MINUTES OF THE REGULAR MEETING OF
THE MINNEHAHA CREEK WATERSHED DISTRICT
BOARD OF MANAGERS

January 14, 2021

CALL TO ORDER

The regular meeting of the Minnehaha Creek Watershed District was called to order by
President Sherry White at 7:00 p.m. on January 14, 2021. President White noted that this
meeting was convened electronically through WebEx, pursuant to Minnesota Statutes
13D.021, due to the COVID-19 pandemic and her determination that it is not prudent for
the Board of Managers, or any committee thereof, to meet in person, and it is not feasible
to provide for any member of the Board, or of the public, to meet at the regular meeting
location. For this reason, until this determination is withdrawn by the District’s presiding
officer, chief legal counsel or chief administrative officer, the meetings of the Board and
its committees will be convened by telephone or other electronic means as the presiding
officer determines appropriate. All such meetings will be noticed and conducted in
accordance with §13D.021 and all other applicable terms of the Open Meeting Law.
President White noted that, pursuant to §13D.021, all votes will be by roll call.

President White called the roll to note attendance:

Hejmadi: Present
Loftus: Present
Rogness: Present
Miller: Present
Olson: Present
Maxwell: Present
White: Present

DISTRICT STAFF AND CONSULTANTS PRESENT

James Wisker, Administrator; Grace Barlow, Permitting Technician; Anna Brown,
Planner – Project Manager; Tom Dietrich, Permitting Program Manager; Brian Beck,
Research and Monitoring Program Manager; Marissa Castro, Research and Monitoring
Field Technician; Tom Langer, Aquatic Ecologist; Chris Meehan, Consulting Engineer;
and Louis Smith, District Counsel.

MATTERS FROM THE FLOOR

None.
APPROVAL OF AGENDA

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

Hejmadi: Aye
Loftus: Aye
Rogness: Aye
Miller: Absent
Olson: Aye
Maxwell: Aye
White: Aye

INFORMATION ITEMS/CORRESPONDENCE

Introduction of New Staff

Brian Beck appeared before the Board of Managers and introduced Marissa Castro, new hired as a research and monitoring field technician. Ms. Castro described her education and experience, and interest in working at the District. The managers welcomed Ms. Castro to the District.

CONSENT AGENDA

It was moved by Manager Olson, seconded by Manager Miller, to approve the Consent Agenda consisting of approval of the December 17, 2020 Board minutes, the General Checking Account consisting of checks 41421 through 41444 in the amount of $194,542.61; electronic funds withdrawals in the amount of $31,530.33; manager per diems and reimbursement direct deposits in the amount of $5,787.23; employee reimbursements - direct deposits in the amount of $915.11; and payroll direct deposits in the amount of $163,444.26; for Total General Checking expenses of $396,219.54; and no charges to the surety checking account or wire/electronic fund transfers; and the following resolutions:

Resolution 21-001: Approval of the 2021 Depository of District Funds

NOW, THEREFORE, BE IT RESOLVED that the Minnehaha Creek Watershed District Board of Managers hereby names Bremer Bank as the 2021 official depository of District Funds.

Resolution 21-002: Approval of the 2021 Official District Newspaper

NOW, THEREFORE, BE IT RESOLVED that the Minnehaha Creek Watershed District Board of Managers hereby names the
Resolution 21-003: Approval of the 2021 District Fee Schedule

NOW, THEREFORE, BE IT RESOLVED that the Minnehaha Creek Watershed District Board of Managers hereby approves the following 2021 District fee schedule:

2021 District Fee Schedule

<table>
<thead>
<tr>
<th>Service</th>
<th>Rate</th>
</tr>
</thead>
<tbody>
<tr>
<td>District professional staff*</td>
<td>$65.51</td>
</tr>
<tr>
<td>District administrative staff*</td>
<td>$46.69</td>
</tr>
<tr>
<td>Consulting Engineer/Technician</td>
<td>Contracted Rate</td>
</tr>
<tr>
<td>District Counsel</td>
<td>Contracted Rate</td>
</tr>
<tr>
<td>Permit Application Fee</td>
<td>$10.00</td>
</tr>
<tr>
<td>B&amp;W Copy Costs (8½ x 11 page)</td>
<td>$0.25 + actual staff time</td>
</tr>
<tr>
<td>Color Copy (8½ x 11 page)</td>
<td>$1.00 + actual staff time</td>
</tr>
<tr>
<td>Electronic Records</td>
<td>Cost of production</td>
</tr>
</tbody>
</table>

District expenses for postage, mailing labels, contracted services, and other miscellaneous services will be billed at cost.

