

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

4
5 **March 23, 2023**

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7 **CALL TO ORDER**

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9 The regular meeting of the Minnehaha Creek Watershed District was called to order by
10 President Sherry White 7:22 pm on March 23, 2023.

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12 **MANAGERS PRESENT**

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14 Sherry White, William Olson, Arun Hejmadi, Jessica Loftus, and Stephen Sando.

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16 **MANAGERS ABSENT**

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18 Richard Miller, Eugene Maxwell.

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20 **DISTRICT STAFF AND CONSULTANTS PRESENT**

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22 James Wisker, Administrator; Deb Johnson, Office Manager; Becky Christopher,
23 Planner–Project Manager; Tiffany Schaufler, Senior Project Maintenance Coordinator;
24 Kayla Westerlund, Permitting Program Manager; Trey Jonas, Permitting Technician;
25 Louis Smith, District Counsel.

26
27 **OATH OF OFFICE**

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29 Mr. Smith administered the oath of office for Manager Loftus. The managers
30 congratulated Manager Loftus on her reappointment.

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32 **MATTERS FROM THE FLOOR**

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34 None.

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36 **APPROVAL OF AGENDA**

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38 *It was moved by Manager Olson, seconded by Manager Sando to approve the Agenda*
39 *as distributed. Upon vote, the motion carried 5-0 (Managers Miller and Maxwell*
40 *absent).*

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42 **CONSENT AGENDA**

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44 *It was moved by Manager Hejmadi, seconded by Manager Olson to approve the items*
45 *on the Consent Agenda consisting of approval of the February 23rd Board Meeting*
46 *Minutes; approval of the General Check Register, including check numbers 42206*

47 *through 42227 in the amount of \$403,614.72, electronic funds withdrawals of*
48 *\$30,910.13, Managers Per Diems and Reimbursements of \$2,811.54, employee*
49 *reimbursements of \$10.00, and payroll electronic funds withdrawals and disbursements*
50 *of \$148,597.02 for a total of \$585,943.41; the Surety Check Register Bremer Bank fee*
51 *in the amount of \$27.00; and the Wire Check Register in the amount of \$28,050.00 in*
52 *payment to Wells Fargo for 325 Blake Road Refinance.*

53

54 *Upon vote, the motion carried 5-0 (Managers Miller and Maxwell absent).*

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

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58 President's Report: President White provided a summary of the Board's performance
59 review of James Wisker that took place at the previous meeting, in which the Board rated
60 his performance exceptional and approved a 10.3% salary increase. President White also
61 noted that Bob Murphy, former leader of MCWD partner Japs-Olson, recently passed
62 away.

63

64 Planning and Policy Committee Report: Manager Sando reported that the Policy and
65 Planning Committee met and received a briefing on the design and timetable for
66 implementation of the new MCWD web site.

67

68 Operations and Programs Committee Report

69 Manager Loftus reported that the Operations Committee Meeting met on March 9 and
70 had a workshop to envision five-year capital improvement priorities.

71

72 Citizens Advisory Committee Meeting Report

73 Manager Olson gave the report on the Citizens Advisory Committee Meeting in which
74 the committee discussed the land and water partnerships. Manager Olson stated that three
75 new members attended for the first time, so the committee went into more detail than
76 typical. He stated the committee broke into groups and came back with recommendations
77 about how to move forward on the land and water partnerships. The committee also
78 discussed the new staff compensation study.

79

80 Upcoming Meeting and Event Schedule: President White noted the upcoming meeting
81 schedule, including the directed the board to look at the upcoming schedule and noted the
82 upcoming Metro Watersheds quarterly meeting on April 18, which Manager Loftus will
83 attend.

84

85 **ACTION ITEMS**

86

87 None.

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91 **BOARD DISCUSSION ITEMS**

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93 Permitting Alignment Update

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95 Ms. Kayla Westerlund and Mr. Trey Jonas appeared before the Board of Managers and
96 presented an update on the progress made in aligning the permitting program with the
97 MCWD's Balanced Urban Ecology vision. Ms. Westerlund began the presentation by
98 reiterating the purpose of the program which is to build projects with social, ecological,
99 and urban benefits and shape land and water use policy. She then gave an overview of the
100 proposed rule revisions which included proposals to 1) add a permit track to the erosion
101 control rule, 2) add a fast-track option for dredging and waterbody crossing, and 3) create
102 streamlined tables for stormwater permitting. She discussed the feedback solicited from
103 and given by TAC which included streamlining low risk maintenance work for dredging
104 and increasing the clarity on BMP requirements for stormwater management. She noted
105 that staff is considering a general permit approach to shoreline improvements, given that
106 90% of the shoreline work is performed by three vendors and annual permits account for
107 only 1.6% of the shoreline on Lake Minnetonka.

108

109 Mr. Jonas reviewed the compliance framework updates which would allow staff to be
110 more efficient with their inspections, focus on sites that pose a particular risk to the
111 resource, and be a more trusted partner with the surrounding entities.

