

46 Mr. Tom Dietrich appeared before the Board of Managers and noted his impending
47 departure from employment at the District. He thanked the Board of Managers and staff
48 for this opportunity to serve the MCWD, and the managers wished Mr. Dietrich all the
49 best in his future endeavors.

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51 **APPROVAL OF AGENDA**

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53 *It was moved by Manager Miller, seconded by Manager Hejmadi to approve the*
54 *Agenda as distributed. Upon roll call vote, the motion carried 7-0 as follows:*

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56 Hejmadi: Aye
57 Loftus: Aye
58 Sando: Aye
59 Miller: Aye
60 Olson: Aye
61 Maxwell: Aye
62 White: Aye

63

64 **CONSENT AGENDA**

65 *It was moved by Manager Miller, seconded by Manager Sando, to approve the Consent*
66 *Agenda consisting of approval of the August 12, 2021 Board minutes, the General*
67 *Checking Account consisting of checks 41626 through 41658 in the amount of*
68 *\$426,579.19; electronic funds withdrawals in the amount of \$33,236.72; manager per*
69 *diems and reimbursement direct deposits in the amount of \$4,137.58; employee*
70 *reimbursements - direct deposits in the amount of \$612.91; and payroll direct deposits*
71 *in the amount of \$227,435.86; for Total General Checking expenses of \$692,002.26;*
72 *the surety checking account surety refund for Permit 18-414, Permit 18-053, Permit*
73 *16-040, and Permit 20-455, and a bank service charge totaling \$91,423.00; and*
74 *electronic fund transfer of \$0.00; and adoption of the following resolutions:*

75

76 *Resolution 21-055: Approval of Contracts for SMCHB Carp Removal as follows:*

77

78 *NOW, THEREFORE, BE IT RESOLVED that on the basis of the specific*
79 *experience of WSB & Associates and the finding of District staff that the*
80 *contract fee is competitive, the Minnehaha Creek Watershed District Board of*
81 *Managers finds it appropriate to authorize a professional services contract with*
82 *that firm without competitive process;*

83

84 *BE IT FURTHER RESOLVED that the District Administrator is authorized, on*
85 *advice of counsel, to execute a contract with WSB & Associates, for services to*
86 *remove common carp in Steiger Lake within the Six Mile Creek-Halsted Bay*
87 *Subwatershed, consistent with the Lessard-Sams Outdoor Heritage Council*
88 *Grant Accomplishment Plan, in an amount not to exceed \$15,147.00;*

89

90 ***BE IT FURTHER RESOLVED that the District Administrator is authorized, on***
91 ***advice of counsel, to execute a contract with WSB & Associates, for services to***
92 ***remove common carp in East Auburn Lake in an amount not to exceed***
93 ***\$10,483.50;***

94
95 ***BE IT FINALLY RESOLVED that the District Administrator is authorized, on***
96 ***advice of counsel, to execute a contract with WSB & Associates, for services to***
97 ***implant common carp with radio tags East Auburn Lake to facilitate removals***
98 ***in an amount not to exceed \$4,669.00; and***

99
100 ***Resolution 21-056: Amendment to the 2021 Budget as follows:***

101
102 ***NOW, THEREFORE, BE IT RESOLVED that the Minnehaha Creek***
103 ***Watershed District Board of Managers hereby amends the 2021 budget as***
104 ***recommended by staff for a total 2021 budget of \$14,834,518.***

105
106 ***Upon roll call vote, the motion carried 7-0 as follows:***

107
108 Hejmadi: Aye
109 Loftus: Aye
110 Sando: Aye
111 Miller: Aye
112 Olson: Aye
113 Maxwell: Aye
114 White: Aye

115
116 **BOARD, COMMITTEE AND TASK FORCE REPORTS**

117
118 Policy and Planning Committee: Manager Miller reported that the committee received a
119 presentation on MCWD history for the second period of study, 1980-1992. He thanked
120 Mr. Smith for the presentation.

121
122 Citizens Advisory Committee: Manager Loftus reported that the CAC received an update
123 on the redevelopment of 325 Blake Road from Michael Hayman.

124
125 Upcoming Meeting and Event Schedule: President White directed the managers to the
126 meetings listed on the agenda.

