

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

4
5 **October 11, 2018**

6
7 **CALL TO ORDER**

8 The regular meeting of the Minnehaha Creek Watershed District was called to order by President
9 Sherry White at 7:00 p.m. on October 11, 2018, at the District office, 15320 Minnetonka
10 Boulevard, Minnetonka, Minnesota.

11 **MANAGERS PRESENT**

12
13 Sherry White, Brian Shekleton, Richard Miller, Kurt Rogness, William Olson, Jessica Loftus,
14 William Becker.

15 **MANAGERS ABSENT**

16
17 None.

18
19 **DISTRICT STAFF AND CONSULTANTS PRESENT**

20
21 James Wisker, Administrator; Thomas Dietrich, Permitting Program Manager; Elizabeth
22 Showalter, Permitting Technician; Anna Brown, Planner-Project Manager; Renae Clark, Policy
23 and Grants Coordinator; Michael Hayman, Project Planning Manager; Chris Meehan, District
24 Consulting Engineer; Louis Smith, District Counsel.

25
26 **MATTERS FROM THE FLOOR**

27
28 None.

29
30 **APPROVAL OF AGENDA**

31
32 *It was moved by Manager Shekleton, seconded by Manager Becker, that the agenda be*
33 *adopted as distributed. Upon vote, the motion carried, 7-0.*

34 **CONSENT AGENDA**

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36 *It was moved by Manager Miller, seconded by Manager Rogness, to approve the Consent*
37 *Agenda, consisting of approval of the September 27, 2018 Board Minutes. Upon vote, the*
38 *motion carried 7-0.*

39
40 **REGULAR AGENDA**

41 Board, Committee and Task Force Reports
42

43 President White noted the upcoming meeting next week of the Metropolitan Chapter of the
44 Minnesota Association of Watershed Districts. She stated that the agenda would include a
45 discussion of input for the next round of Metro watershed-based funding.

46
47 Manager Shekleton reported that he had attended a meeting of a citizen advisory committee for
48 the Hiawatha golf course planning; the group discussed plans for making a decision about the
49 future of the golf course by next summer.

50
51 **PUBLIC HEARINGS & PRESENTATIONS**

52
53 **Public Hearing on Impoundment of Judicial Ditch 2 – Six Mile Creek**

54
55 President White opened the public hearing on the proposed impoundment of Judicial Ditch 2 -
56 Six Mile Creek. Ms. Anna Brown appeared before the Board of Managers and reviewed the
57 proposed impoundment as part of the carp management strategies for the Six Mile Creek Halsted
58 Bay Habitat Restoration Project. She noted that the District is the drainage authority and
59 pursuant to Minnesota Statutes Section 103E.227, the District is required to conduct an
60 impoundment proceeding in order to determine whether the proposed carp barrier at Six Mile
61 Marsh will have an impact on Judicial Ditch 2. She noted the engineer's report determining that
62 the structure will not impair the utility of the drainage system or deprive affected landowners of
63 its benefit. President White invited comments from the public and there was no one present who
64 wished to provide comment on the matter. President White closed the public hearing.

65
66 **ACTION ITEMS**

67
68 **Resolution 18-107: Authorizing Impoundment of Judicial Ditch 2 – Six Mile Creek**

69
70 President White turned to this item on the agenda to follow the public hearing on the same
71 subject. Ms. Brown noted that this project will also be the subject of a permit application in the
72 future, likely at the meeting of October 25. *Following discussion, it was moved by Manager*
73 *Olson, seconded by Manager Rogness to adopt Resolution 18-107 as presented, authorizing*
74 *the impoundment of Judicial Ditch 2 – Six Mile Creek and finding that this authorization*
75 *requires no modification of the drainage system or use of funds from the JD 2 or any other*
76 *drainage system account. Upon vote, the motion carried, 7-0.*

77
78 **PERMITS REQUIRING A VARIANCE OR DISCUSSION**

79
80 **Permit 18-433: Arden Park**

81
82 Ms. Elizabeth Showalter appeared before the Board of Managers to review the request for board
83 action. She noted that this project is a joint undertaking of the District and the City of Edina.
84 She referred to the lengthy staff report and noted the Board's familiarity with the project. Ms.
85 Showalter provided an overview of the various rule provisions relevant to the permit application,

86 and noted that the application requests an exception in the application of the buffer rule. The
87 District's Variance and Exception rule allows the Board of Managers to grant exceptions from a
88 provision of the rules on a determination that the proposed application will achieve a greater
89 degree of water resource protection than strict compliance with the provision. In this case, the
90 proposed project will result in 0.6 acres of additional wetland habitat creation; an improvement
91 from the invasive monoculture that currently exists today. Additionally, the project provides a
92 substantial water quality benefit through the diversion of storm sewer structures and inclusion of
93 permanent stormwater features for treatment prior to discharge to Minnehaha Creek. Based upon
94 the Applicant's submitted stormwater modeling and calculations the proposed project will reduce
95 discharge rates to the creek, reduce phosphorus loading by approximately 33 lbs. annually, and
96 reduce total suspended solid loading by approximately 18,000 lbs. annually. Ms. Showalter noted
97 that the buffer width and area shortfalls result from the overall design of the project, which was
98 determined through consideration of all relevant ecological and land-use purposes by the project
99 partners. The design, as a whole, balances these considerations, and results in overall ecological
100 improvement and water-resources protection.