112

113 Ms. Westerlund noted next steps for the proposed rule revisions including further review
114 by the Technical Advisory Committee, and the by the Policy and Planning Committee.
115 The revised rules are expected to be adopted in 2024.

116

117 Ms. Westerlund discussed the partnership framework update which includes the goal of
118 creating systems to support partnership and projects to encourage earlier land use
119 planning. She stated that there are four areas of coordination for pipelines for partnership:
120 land use planning, capital improvement planning, private development, and water
121 resource regulation.

122

123 Ms. Westerlund provided an update on the Information Technology Initiative. IT has
124 been used to help track the processing of permits and allows tracking GIS info for any
125 given project. She then began presenting the data driven insights which highlight
126 successes and the need for improvements in the current program. Regarding permit
127 volume, permits are down 14.8% this year from last year. This year has the lowest permit
128 volume since 2012. Hot spots of activity included Edina (where there is currently lots of
129 building and tearing down), Laketown (there are new additions to Laketown development
130 and in Victoria there is more development to downtown) and Lake Minnetonka
131 landscaping. Ms. Westerlund illustrated these hotspots using a heat map. Ms. Westerlund
132 used the data insights to predict how the proposed rules would affect these trends,

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133 demonstrating how data collection will allow us to see trends, make policy decisions, and
134 identify opportunities for land-water partnership.

135
136 Ms. Westerlund stated that the next steps for the IT project include a time allocation
137 analysis, which aims to reduce staff time allocated to low-risk projects and use staff time
138 most efficiently. Next steps also include continuing data collection and analysis to
139 provide insights that inform policy and support district's Balanced Urban Ecology and
140 identifying process improvements. Ms. Westerlund invited the board's feedback and
141 questions.

142
143 Manager Olson asked how many houses would be permitted by a single subdivision
144 permit, to which Ms. Westerlund responded that three houses or more would require a
145 subdivision permit. Manager Olson also asked about the extent of legal expense in
146 ensuring compliance. Ms. Westerlund responded that last year, the staff worked
147 extensively with legal counsel on agreements. However, on compliance, Mr. Jonas said,
148 it is rare to get legal counsel involved.

149
150 Manager Sando asked about the challenges regarding compliance with these permits and
151 regulations. Mr. Jonas responded by stating the main concern is allocation of staff time
152 due to the sheer volume of permits, and emphasized the need to prioritize sites based on
153 water resource risk.

154
155 In response to a question from Manager Loftus, Ms. Westerlund reviewed the data
156 presentation capabilities, and the assistance from Alex Steele and Brian Beck. Manager
157 Loftus expressed concern about the challenges of thorough inspection and enforcement.
158 For erosion control plan, Ms. Westerlund clarified that the permits will still be reviewed,
159 just that low risk erosion permits will have less staff time spent on them and less frequent
160 inspections. Ms. Westerlund said Manager Loftus's concerns are good feedback and they
161 will work with the TAC to discuss compliance tools and making sure things are not
162 falling through the cracks. Manager Loftus also challenged the idea of low-risk sites if
163 there is exposed soil and significant storm events. The impacts can be a big deal to
164 people who live there and there is some value in having an eye on those permits. Ms.
165 Westerlund said the intent behind the rule changes is not to change the compliance
166 requirements, but rather to enable staff to spend more time in the field.

167
168 Manager Sando asked is there much duplication with cities with permitting and
169 inspections. Westerlund responded that the idea behind these discussions with TAC and
170 the proposed rule changes is to reduce the redundancy with the cities in inspection.
171 Manager Loftus stated that she wants to make sure the burden of this does not fall
172 squarely on MCWD's shoulders and that there is give and take with members of the
173 TAC.

174

175 Manager Hejmadi congratulated Ms. Westerlund and Mr. Jonas on the use of GIS maps
176 and data visualization, presentation of the hard data, but expressed concern for tracking
177 soft data such as the customer service aspects in the process. To better explain what he
178 meant, Manager Hejmadi used an example of HIV treatment in healthcare and whether
179 people were “adhering to treatment” rather than “complying with treatment” so that
180 people are not being forced or seen as bad. Health outcomes improved when healthcare
181 staff worked with HIV patients as partners rather than problems. Ms. Becky Christopher
182 responded by stating that the CAC has good ideas on how to quantify soft data. Ms.
183 Christopher stated that the staff will come back to the Board with ideas to measure those
184 things. Manager Hejmadi then suggested that we start to think about what we’re going to
185 want to do with the data as it starts to accumulate in analyses.

186
187 Manager Hejmadi t asked if the TAC will continue to be available to the MCWD or will
188 they only be available through May. Manager Hejmadi stated that if TAC is available
189 long term, the committee can help us improve our rules as we implement them. Ms.
190 Westerlund stated that after May we are offering to continue coordination with members
191 of the TAC who are interested in staying involved with the rules. Ms. Christopher then
192 added that we are actively working on our coordination policy with the TAC and figuring
193 out how we formalize partnerships with the TAC. MCWD will at a minimum have
194 annual meetings with the TAC to evaluate how things are going.