127
128 **PERMITS REQUIRING A VARIANCE OR DISCUSSION**

129
130 Permit 21-161: Interlachen Golf Course, Edina

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132 President White noted upon inquiry that no one was present for the 2022 budget and levy
133 hearing, and that several persons were present at the meeting for Permit 21-161, so
134 without objection proceeded to this matter.

135
136 Ms. Abigail Ernst appeared before the Board of Managers and reviewed the permit
137 application. She reviewed the site, three project areas, and the application of the erosion
138 control, wetland protection, waterbody crossings, and stormwater management rules to
139 the project. She noted that the proposed project does not cause adverse downstream
140 impacts, including the bounce in water level for any downstream waterbody or wetland.
141 Ms. Ernst noted comments about tree removal and noted that the District rules do not
142 address tree removal, but the Edina city forester has confirmed that the city's tree
143 replacement requirements are met for this project. She reviewed concerns for potential
144 flooding risk and confirmed that modeling for the project indicates no increase in peak
145 runoff rates, and also provides for volume treatment in excess of the stormwater rule
146 requirements.

147
148 Ms. Debra Frimerman appeared before the Board of Managers and noted she is an
149 adjacent landowner. Ms. Frimerman noted concerns with the stormwater impacts of the
150 proposed project and stated that she felt that a drain tile system had not been properly
151 considered. Ms. Ernst stated that the referenced drain tile is outside of the project
152 boundaries, and that all runoff from the project had been analyzed pursuant to District
153 rules. Mr. Ross Bintner of the City of Edina appeared and noted that he was not sure
154 about the drain tile cited by Ms. Frimerman, but that a storm sewer pipe is in a similar
155 alignment, and he did not believe it had a material relationship to the project. Ms. Rene
156 Weiss reviewed the no-rise analysis and said that there is no reason to have concern for
157 backflow from the wetland.

158
159 ***Following discussion, it was moved by Manager Miller, seconded by Manager Olson to***
160 ***approve the permit application with the conditions recommended by staff.*** Upon a
161 question from Manager Olson, Ms. Ernst reviewed the parcel boundaries and the
162 unconstructed section of road right of way. ***Upon roll call vote, the motion carried 7-0***
163 ***as follows:***

164
165 Hejmadi: Aye
166 Loftus: Aye
167 Sando: Aye
168 Miller: Aye
169 Olson: Aye
170 Maxwell: Aye
171 White: Aye

172
173 **PUBLIC HEARINGS & PRESENTATIONS**

174
175 **2022 Budget and Levy Public Hearing**

176 Mr. James Wisker reviewed the process and timeline for the development of the 2022
177 budget. He reviewed the major elements of the budget and MCWD priorities. Mr.
178 Wisker stated that the proposed 2022 budget reflected a two percent increase in District
179 expenses, from \$14,716,421 in 2021 to \$15,027,532 in 2022, but a zero percent increase
180 in the District tax levy. He noted that the District presented earlier in the day to the
181 Legislative Citizens Commission on Minnesota Resources, and the MCWD's proposal
182 for 2D modeling was included in the commission's recommendations. The legislature
183 will act on those recommendations next session.

184

185 President White invited any comments or questions on the 2022 budget and levy and
186 there were none. Mr. Wisker confirmed also that no written comments had been
187 received. President White closed the public hearing.

188

189 **ACTION ITEMS**

190

191 **Resolution 21-057: Adoption of the Revised MCWD Capital Improvement Plan**

192

193 Ms. Anna Brown appeared before the Board of Managers and reviewed the request for
194 board action. She noted that the MCWD annually updates its capital improvement plan,
195 and the District distributed this year's plan for comment from June 30 to August 2.
196 Comments were received from Chanhassen, Shorewood, Medina and Independence, and
197 all of the comments raised procedural questions that were responded to by staff promptly.
198 *Following discussion, it was moved by Manager Miller, seconded by Manager Loftus*
199 *to adopt the following resolution:*

200

201 ***NOW, THEREFORE, BE IT RESOLVED that the Minnehaha Creek***
202 ***Watershed District Board of Managers hereby adopts the attached 2022 CIP.***