The “Application Fee” applies to all permits, including fast track permits.

*Blended/burdened professional rate.

Resolution 21-006: Recognition of Carver County Commissioner Maluchnik’s Service

NOW, THEREFORE, BE IT RESOLVED that the Minnehaha Creek Watershed District Board of Managers hereby expresses its deep gratitude and appreciation for the service of Commissioner Maluchnik, and wishes him the very best of happiness, health and wellbeing in all of his future pursuits.

Resolution 21-007: Authorization to Execute Amended Agreements with the MN DNR and Wenck for Improved Floodplain Modeling and Mapping Updates

NOW, THEREFORE, BE IT RESOLVED that the District Administrator is hereby authorized to execute the second amendment to the September 28, 2018 DNR grant agreement, with any final changes on advice of counsel;

NOW, THEREFORE BE IT ALSO RESOLVED that the District Administrator is authorized to execute an amended contract with Wenck to update the floodplain modeling and mapping for the Minnehaha Creek Watershed District for an amount not to exceed $72,900.
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Upon roll call vote, the motion carried, 7-0 as follows:

Hejmadi: Aye
Loftus: Aye
Rogness: Aye
Miller: Aye
Olson: Aye
Maxwell: Aye
White: Aye

BOARD, COMMITTEE AND TASK FORCE REPORTS

President’s Report: President White noted that she and Manager Olson have had three meetings with county commissioners recently, and more meetings are to come soon.

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. She noted that Manager Loftus would be the Board liaison to the Citizens Advisory Committee meeting on January 20.

PERMITS REQUIRING A VARIANCE OR DISCUSSION

Permit 20-455: St. Stephen’s Episcopal Church – 4439 W. 50th St., Edina

Mr. Tom Dietrich appeared before the Board of Managers and reviewed the permit report. He explained that the church has applied for a permit to replace an existing retaining wall at Minnehaha Creek. He explained that the requirements of the erosion control, floodplain alteration and shoreline and streambank stabilization rules are met. The existing stone retaining wall would be replaced by steel sheet pile. Members of the public requested a hearing on the permit application.

Upon a question from Manager Rogness, Mr. Dietrich explained that the site should have adequate space for a pile driver to install the sheet pile. Upon a question from Manager Maxwell, Mr. Dietrich noted that alternatives to sheet pile had been explored, but replacement in kind was determined by the applicant not to be practical in terms of cost.

Mr. Tom Rose, 5011 Wooddale Lane, appeared before the Board of Managers and noted the varied perspectives on the height of the retaining wall, concerns about the proposed wall’s appearance, and response to creek flow.

Mr. Chris Kellick, 5013 Wooddale Lane, appeared before the Board of Managers and noted that he was disappointed with the aesthetics of the proposed retaining wall, and that he appreciated the District’s attention to aesthetics with the Arden Park project.
Mr. Jim Korslund, 4606 Casco Avenue, appeared on behalf of St. Stephen’s church, noting that he was a member of the church and a neighbor. He explained the need to replace the failing retaining wall, and reviewed the plans for a limestone cap on the sheetpile, as well as plantings to grow over the edge. Mr. Tom Weigel, 5184 Abercrombie Drive, appeared on behalf of St. Stephen’s church and affirmed Mr. Korslund’s comments.

Upon a question from Manager Olson, Mr. Korslund noted that the church basement experienced minor flooding during the flood of 2014. Mr. Chris Meehan explained opportunities to enhance the aesthetics of a sheet pile retaining wall with laser etching and greenery.

It was moved by Manager Miller, seconded by Manager Hejmadi to approve the permit application with the condition and stipulation recommended by staff. Manager Maxwell noted that resident concerns about potential graffiti tagging on the sheet pile should be addressed promptly under city ordinance. Upon a question from President White, Mr. Meehan explained that there should not be erosion and scouring at this location of the creek, given lower velocity. Upon request from Manager Hejmadi, Mr. Korslund reviewed the aesthetic measures with plantings in detail.

