

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

4  
5                                   **October 6, 2022**

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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 October 6, 2022.

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12                                   **MANAGERS PRESENT**

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

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16                                   **MANAGERS ABSENT**

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18                                   William Olson, Arun Hejmadi.

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20                                   **DISTRICT STAFF AND CONSULTANTS PRESENT**

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

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28                                   **APPROVAL OF AGENDA**

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

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33                                   **MATTERS FROM THE FLOOR**

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35                                   None.

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37                                   **INFORMATION ITEMS/CORRESPONDENCE**

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39                                   None.

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41                                   **CONSENT AGENDA**

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43                                   *It was moved by Manager Miller, seconded by Manager Loftus, to approve the items on*  
44                                   *the Consent Agenda consisting of approval of the September 22, 2022, Board meeting*  
45                                   *minutes and adoption of the following resolution:*  
46

47 ***Resolution 22-060: 2022 American Geophysical Union Conference Attendance***  
48

49 ***NOW, THEREFORE, BE IT RESOLVED that the Minnehaha Creek***  
50 ***Watershed District Board of Managers authorizes four (4) staff to attend the***  
51 ***American Geophysical Union National Conference for a cost not to exceed***  
52 ***\$7,000 for registration, travel, and accommodations.***  
53

54 ***Upon vote, the motion carried 5-0.***  
55

56 **BOARD, COMMITTEE AND TASK FORCE REPORTS**  
57

58 Citizen Advisory Committee: Manager Sando reported that Mr. Wisker and District  
59 Counsel Smith presented District history, philosophy, successes, challenges, and goals.  
60 Good questions were asked and there was a good discussion.  
61

62 Upcoming Meetings: President White noted that Manager Olson will attend the  
63 upcoming meeting of the Metro chapter, Minnesota Association of Watershed Districts,  
64 and that Manager Hejmadi will represent the Board of Managers at the Citizen Advisory  
65 Committee meeting in November.  
66

67 **PUBLIC HEARINGS & PRESENTATIONS**  
68

69 None.  
70

71 **ACTION ITEMS**  
72

73 None.  
74

75 **BOARD DISCUSSION ITEMS**  
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77 East Auburn Wetland Assessment Findings  
78

79 Ms. Kailey Cermak presented on District work assessing the wetland system between  
80 Wassermann and East Auburn Lakes. She provided an overview that included District  
81 projects to date benefitting Wassermann Lake water quality, reviewed past and most  
82 recent monitoring, and recommended next steps. The work has shown that phosphorus  
83 loading increases as water passes through the wetland complex, and that the flow  
84 accounts for 135 pounds/year of phosphorus loading to East Auburn Lake.  
85

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

90  
91 Responding to Manager Loftus, Ms. Cermak identified three categories of project  
92 approach: trapping, removing and treating phosphorus. Manager Miller suggested that  
93 dredging may be the best choice, even if costly, particularly now that agricultural use  
94 within the drainage area has diminished greatly and the area has developed. Ms. Cermak  
95 replied that dredging has been the typical approach, but it's important to understand the  
96 spatial distribution and movement of phosphorus through the wetland to optimize  
97 dredging. Replying to a question from Manager Miller, Ms. Cermak and Mr. Brian Beck  
98 emphasized the efficiency offered by the fact that a wetland of manageable area is a  
99 concentrated loading source.

100  
101 Manager Maxwell asked how the drought has affected results and their interpretation.  
102 Ms. Cermak replied that the channel has relied on groundwater for baseline flow, and that  
103 a phosphorus spike was evident in the groundwater flow.

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105 Minnehaha Preserve Boardwalk Update

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

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110 **BOARD INQUIRIES, ISSUES AND IDEAS**

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112 None.

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114 **STAFF UPDATES**

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116 Land & Water Partnership Program Opportunity Update – Holy Name Development

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

123  
124 The property owner would like to develop bank credits for both state and federal use. It  
125 retained Stantec, which prepared a draft prospectus for review by the Minnesota Board of  
126 Water and Soil Resources and the U.S. Army Corps of Engineers. Both agencies raised  
127 concerns about the fragmentation of the wetland bank and its proximity to the developed  
128 area of the proposed residential subdivision, and about reliable long-term management of  
129 the wetland.

130  
131 Stantec has updated the site concept to reduce fragmentation without loss of potential  
132 wetland credits of about 19.4 acres. District staff have engaged with the property owner

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

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

140  
141 Manager Loftus urged that the question of the District's role be considered carefully. She  
142 asked whether the public benefit is sufficient to justify the District's assuming this role in  
143 a private project. Manager Miller noted that when the District has looked to others to  
144 manage resources, it often has been dissatisfied with the outcome. Mr. Wisker agreed that  
145 the policy question is important, and advised that before staff brings forward a proposed  
146 agreement, it will offer a policy framework by which the Board would make judgments  
147 of participation in these types of projects. He noted several somewhat analogous past  
148 projects and that the District's role in each was considered on a case-specific basis. For  
149 example, the District lent technical assistance to development of the Mader wetland bank  
150 to advance its policy goal of locating wetland replacement within the watershed.

151  
152 Manager Miller noted that in these instances, the District is creating public value by use  
153 of its technical skills rather than its regulatory authority. Manager Loftus urged that the  
154 District account for all of the costs it would incur in the role it would assume.

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156 **BOARD DISCUSSION ITEMS (Continued)**

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158 Minnehaha Preserve Boardwalk Update

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

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165 The Board reconvened in open session.

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167 **STAFF UPDATES (Continued)**

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169 Administrator's Report

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171 Mr. Wisker reported on the following items:

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

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

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

186  
187 Mr. Wisker asked for an indication of manager concern. None was offered.

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189 3. Mr. Wisker advised that the kickoff meeting of the rulemaking technical advisory  
190 committee occurred last week. He reported that the meeting went very well and he  
191 perceives a good collaborative environment.

192  
193 4. Mr. Wisker will be traveling next week and would like Ms. Becky Christopher to  
194 serve as Acting Administrator during his absence.

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

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201 **Adjournment**

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

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206 Respectfully submitted,

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209  
210 Eugene Maxwell, Secretary  
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