE IT RESOLVED that the Minnehaha Creek***
71 ***Watershed District Board of Managers hereby amends the 2021 budget as***
72 ***follows:***
73 ***• Capital Finance (fund 2004) – increase of \$118,097 (from \$2,713,750 to***
74 ***\$2,831,750)***
75 ***• Outreach Program (fund 4002) – decrease of \$118,097 (from \$519,344 to***
76 ***\$401,247)***

77
78 *Upon roll call vote, the motion carried 6-0 as follows:*

79
80 Hejmadi: Aye
81 Loftus: Absent
82 Sando: Aye
83 Miller: Aye
84 Olson: Aye
85 Maxwell: Aye
86 White: Aye

87
88
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 is planning its 50th anniversary observance; MCWD was an original founding
95 member of MAWD. She further noted that the City of Orono is holding a ribbon cutting
96 ceremony for the Big Island Nature Park, and MCWD staff have continued to coordinate
97 with Orono to assure consistency with the MCWD's conservation easement at Big Island.
98

99 Operations and Programs Committee Report: Manager Olson reported that the
100 committee met earlier and received a briefing from Ms. Kate Moran on the opportunity
101 updates under the pilot phase of the Responsive Program. She reviewed three potential
102 projects and further review is planned.
103

104 Upcoming Meeting and Event Schedule: President White directed the managers to the
105 meetings listed on the agenda, noting that the District will be meeting on the first and
106 third Thursdays of October, and all meetings will be conducted remotely.
107

108 **ACTION ITEMS**

109
110 **Adoption of the 2022 Budget and Certification of the 2022 Tax Levy**

111
112 Mr. Wisker appeared before the Board of Managers and reviewed the annual budget
113 development process. He recommended the Board adopt two resolutions, one concerning
114 the 2022 budget and work plan, and the other concerning the adoption of the 2022 tax
115 levy.
116

117 **Resolution 21-059: Adoption of the 2022 Budget and Workplan, and Notice of**
118 **November 18, 2021 Public Meeting**

119
120 ***It was moved by Manager Miller, seconded by Manager Olson to adopt Resolution 21-***
121 ***059 as follows:***

122
123 ***NOW, THEREFORE, BE IT RESOLVED that the Minnehaha Creek***
124 ***Watershed District Board of Managers hereby adopts the 2022 budget of***
125 ***\$15,027,532, and associated workplans and fund transfers, presented to the***
126 ***Board of September 9, 2021.***

127
128 ***NOW, THEREFORE, BE IT RESOLVED that the Minnehaha Creek***
129 ***Watershed District Board of Managers hereby announces a public meeting for***
130 ***further comment on the 2022 budget, scheduled for November 18, 2021.***

131
132 ***Upon roll call vote, the motion carried 6-0 as follows:***

133
134

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135 Hejmadi: Aye
136 Loftus: Absent
137 Sando: Aye
138 Miller: Aye
139 Olson: Aye
140 Maxwell: Aye
141 White: Aye

142

143 Resolution 21-060: Certified 2022 Tax Levy

144

145 *It was moved by Manager Maxwell, seconded by Manager Miller to adopt Resolution*
146 *21-060 as follows:*

147

148 ***NOW, THEREFORE, BE IT RESOLVED that the Secretary, in accordance***
149 ***with Minnesota Statutes, shall certify to the Auditors of Hennepin and Carver***
150 ***Counties, in amounts bearing the same proportion to the total levy as the net tax***
151 ***capacity of the area of county within the watershed bears to the net tax capacity***
152 ***of the entire watershed district, the following sums to be raised by a levy on all***
153 ***taxable property in the Minnehaha Creek Watershed District Number 3 for the***
154 ***year 2022 and the purposes noted below.***

155

156 ***2022 Levy: \$9,675,993 for the purpose of paying the cost of watershed***
157 ***management and implementation as provided by Minnesota Statutes, Sections***
158 ***103B.241 and 103B.251.***