203

204 ***Upon roll call vote, the motion carried 7-0 as follows:***

205

206 Hejmadi: Aye
207 Loftus: Aye
208 Sando: Aye
209 Miller: Aye
210 Olson: Aye
211 Maxwell: Aye
212 White: Aye

213

214 **Resolution 21-058: Approval of Change Order for trail paving at the Wassermann**
215 **Lake Preserve**

216

217 Ms. Anna Brown appeared before the Board of Managers and reviewed the request for
218 board action. She explained that the Victoria City Council requested the additional trail

219 paving, and it would result in no additional cost to the District. *It was moved by Manager*
220 *Olson, seconded by Manager Maxwell to adopt Resolution 21-058 as follows:*

221
222 ***NOW, THEREFORE, BE IT RESOLVED that the Minnehaha Creek***
223 ***Watershed District Board of Managers authorizes the District Administrator to***
224 ***execute a change order for trail paving at the Wassermann Lake Preserve at a***
225 ***cost not to exceed \$134,440.14.***

226
227 Upon a question from Manager Olson, Ms. Brown noted that the subbase for the trail is
228 six inches in depth. *Upon roll call vote, the motion carried 7-0 as follows:*

229
230 Hejmadi: Aye
231 Loftus: Aye
232 Sando: Aye
233 Miller: Aye
234 Olson: Aye
235 Maxwell: Aye
236 White: Aye

237
238 **Resolution 21-051: Authorization to Execute Memorandum of Understanding with**
239 **City of Edina**

240
241 Ms. Kailey Cermak appeared before the Board of Managers to review the request for
242 board action. She noted the District's interest in building a hydrology and hydraulics
243 model that incorporates high resolution municipal stormsewer information, and the value
244 of developing small-scale pilots to develop such a model. She reviewed the discussions
245 and interest of the City of Edina in this work, and the proposed memorandum of
246 understanding to outline the collaboration. *It was moved by Manager Sando, seconded*
247 *by Manager Miller to adopt Resolution 21-051 as follows:*

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249 ***NOW, THEREFORE, BE IT RESOLVED that the Minnehaha Creek***
250 ***Watershed District Board of Managers authorizes the District Administrator to***
251 ***execute the Memorandum of Understanding in its final form between MCWD***
252 ***and the City of Edina.***

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254 *Upon roll call vote, the motion carried 7-0 as follows:*

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256 Hejmadi: Aye
257 Loftus: Aye
258 Sando: Aye
259 Miller: Aye
260 Olson: Aye
261 Maxwell: Aye
262 White: Aye

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BOARD DISCUSSION ITEMS

Minnehaha Preserve Boardwalk

Closed Session: Minnehaha Preserve Boardwalk Update

Mr. Michael Hayman and Ms. Janna Jonely appeared before the Board of Managers and recommended that the Board move into a closed session. *It was moved by Manager Maxwell, seconded by Manager Hejmadi to convene in closed session under the Open Meeting Law to confer with District counsel on the mediation and litigation of District claims regarding the Minnehaha Preserve boardwalk construction on the finding that confidentiality is essential to review the legal basis for the District's claims. Upon roll call vote, the motion carried 7-0 as follows:*

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

The Board of Managers went into closed session. The Board of Managers returned to open session.

STAFF UPDATES

Administrator's Report

Mr. Wisker reported on the following items:

1. Drought conditions are persisting across Minnesota, with now 88% of the state declared by the Department of Natural Resources to be in severe drought and 56% of the state in extreme drought. The Grays Bay dam has been closed since mid-July. With recent rain, Minnehaha Creek is flowing at 67 cubic feet per second at Hiawatha;
2. The MCWD is in the process of hiring a new outreach manager;
3. Mr. Wisker will attend a meeting on September 7 concerning a Lake Minnetonka management strategy;

Minutes of the Regular Meeting
Minnehaha Creek Watershed District
Board of Managers
8-26-21

- 306 4. Upon a question from Manager Maxwell, Mr. Wisker reported that the
307 community engagement event for 325 Blake Road went well with about 45
308 people in attendance and general excitement about the project.
309

310 **Adjournment**

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312 There being no further business, President White declared the meeting of the Board of
313 Managers adjourned at 9:24p.m.

314
315 Respectfully submitted,

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317
318 Eugene Maxwell, Secretary
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DRAFT