

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

4  
5                                   **July 13, 2023**

6  
7                                   **CALL TO ORDER**

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9                                   The regular meeting of the Minnehaha Creek Watershed District Board of Managers was  
10                                   called to order by President Sherry White 7:00 p.m. on July 13, 2023, at the MCWD  
11                                   offices, 15320 Minnetonka Boulevard, Minnetonka, Minnesota.

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13                                   **ROLL CALL FOR ATTENDANCE**

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15                                   President White called the roll to note attendance:

16  
17                                   Loftus:           Present  
18                                   Sando:           Present  
19                                   Miller:           Present  
20                                   Olson:           Present  
21                                   Hejmadi         Absent  
22                                   Maxwell:        Present (participating remotely using interactive technology at Tianna  
23   Country Club, 7470 State 34 NW, Walker, MN)  
24                                   White:           Present

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26                                   **DISTRICT STAFF AND CONSULTANTS PRESENT**

27  
28                                   James Wisker, Administrator; Maria Friedges, Permitting Technician; Kailey Cermak,  
29                                   Hydrologist; Michael Hayman, Project Planning Manager; Gabe Sherman, Planner –  
30                                   Project Manager; Chris Meehan, District Consulting Engineer; and Louis Smith, District  
31                                   Counsel.

32  
33                                   **APPROVAL OF AGENDA**

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35                                   *It was moved by Manager Miller, seconded by Manager Sando, to approve the Agenda*  
36                                   *as distributed. Upon roll call vote, the motion carried 6-0 as follows:*

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38                                   *Hejmadi:        Absent*  
39                                   *Loftus:          Aye*  
40                                   *Sando:          Aye*  
41                                   *Miller:         Aye*  
42                                   *Olson:          Aye*  
43                                   *Maxwell:       Aye*  
44                                   *White:         Aye*

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**MATTERS FROM THE FLOOR**

None.

**CONSENT AGENDA**

*It was moved by Manager Miller, seconded by Manager Olson to approve the items on the Consent Agenda consisting of approval of the June 22 Meeting Minutes, and the following resolution:*

*Resolution 23-037: Recognition of MCWD’s Technical Advisory Committee Members for the Land & Water Partnership Initiative*

*NOW, THEREFORE, BE IT RESOLVED that the Minnehaha Creek Watershed District Board of Managers hereby formally acknowledges each of the members for their service on the TAC and expresses its deep gratitude for their contributions to the Land & Water Partnership Initiative.*

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

- Hejmadi: Absent*
- Loftus: Aye*
- Sando: Aye*
- Miller: Aye*
- Olson: Aye*
- Maxwell: Aye*
- White: Aye*

**BOARD, COMMITTEE AND TASK FORCE REPORTS**

President’s Report: President White noted that she attended the Wayzata “sand breaking” boardwalk event and noted that Minnesota Watersheds has invited annual resolutions.

Operations and Programs Committee Report: Manager Olson reported that the Committee met earlier in the evening and received a presentation from Mr. Wisker on the 2024 budget and the consensus is that the budget is ready for review by the Citizens Advisory Committee and then public hearing.

**PERMITS REQUIRING A VARIANCE OR DISCUSSION**

Permit 23-215: Amira Development, 2285 Arboretum Blvd., Victoria

90 Ms. Maria Friedges appeared before the Board of Managers and reviewed the permit  
91 application. She provided context concerning the ownership of the property. The Heenie  
92 Family are the current property owners. United Properties is the developer and has an  
93 option to purchase Lot 1. The Heenie family will own Lots 2 and 3 if the development  
94 goes through. The Amira development is the name given to the proposed subdivision and  
95 development by United Properties. Ms. Friedges reviewed the application and  
96 compliance with MCWD rules, noting that the applicant is requesting an exception to the  
97 wetland buffer requirement. The application involves an 11% shortfall in total buffer  
98 area, but the staff has determined that the applicant has proposed greater water resource  
99 protection than that provided by the full buffer through enhanced plantings and additional  
100 stormwater management.

101  
102 ***It was moved by Manager Olson, seconded by Manager Miller to approve the requested***  
103 ***exception to the wetland buffer area requirement.*** Manager Olson thanked Ms. Friedges  
104 for the detailed analysis. President White noted that she reviewed the list of plantings  
105 and found it impressive.