159

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

161

162 Hejmadi: Aye
163 Loftus: Absent
164 Sando: Aye
165 Miller: Aye
166 Olson: Aye
167 Maxwell: Aye
168 White: Aye

169

170 **BOARD DISCUSSION ITEMS**

171

172 Permit 18-153: LifeTime Fitness Regional Stormwater Planning Update

173

174 Ms. Erin Manlick appeared before the Board of Managers and the background for Permit
175 18-153, including the Alternative Stormwater Management Agreement that came from
176 the process to approve a variance from the District's stormwater management
177 requirements. The District agreed to use its capacities to identify and implement regional

178 stormwater management to provide an equivalent amount of stormwater treatment that
179 would have been achieved on-site. Under the Agreement, the Applicant agreed to bear
180 the cost of these stormwater facilities, provided that the identification and analysis of
181 potential projects was conducted by the District. Ms. Manlick reviewed the District
182 engineer's analysis of various site options within the Twin Lakes subwatershed (labeled
183 MC-101 in the District's Watershed Management Plan), and also the Lamplighter
184 subwatershed (MC-100) directly west of Twin Lakes. Lamplighter is a formerly
185 landlocked area that discharges into Twin Lakes by means of a pump station. She noted
186 that the District engineer considers Lamplighter as functionally a part of the Twin Lakes
187 subwatershed. Ms. Manlick explained that a manufactured treatment device (MTD)
188 proposed to provide filtration at the Lamplighter Pond lift station is considered the most
189 viable option of those considered. City staff support this option due to its accessibility,
190 low-risk location, and alignment with the City's Local Water Management Plan goals.

191
192 Ms. Manlick recommended as next steps the engagement of the District engineer in a
193 feasibility analysis of the proposed project, and engagement with LifeTime Fitness to
194 review these developments and the recommended project option. In response to
195 questions from Manager Miller, Ms. Manlick reviewed the estimated phosphorus removal
196 and the challenges with finding any site to accommodate infiltration. Manager Olson
197 stated that he was pleased that this site could provide the phosphorus treatment. In
198 response to a question from President White, Ms. Manlick noted that any tree removal at
199 the site would need to comply with the St. Louis Park tree replacement ordinance.

200
201 Mr. Smith noted the location of the Lamplighter site and its connection to the Twin Lakes
202 subwatershed, indicating that it would be logical and prudent to review this situation with
203 LifeTime Fitness. Manager Hejmadi and Manager Miller affirmed the value of a good
204 working relationship with LifeTime in this and other potential collaborations. Mr.
205 Wisker stated that the District's best practice is to keep LifeTime engaged and informed
206 about these project developments. The managers concurred with this approach and the
207 recommended next steps, and also expressed their appreciation to Ms. Manlick for
208 excellent work on this project.

209
210 **STAFF UPDATES**

211
212 **Administrator's Report**

213
214 Mr. Wisker reported on the following items:

- 215
216 1. Lake Minnetonka is at 928.3, or 0.3 feet below the runout elevation. Minnehaha
217 Creek is flowing at 2 cubic feet per second. Precipitation in the metro area is now
218 3.3 inches below normal, and Minnehaha Creek is flowing at 6 cfs at Hiawatha.
219
220 2. Mr. Wisker shared the sad news of the unexpected passing of Craig Churchward,
221 the landscape architect leading the design process for the MCWD's improvements

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222 at 325 Blake Road. Managers Miller and Hejmadi suggested preparation of a
223 resolution honoring Mr. Churchward's contributions to the District and the 325
224 Blake Road project. Mr. Wisker said that staff and counsel would prepare such a
225 resolution. He noted also that Alatus is reviewing the purchase agreement and
226 preliminary development agreement, and the City of Hopkins took action on
227 August 17 to advance the tax increment finance process.

228
229 3. Mr. Wisker noted that the MCWD staff, along with representatives of the Three
230 Rivers Park District, Hennepin County, the Department of Natural Resources, and
231 Lake Minnetonka Conservation District attended a meeting of bay captains in the
232 Lake Minnetonka Association concerning vegetation management. The agencies
233 were largely observers in the meeting, and a summary of the meeting is expected
234 to be forthcoming.

235
236 **Adjournment**

237
238 There being no further business, President White declared the meeting of the Board of
239 Managers adjourned at 8:03 p.m.

240
241 Respectfully submitted,

242
243
244 Eugene Maxwell, Secretary
245