

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

October 6, 2022

CALL TO ORDER

The regular meeting of the Minnehaha Creek Watershed District was called to order by President Sherry White at 7:00 p.m. on October 6, 2022.

MANAGERS PRESENT

Sherry White, Richard Miller, Jessica Loftus, Eugene Maxwell, Stephen Sando.

MANAGERS ABSENT

William Olson, Arun Hejmadi.

DISTRICT STAFF AND CONSULTANTS PRESENT

James Wisker, Administrator; Kailey Cermak, Hydrologist; Brian Beck, Research and Monitoring Program Manager; Kate Moran, Policy Planning Coordinator; Michael Hayman, Project Planning Manager; Tiffany Schaufler, Senior Project Maintenance Coordinator; Chris Meehan, District Consulting Engineer; Chuck Holtman, District Counsel; Thomas Radio, District Litigation Counsel.

APPROVAL OF AGENDA

It was moved by Manager Miller, seconded by Manager Maxwell to approve the Agenda as distributed. Upon vote, the motion carried 5-0.

MATTERS FROM THE FLOOR

None.

INFORMATION ITEMS/CORRESPONDENCE

None.

CONSENT AGENDA

It was moved by Manager Miller, seconded by Manager Loftus, to approve the items on the Consent Agenda consisting of approval of the September 22, 2022, Board meeting minutes and adoption of the following resolution:

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Resolution 22-060: 2022 American Geophysical Union Conference Attendance

NOW, THEREFORE, BE IT RESOLVED that the Minnehaha Creek Watershed District Board of Managers authorizes four (4) staff to attend the American Geophysical Union National Conference for a cost not to exceed \$7,000 for registration, travel, and accommodations.

Upon vote, the motion carried 5-0.

BOARD, COMMITTEE AND TASK FORCE REPORTS

Citizen Advisory Committee: Manager Sando reported that Mr. Wisker and District Counsel Smith presented District history, philosophy, successes, challenges, and goals. Good questions were asked and there was a good discussion.

Upcoming Meetings: President White noted that Manager Olson will attend the upcoming meeting of the Metro chapter, Minnesota Association of Watershed Districts, and that Manager Hejmadi will represent the Board of Managers at the Citizen Advisory Committee meeting in November.

PUBLIC HEARINGS & PRESENTATIONS

None.

ACTION ITEMS

None.

BOARD DISCUSSION ITEMS

East Auburn Wetland Assessment Findings

Ms. Kailey Cermak presented on District work assessing the wetland system between Wassermann and East Auburn Lakes. She provided an overview that included District projects to date benefitting Wassermann Lake water quality, reviewed past and most recent monitoring, and recommended next steps. The work has shown that phosphorus loading increases as water passes through the wetland complex, and that the flow accounts for 135 pounds/year of phosphorus loading to East Auburn Lake.

The District's recent work has focused on the first wetland cell from the Wassermann Lake outlet, an area of 11 acres that accounts for 82 percent of the wetland's phosphorus export. Results indicate that phosphorus concentration is highest near the surface, and that the soils diffuse phosphorus into groundwater, which then moves downstream.

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Responding to Manager Loftus, Ms. Cermak identified three categories of project approach: trapping, removing and treating phosphorus. Manager Miller suggested that dredging may be the best choice, even if costly, particularly now that agricultural use within the drainage area has diminished greatly and the area has developed. Ms. Cermak replied that dredging has been the typical approach, but it's important to understand the spatial distribution and movement of phosphorus through the wetland to optimize dredging. Replying to a question from Manager Miller, Ms. Cermak and Mr. Brian Beck emphasized the efficiency offered by the fact that a wetland of manageable area is a concentrated loading source.

Manager Maxwell asked how the drought has affected results and their interpretation. Ms. Cermak replied that the channel has relied on groundwater for baseline flow, and that a phosphorus spike was evident in the groundwater flow.

Minnehaha Preserve Boardwalk Update

President White advised that this item would be moved toward the end of the agenda because the Board is likely to convene in closed session.

BOARD INQUIRIES, ISSUES AND IDEAS

None.

STAFF UPDATES

Land & Water Partnership Program Opportunity Update – Holy Name Development

Ms. Kate Moran reviewed with the Board of Managers the District's potential involvement in the creation of a wetland bank within the drainage area of Holy Name Lake, an impaired waterbody. Holy Name Lake flows to Long Lake, which outlets to Tanager Lake. The opportunity arises out of the Long Lake Creek partnership. Ms. Moran reminded the Board of a prior update provided in Spring 2022.