106  
107 ***Upon roll call vote, the motion carried 6-0 as follows:***

108  
109 ***Hejmadi: Absent***  
110 ***Loftus: Aye***  
111 ***Sando: Aye***  
112 ***Miller: Aye***  
113 ***Olson: Aye***  
114 ***Maxwell: Aye***  
115 ***White: Aye***

116  
117 ***It was moved by Manager Olson, seconded by Manager Sando to approve the permit***  
118 ***with conditions recommended by staff. Upon roll call vote, the motion carried 6-0 as***  
119 ***follows:***

120  
121 ***Hejmadi: Absent***  
122 ***Loftus: Aye***  
123 ***Sando: Aye***  
124 ***Miller: Aye***  
125 ***Olson: Aye***  
126 ***Maxwell: Aye***  
127 ***White: Aye***

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129 **ACTION ITEMS**

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131 **Resolution 23-038: Authorization to Release RFP for Watershed-wide Model Input**  
132 **Refinement**

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134 Ms. Kailey Cermak appeared before the Board of Managers to review the request for  
135 board action. She reviewed the background of the MCWD’s Climate Action Framework  
136 and earlier phases to build a pilot model. The MCWD is now ready to apply insights  
137 gained from the pilot model to begin Phase 1 of the watershed-wide model build.

138  
139 ***It was moved by Manager Miller, seconded by Manager Olson to adopt Resolution 23-***  
140 ***038: Authorization to Release RFP for Watershed-wide Model Input Refinement as***  
141 ***follows:***

142  
143 ***NOW, THEREFORE, BE IT RESOLVED that the Minnehaha Creek***  
144 ***Watershed District Board of Managers authorizes the District administrator to***  
145 ***release the request for proposals for watershed-wide model input refinement,***  
146 ***with any final edits on advice of counsel.***  
147

148 Manager Miller noted that he had served with Manager Hejmadi as liaisons to staff in this  
149 project development and they were impressed with great staff work and excited with the  
150 potential for this project to provide a reliable source of information and analysis. In  
151 response to a question from Manager Olson, Ms. Cermak noted that the LiDAR option is  
152 still available but it is unclear whether conditions will be suitable. Manager Miller noted  
153 that Manager Hejmadi had written to express his strong support for this project.

154  
155 ***Upon roll call vote, the motion carried 6-0 as follows:***

156  
157 ***Hejmadi: Absent***  
158 ***Loftus: Aye***  
159 ***Sando: Aye***  
160 ***Miller: Aye***  
161 ***Olson: Aye***  
162 ***Maxwell: Aye***  
163 ***White: Aye***  
164

165 Resolution 23-039: Authorization to Distribute Capital Improvement Plan for Annual  
166 Review and Comment  
167

168 Mr. Michael Hayman appeared before the Board of Managers to review the request for  
169 board action. He noted that each year, as described in MCWD’s Plan, MCWD revises  
170 and distributes its 10-year CIP to its member cities and counties for 30-day review and  
171 comment. The purpose of this annual process is to allow MCWD to adjust its 10-year CIP  
172 based on feasibility analysis of projects described in the Plan, identification of new  
173 project opportunities through coordination with MCWD’s Land and Water Partnership  
174 Program, shifts in District priorities, and assessment of staff and financial capacity.  
175

176 *It was moved by Manager Sando, seconded by Manager Miller to adopt Resolution 23-*  
177 *039: Authorization to Distribute Capital Improvement Plan for Annual Review and*  
178 *Comment as follows:*

179  
180 ***NOW, THEREFORE, BE IT RESOLVED that the Minnehaha Creek***  
181 ***Watershed District Board of Managers authorizes staff to distribute the Draft***  
182 ***CIP for 30-day review and comment.***  
183

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

185  
186 ***Hejmadi: Absent***  
187 ***Loftus: Aye***  
188 ***Sando: Aye***  
189 ***Miller: Aye***  
190 ***Olson: Aye***  
191 ***Maxwell: Aye***  
192 ***White: Aye***  
193

194 In response to a question from Manager Olson, Mr. Hayman noted that the MCWD  
195 typically receives several comments and inquiries each year in response to this  
196 distribution of the CIP. In response to a question from Manager Miller, Mr. Hayman  
197 noted that the cover letter identifies the types of opportunities for partnership envisioned  
198 in the CIP.

