

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

4  
5                                   **June 10, 2021**

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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 at 7:00 p.m. on June 10, 2021. President White noted that this  
11                                   meeting was convened electronically through WebEx, 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 For this reason, until this determination is withdrawn by the District’s presiding  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.

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22                                   President White called the roll to note attendance:

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

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32                                   **DISTRICT STAFF AND CONSULTANTS PRESENT**

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34                                   James Wisker, Administrator; Tom Dietrich, Cole Thompson; Anna Brown; Michael  
35                                   Hayman, Project Planning Manager; Gabe Sherman, Planner-Project Manager; Kim  
36                                   LaBo, ; Chris Meehan, Consulting Engineer; and Louis Smith, District Counsel.

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39                                   **MATTERS FROM THE FLOOR**

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41                                   None.

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43                                   **APPROVAL OF AGENDA**

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

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

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56 **CONSENT AGENDA**

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58 *It was moved by Manager Olson, seconded by Manager Miller, to approve the Consent*  
59 *Agenda consisting of approval of the May 27, 2021 Board minutes, and Resolution 21-*  
60 *040: Authorization to execute contract for Six Mile Marsh Prairie site survey as*  
61 *follows:*

62

63 ***NOW, THEREFORE, BE IT RESOLVED that the Minnehaha Creek***  
64 ***Watershed District Board of Managers authorizes the District Administrator, on***  
65 ***advice of Counsel, to enter into a contract with Otto Associates for site survey of***  
66 ***the Six Mile Marsh Prairie property, in an amount not to exceed the amount set***  
67 ***forth in the proposal, and authorizes the Administrator to execute change***  
68 ***orders in his discretion up to an additional 10 percent of the contract amount.***

69

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

71

72 Hejmadi: Aye  
73 Loftus: Aye  
74 Sando: Aye  
75 Miller: Aye  
76 Olson: Aye  
77 Maxwell: Aye  
78 White: Aye

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

81

82 **President's Report:** President White reported that she recently met with Mayor Jason  
83 Gadd of Hopkins to prepare for the joint meeting to consider developers for 325 Blake  
84 Road. She noted that their plan for the meeting will emphasize maximum equal input and  
85 foster collaborative decision making for the Board of Managers and City Council. She  
86 thanked staff for organizing developer project tours yesterday.

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88 **Operations and Programs Committee Report:** Manager Loftus reported that the  
89 committee met earlier and received a staff briefing on the 2022 proposed budget, and a  
90 presentation from Mr. Smith of the White Paper #1 for the history project.

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Upcoming Meeting and Event Schedule: President White directed the managers to the meetings listed on the agenda; all of the meetings to be noticed and held via WebEx.

**ACTION ITEMS**

Permit 11-140G Amendment: Woodland Cove Lake 4th & 5th Additions, Minnetrista

Mr. Cole Thompson appeared before the Board of Managers to review the application for an amendment to Permit 11-140G. He noted that this amendment would be for the 4<sup>th</sup> and 5<sup>th</sup> additions. He reviewed the soil conditions, drainage and site constraints which have prohibited the best management practices in the original plan from functioning as intended. Clay soils and seasonally high groundwater have dictated that the original plan for infiltration is not viable and instead the applicant proposes to use a stormwater irrigation reuse system. The revised plan will still meet the requirements of the Stormwater Rule and results in no downstream impacts. Upon a question from Manager Miller, Mr. Thompson reviewed the details concerning the absence of downstream impacts.

Mr. David Newman appeared before the Board of Managers on behalf of the applicant, noted the site constraints, and thanked the staff for working through this revised plan.

***It was moved by Manager Miller, seconded by Manager Maxwell to approve the permit amendment with the conditions recommended by staff. 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

126 Resolution 21-041: Authorization to Distribute Capital Improvement Program for annual  
127 review and comment

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129 Ms. Anna Brown appeared before the Board of Managers to review the request for board  
130 action. She explained that the District annually distributes its capital improvement  
131 program for review and comment and considers comments in the budget process. She  
132 noted that this year's program includes the Responsive Model approach to allow the  
133 District to consider new projects from community partners. Ms. Brown also noted the  
134 revised format to reflect new planning tools and incorporation of a multi-year planning  
135 tool in the 2023 cycle.