The property owner would like to develop bank credits for both state and federal use. It retained Stantec, which prepared a draft prospectus for review by the Minnesota Board of Water and Soil Resources and the U.S. Army Corps of Engineers. Both agencies raised concerns about the fragmentation of the wetland bank and its proximity to the developed area of the proposed residential subdivision, and about reliable long-term management of the wetland.

Stantec has updated the site concept to reduce fragmentation without loss of potential wetland credits of about 19.4 acres. District staff have engaged with the property owner

and the City of Medina to explore whether the District might assume the management responsibility, and how its costs in doing so would be reimbursed.

President White asked about the District's experience in managing the conservation area within the Deer Hill subdivision, which is somewhat analogous. Ms. Moran said she would review the matter and report back to the Board. Ms. Moran reviewed a staff estimate of \$135 to \$150 thousand as the cost of 15 to 20 years of maintenance.

Manager Loftus urged that the question of the District's role be considered carefully. She asked whether the public benefit is sufficient to justify the District's assuming this role in a private project. Manager Miller noted that when the District has looked to others to manage resources, it often has been dissatisfied with the outcome. Mr. Wisker agreed that the policy question is important, and advised that before staff brings forward a proposed agreement, it will offer a policy framework by which the Board would make judgments of participation in these types of projects. He noted several somewhat analogous past projects and that the District's role in each was considered on a case-specific basis. For example, the District lent technical assistance to development of the Mader wetland bank to advance its policy goal of locating wetland replacement within the watershed.

Manager Miller noted that in these instances, the District is creating public value by use of its technical skills rather than its regulatory authority. Manager Loftus urged that the District account for all of the costs it would incur in the role it would assume.

BOARD DISCUSSION ITEMS (Continued)

Minnehaha Preserve Boardwalk Update

It was moved by Manager Miller, seconded by Manager Loftus, to convene in closed session to review with District litigation counsel active litigation concerning the boardwalk deterioration. Upon vote, the motion carried 5-0, and the Board convened in closed session.

The Board reconvened in open session.

STAFF UPDATES (Continued)

Administrator's Report

Mr. Wisker reported on the following items:

1. About four percent of the state, including the entirety of the watershed, is within an area designated by the National Weather Service as Extreme Drought. This is

the first time the watershed has been so designated since the ratings were established.

2. Stantec has requested a waiver to allow it to work for the City of Minneapolis on a rotary construction project at 50th and Chowen. The stormwater conveyance system would be modified to address grid flooding and some water storage would be added. Mr. Wisker noted that the Board has delegated the waiver authority to him, but he would like to gain any sense of Board concern about a waiver. He offered that the project doesn't implicate broader natural resource values, so the concern would be a potential conflict in District permit review. He noted that Mr. Meehan will not be involved in the Stantec work for the City.

Mr. Wisker asked for an indication of manager concern. None was offered.

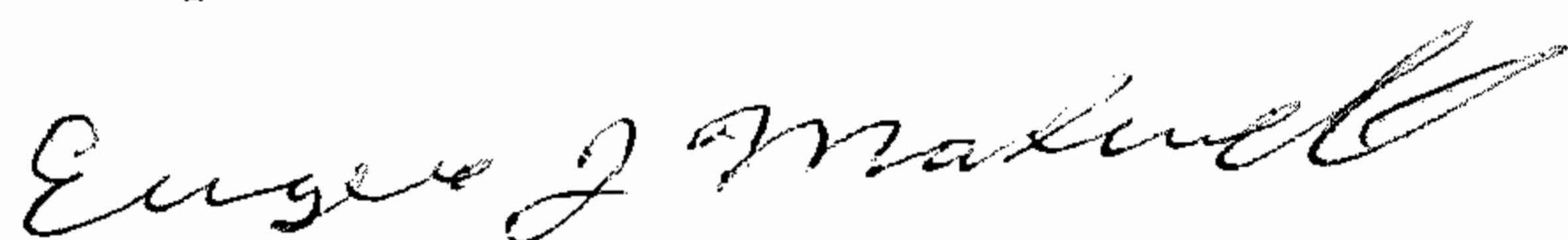
3. Mr. Wisker advised that the kickoff meeting of the rulemaking technical advisory committee occurred last week. He reported that the meeting went very well and he perceives a good collaborative environment.
4. Mr. Wisker will be traveling next week and would like Ms. Becky Christopher to serve as Acting Administrator during his absence.

It was moved by Manager Miller, seconded by Manager Sando, to name Ms. Christopher as Acting Administrator for the period of Mr. Wisker's absence and to authorize Mr. Wisker to delegate all authority of the Administrator to Ms. Christopher. Upon vote, the motion carried 5-0.

Adjournment

There being no further business, President White declared the meeting of the Board of Managers adjourned at 8:49 p.m.

Respectfully submitted,



Eugene Maxwell, Secretary