195
196 President White asked about the level of inspection for single family site plans that staff
197 are proposing. Ms. Westerlund responded that this was still an open question, and
198 President White recommended random inspections. Furthermore. President White
199 mentioned that not all shoreline work is equal and there have been some real problems
200 with replacing retaining walls and such and White thinks this needs to be considered.

201
202 In response to a question from Manager Maxwell, Ms. Westerlund gave examples of
203 cooperating with cities in issuing stop work orders in cases of noncompliance. Manager
204 Loftus noted the value of partnering with cities in this enforcement process.

205
206 Mr. Smith referred to the proposal for general permits of shoreline improvements. He
207 noted that while there may be only 1.6% of the Lake Minnetonka shoreline owners
208 seeking permits each year, in twenty years that would amount to over 30% of the
209 shoreline. While 90% of the shoreline projects may be constructed by three vendors, the
210 MCWD’s history suggests that the other 10% can do a lot of damage.

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212 **BOARD INQUIRIES, ISSUES, AND IDEAS**

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214 Manager Hejmadi suggested an update on impending spring flooding and crisis planning.
215 President White mentioned that she recently attended a presentation about this issue.

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STAFF UPDATES

Minnehaha Preserve Boardwalk Reconstruction

Ms. Tiffany Schaufler reported that contractor JTS Construction began reconstruction of the Minnehaha Preserve boardwalk just two weeks ago and has completed an impressive amount of work to date. She presented photos of the work site, showing that parts of the boardwalk have been decked. Ms. Schaufler mentioned that the contractors want to get the decking done before things get very wet during the spring and that JTS expects most of the construction to be done by next week. Ms. Schaufler stated that she expects there to be a walkthrough inspection soon. The original deadline was March 31, and there were concerns this may need to be extended due to delays in lumber delivery, but the work has gone fast so far that it should be completed at or near the deadline.

Ms. Schaufler then presented a budget update on the project. She mentioned that the Board approved the contract at \$1,858,182. She stated there have been no change orders but that on the design and oversight budget, MCWD will need to tap into the board approved contingency because more hours were needed to prepare the plan sets.

In response to a question from President White, Ms. Schaufler reviewed the lumber treatment process.

Administrator’s Report

1. Ms. Schaufler gave an update on the current water levels. She stated that there was an extreme drought followed by very wet winter with 80 inches of snow to date. Ms. Schaufler mentioned that there has been a very ideal melt this week, so the water seems to be free flowing. The amount of water this winter does not seem to be an issue, due to the very low water level the previous year. President White noted the lack of a deep frost this year, so the water is soaking into the ground.
2. Ms. Becky Christopher provided the remainder of the Administrator’s Report. She noted that on March 22, the Metropolitan Council approved an amendment to the Minneapolis Park and Recreation Board’s long-range plan for Nokomis-Hiawatha Regional Park. Non-golf elements will be eligible for regional parks funding.
3. Carver County recently released an RFP for a highway construction project at CSAH 11 and West Highway 5. The project will involve land acquisition related to Carver Park Reserve and will consider addressing the culvert downstream of Lake Zumbra that was the subject of much discussion during the 2014 flooding. Staff will meet with the City of Victoria, Carver County, and Three Rivers Park District in the coming month to discuss early coordination of feasibility and design work.

- 261
262 4. Ms. Christopher mentioned as noted earlier by President White that that Bob Murphy
263 passed away and James Wisker is planning to send a card on behalf of the organization.
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266 5. MCWD received a request for a letter of support for an LCCMR grant application from
267 Hennepin County. Hennepin County, Three Rivers Park District, and the Minnesota Land
268 Trust have been discussing how to protect and preserve the last, best natural resources in
269 Hennepin County. Ms. Christopher stated that MCWD has been working with Hennepin
270 County and these partners to discuss natural resource conservation. She stressed the
271 importance of data in this endeavor. Ms. Christopher stated that proposals are due at the
272 end of the month. She spoke with Administrator Wisker and assuming the board is
273 supportive, she and Mr. Wisker would like to provide a letter of support. President White
274 noted the Board's support for this letter.
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276 6. Ms. Christopher mentioned that Samantha Maul and Stacy Carlson are preparing for a
277 spring field trip as a capstone for the CAC members' onboarding process. Ms.
278 Christopher stated that this is a way for CAC, Board, and staff to get to know each other
279 better and learn more about the Minnehaha Greenway. The proposed date is April 28th
280 and Ms. Maul will send a notice.

281
282 **Adjournment**

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284 There being no further business, President White declared the meeting of the Board of
285 Managers adjourned at 8:51 p.m.

286
287 Respectfully submitted,

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290 Eugene Maxwell, Secretary
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