199  
200 **BOARD DISCUSSION ITEMS**

201  
202 **325 Blake Road Restoration and Redevelopment Update**

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204 Mr. Michael Hayman and Mr. Gabe Sherman appeared before the Board of Managers to  
205 review the status of the project with the developer Alatus. Mr. Hayman noted that Alatus  
206 exercised its right to request a first extension of 90 days, and this extension will terminate  
207 on August 7. In June, Alatus requested a second amendment to the purchase and sale  
208 agreement to provide for a longer-term extension with a variety of other requested  
209 concessions and considerations, including fencing and parking.

210  
211 ***It was moved by Manager Miller, seconded by Manager Sando to go into closed session***  
212 ***for the purpose of considering these offered terms to amend the purchase and sale***  
213 ***agreement of 325 Blake Road in Hopkins. Upon roll call vote, the motion carried 6-0***  
214 ***as follows:***

215  
216 ***Hejmadi: Absent***  
217 ***Loftus: Aye***  
218 ***Sando: Aye***

219 **Miller:** *Aye*  
220 **Olson:** *Aye*  
221 **Maxwell:** *Aye*  
222 **White:** *Aye*

223

224 Whereupon the Board of Managers went into closed session.

225

226 The Board of Managers returned to open session. Manager Maxwell had departed at this  
227 point in the meeting.

228

229 **BOARD INQUIRIES, ISSUES, AND IDEAS**

230

231 Manager Olson suggested that the “No Trespassing” signs at the new Six Mile Marsh  
232 Trail read “Stay on Trail.”

233

234 **STAFF UPDATES**

235

236 **Administrator’s Report**

237

238 Mr. Wisker reported on the following items:

239

240 1. Representatives from Hennepin County were impressed with the MCWD signs at  
241 Wassermann Preserve and requested information on them.

242

243 2. The Gray’s Bay Dam is closed, one month earlier than normal. About 11% of Minnesota  
244 is now in severe drought, including the Minnehaha Creek watershed. Lake Minnetonka  
245 is at 928.5 feet, ten inches below the Ordinary High Water mark. The period of May 15 –  
246 June 21 is the driest on record.

247

248 3. Staff have continued to be intensely engaged on construction review of the Minnehaha  
249 Preserve Boardwalk. Inspections identified 171 of 172 headers with issues. JTS has  
250 agreed to the request to uncover areas to inspect 60 additional headers. JTS, SRF and  
251 MCWD are meeting to discuss proposed solutions for defects. JTS is eager to get the  
252 corrections made and has committed to making them as soon as everything is approved  
253 by SRF/MCWD and acceptable with St. Louis Park. The plan is for continuous  
254 inspection of the corrective work by SRF and St. Louis Park.

255

256 4. The City of Deephaven is inquiring about potential MCWD support to address  
257 stormwater management issues through the Land & Water Partnership program. Staff  
258 has been working with Stantec to conduct a concept level analysis of opportunities for  
259 regional treatment along with review of City-identified opportunities, existing studies,  
260 and planned road improvements. There are two projects that have been identified as cost-

261 effective that the City is interested in advancing. The MCWD will send a letter of support  
262 to Hennepin County for these two projects.

263  
264 5. Taft Legion Project: the Legion infiltration gallery is meeting performance standards, but  
265 while Taft Lake has improved, it is still short of the target. Staff has communicated  
266 Board concern over servicing debt for a project not meeting targets. The City of  
267 Richfield contracted with Barr to document, basis of design, trouble shooting,  
268 improvements, and potential next steps. We are in the final leg this year, and it is not  
269 clear that the system will ever reach full design standards. The goal is to get Taft Lake  
270 delisted from the Impaired Waters list. The city is pursuing a lake response model to  
271 show if the improvements to date will push the lake past the tipping point to delist, or if a  
272 supplemental traditional alum dosing at the city's cost will get the job done. Staff has  
273 proposed to amend the cooperative agreement with updated data for performance targets,  
274 once we know whether the lake will be delisted, either on track with existing  
275 improvements or with alum treatment.

276  
277 **Adjournment**

278  
279 There being no further business, President White declared the meeting of the Board of  
280 Managers adjourned at 9:38 p.m.

281  
282 Respectfully submitted,

283  
284 Eugene Maxwell, Secretary  
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