101
102 *Following discussion, it was moved by Manager Miller, seconded by Manager Rogness, to*
103 *approve the exception for buffer compliance as requested and based on the staff analysis and*
104 *recommendation and a finding that the project as proposed will achieve a greater degree of*
105 *water resource protection than strict compliance with the buffer rule. Upon vote, the motion*
106 *carried, 7-0.*

107
108 *It was moved by Manager Miller, seconded by Manager Rogness to approve the permit*
109 *application with the specific conditions recommended by staff and to approve the Wetland*
110 *Conservation Act no loss determination as recommended by staff. Upon vote, the motion*
111 *carried, 7-0.*

112
113 Resolution 18-105: Approval of Final Plans and Authorization to Solicit Bids for the Arden Park
114 Restoration Project

115
116 Ms. Renae Clark appeared before the Board of Managers and reviewed the request for board
117 action. She reviewed the process to develop final plans for the Arden Park Restoration Project,
118 and noted that a draft operations plan would be coming to the Board of Managers along with a
119 proposed maintenance agreement when bids are opened in November. Ms. Clark reviewed the
120 planned construction schedule for the project. *Following discussion, it was moved by Manager*
121 *Miller, seconded by Manager Shekleton, to adopt Resolution 18-105, approval of final plans*
122 *and authorization to solicit bids for the Arden Park Restoration Project, as presented.* Upon a
123 question from Manager Loftus, Ms. Clark and Ms. Laura Domyancich explained the tree
124 replacement plan for the site. *Upon vote, the motion carried, 7-0.*

126 Resolution 18-106: Approval of Golden Valley Local Water Management Plan

127
128 Ms. Renae Clark appeared before the Board of Managers to review the request for board action.
129 She reviewed the framework and process for evaluating local plans, and noted the location of the
130 80 acres of Golden Valley within the District at the southeast corner of the Highway 100/I-394
131 intersection. *It was moved by Manager Miller, seconded by Manager Rogness, to adopt*
132 *Resolution 18-106, approval of the Golden Valley Local Water Management Plan. Upon vote,*
133 *the motion carried, 7-0.*

134
135 **BOARD DISCUSSION ITEMS**

136
137 **STAFF UPDATES**

138
139 President White asked Mr. Wisker to provide the Administrator's Report before turning to the
140 discussion of 325 Blake Road redevelopment in closed session.

141
142 Administrator's Report

143 Mr. Wisker reported on the following items:

- 144 1. The Citizens Advisory Committee meeting of October 10 yielded continued productive
145 discussion of the District's regulatory program, and staff will provide a full briefing to
146 the Board of Managers in the future;
- 147 2. Staff presented to the Victoria Water Quality Advisory Committee, largely lakes
148 residents, on priorities for Six Mile Creek Halstead's Bay improvements; this
149 presentation was well received with good discussion;
- 150 3. Lake Minnetonka at 928.5 and the Grays Bay control structure discharge is at currently at
151 50 cfs; fall drawdown procedures will be commenced shortly;
- 152 4. The multi-agency group on Nokomis and south Minneapolis flooding will be holding an
153 open house on October 24;
- 154 5. Staff is working on plans for an upcoming planting in Minnehaha Preserve with Great
155 River Greening;
- 156 6. Master Water Stewards have a new cohort of 10; staff is working with Freshwater
157 Society on updated curriculum; Manager Miller suggested education to keep Stewards
158 well informed about District projects and activities.

159 Redevelopment and Sale of 325 Blake Road Property

160 Mr. Michael Hayman appeared before the Board of Managers to provide a briefing on the
161 development of the terms of potential sale of 325 Blake Road in Hopkins and recommended that
162 the Board discuss this matter in closed session. It was moved by Manager Shekleton, seconded
163 by Manager Becker, that the Board move into closed session to discuss the development of terms
164 of the potential sale of 325 Blake Road in Hopkins. Upon vote, the motion carried, 7-0.

Minutes of the Regular Meeting
Minnehaha Creek Watershed District
Board of Managers
10-11-2018

165 Whereupon the Board of Managers went into closed session at 8:10 p.m. The Board of
166 Managers returned to open session at 8:38 p.m.

167 **ADJOURNMENT**

168

169 There being no further business, the meeting of the board of managers was adjourned at 8:38
170 p.m.

171 Respectfully submitted,

172

173

174

175 Kurt Rogness, Secretary

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