136  
137 *It was moved by Manager Maxwell, seconded by Manager Sando to adopt Resolution*  
138 *21-041: Authorization to distribute Capital Improvement Plan for annual review and*  
139 *comment as follows:*

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141 ***NOW, THEREFORE, BE IT RESOLVED that the Minnehaha Creek***  
142 ***Watershed District Board of Managers authorizes staff to***  
143 ***distribute the Draft CIP for 30 day review and comment.***

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145 Upon a question from Manager Maxwell, Ms. Brown explained that no project has been  
146 dropped from the CIP but there have been some adjustments in timing of projects. *Upon*  
147 *roll call vote, the motion carried, 7-0 as follows:*

148  
149 Hejmadi: Aye  
150 Loftus: Aye  
151 Sando: Aye  
152 Miller: Aye  
153 Olson: Aye  
154 Maxwell: Aye  
155 White: Aye

156  
157 Resolution 21-042: CAC Assessment Final Recommendations  
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159 Mr. Wisker appeared before the Board of Managers to review the request for board  
160 action. He noted Kim LaBo's involvement in this work along with Trevor Born. He  
161 reviewed the phases of discovery and analysis to develop recommendations for the  
162 organization and scope of work for the Citizens Advisory Committee.

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164 *It was moved by Manager Maxwell, seconded by Manager Loftus to adopt Resolution*  
165 *21-042 as follows:*

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167 ***NOW, THEREFORE, BE IT RESOLVED that the Minnehaha Creek***  
168 ***Watershed District Board of Managers hereby adopts the attached report as the***

169            *operational direction for MCWD'S CAC and directs the District Administrator*  
170            *to take the actions necessary to implement the recommendations.*

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

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174    Hejmadi:     Aye

175    Loftus:        Aye

176    Sando:        Aye

177    Miller:        Aye

178    Olson:         Aye

179    Maxwell:     Aye

180    White:        Aye

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182    **BOARD DISCUSSION ITEMS**

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184    Permitting Alignment

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186    Mr. Tom Dietrich appeared before the Board of Managers to review the work to update  
187    the District's regulatory program. He noted three main areas of work: human resources,  
188    information technology, and rule revisions. He explained that the focus at this meeting  
189    would be on rule revisions and related efforts. Mr. Dietrich reviewed the key drivers for  
190    change in the regulatory program:

191

- 192            1. Rules are found onerous, not aligned with the standards of other agencies, the rule  
193            language is technically dense, and the rules are broad in scope, including  
194            regulation of some activities that are low risk;
- 195            2. Compliance actions are constrained and lack a risk management framework;
- 196            3. Applicants engage with the program late in the land use/development process; and
- 197            4. The program is lacking an overall policy framework.

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199    Mr. Dietrich discussed efforts to improve the regulatory program, including simplifying  
200    rule language; alignment of standards and elimination of overlap; early engagement;  
201    adding value through technical assistance and the responsive model; a refined compliance  
202    framework; and investment in staff. He then turned to more detailed review of proposed  
203    changes to the erosion control, stormwater management, wetland protection and  
204    waterbody crossings rules. The managers thanked Mr. Dietrich for this presentation.

205

206    **Closed Session: 325 Blake Road Development**

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208    Mr. Michael Hayman and Mr. Gabe Sherman appeared before the Board of Managers  
209    and recommended going into closed session for the purpose of discussing the  
210    development of potential terms for the sale of 325 Blake Road in Hopkins. *It was moved*  
211    *by Manager Maxwell, seconded by Manager Miller to move into closed session for the*

212 *purpose of discussing the development of potential terms for the sale of 325 Blake*  
213 *Road in Hopkins. Upon roll call vote, the motion carried, 7-0 as follows:*

214  
215 Hejmadi: Aye  
216 Loftus: Aye  
217 Sando: Aye  
218 Miller: Aye  
219 Olson: Aye  
220 Maxwell: Aye  
221 White: Aye

222  
223 The Board of Managers went into closed session. The Board of Managers returned to  
224 open session.

225  
226 **STAFF UPDATES**

227  
228 Administrator's Report

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230 Mr. Wisker noted that he would be working to schedule a Board retreat in July or August  
231 and would circulate date options.

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233 **Adjournment**

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235 There being no further business, President White declared the meeting of the Board of  
236 Managers adjourned at 11:25 p.m.

237  
238 Respectfully submitted,

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242 Eugene Maxwell, Secretary