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

Hejmadi: Aye
Loftus: Aye
Rogness: Aye
Miller: Aye
Olson: Aye
Maxwell: Aye
White: Aye

Permit 20-625: West Auburn Carp Barrier, Victoria

Ms. Grace Barlow appeared before the Board of Managers to review the permit application, noting that this is for an MCWD installation of a carp barrier within the Six Mile Creek Subwatershed. She noted that the project meets the requirements of the erosion control, floodplain alteration, and shoreline and streambank stabilization rules, but does not meet one requirement of the waterbody crossings and structures rule, section 3 - d concerning wildlife passage. Accordingly, the application seeks the granting of an exception. Ms. Barlow provided an overview of the project to address the invasive carp problem in the Six Mile Creek Halsted Bay Subwatershed, and explained the purpose to block carp and facilitate their removal, but the design of the barrier will allow smaller native fish species to pass. District staff will also regularly inspect the barrier and seek to minimize on other wildlife.
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It was moved by Manager Miller, seconded by Manager Olson to grant the exception under the variance and exception rule based on the analysis set forth in the permit report. Upon a question from Manager Hejmadi, Ms. Anna Brown appeared before the Board of Managers and explained that staff will be able to raise the barrier manually during regular weekly inspections to allow native species passage.

Upon roll call vote, the motion to grant the exception as recommended by staff carried, 7-0 as follows:

Hejmadi: Aye
Loftus: Aye
Rogness: Aye
Miller: Aye
Olson: Aye
Maxwell: Aye
White: Aye

It was moved by Manager Miller, seconded by Manager Hejmadi to approve the permit with the conditions recommended by staff. Upon a question from Mr. Smith, Ms. Barlow explained that there is no existing navigation capacity at the site of the proposed carp barrier, a box culvert at the outlet of West Auburn Lake into Six Mile Creek, which Mr. Meehan affirmed. Upon a question from Manager Olson, Ms. Brown noted that the creek at this location has not been known to run dry, but has been observed at very low flow.

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

Hejmadi: Aye
Loftus: Aye
Rogness: Aye
Miller: Aye
Olson: Aye
Maxwell: Aye
White: Aye

ACTION ITEMS

Resolution 21-004: Contract Award for West Auburn Carp Barrier

Ms. Brown reviewed the request for board action. She reviewed the quotes obtained and the recommendation to award the contract to Blackstone with a ten percent contingency
for a total budget not to exceed $37,500. *It was moved by Manager Miller, seconded by Manager Hejmadi to adopt Resolution 21-004 as follows:*

NOW, THEREFORE, BE IT RESOLVED that the Minnehaha Creek Watershed District Board of Managers authorizes the District Administrator, on advice of counsel, to execute a contract with Blackstone Contractors for $34,120.

BE IT FURTHER RESOLVED that the Minnehaha Creek Watershed District Board of Managers establishes a not to exceed budget of $37,500, and authorizes the District Administrator to issue change orders up to that amount.

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

Hejmadi: Aye
Loftus: Aye
Rogness: Aye
Miller: Aye
Olson: Aye
Maxwell: Aye
White: Aye

Resolution 21-005: Winter Commercial Seines in Six Mile Creek Halsted’s Bay Subwatershed

Mr. Tom Langer appeared before the board of managers to review the request for board action. He reviewed past efforts for carp removal at Parley and Zumbra Lakes, and the proposed contracts for removal this winter at these two lakes. *It was moved by Manager Miller, seconded by Manager Olson to adopt Resolution 21-005 as follows:*

NOW, THEREFORE, BE IT RESOLVED that the Minnehaha Creek Watershed District Board of Managers authorizes the District Administrator, on advice of counsel, to execute contracts with WSB & Associates to aid in the removal of common carp in the Six Mile Creek-Halsted Bay Subwatershed consistent with the Lessard-Sams Outdoor Heritage Council Grant Accomplishment Plan in an amount not to exceed $41,515.

Upon a question from Manager Miller, Mr. Langer reviewed overall carp removal success to date, about 15,000 carp removed, which is about 33% of the total removal goal. Upon a question from Manager Maxwell, Mr. Langer reviewed the site reconnaissance process to determine effective removal opportunities. Manager Hejmadi asked whether the original goals of the Lessard Sams Outdoor Heritage Commission grant will be met, and Mr. Langer reviewed the key metrics of bringing lakes in the Subwatershed below the target density of less than 100 pounds of carp per hectare.
There being no further discussion, upon roll call vote, the motion carried 7-0 as follows:

Hejmadi: Aye
Loftus: Aye
Rogness: Aye
Miller: Aye
Olson: Aye
Maxwell: Aye
White: Aye

Election of Board Officers and Appointment of Committee Assignments

President White invited nominations of board officers. It was moved by Manager Maxwell, seconded by Manager Hejmadi to elect the same slate of officers as served in 2020: President, Sherry White; Vice President, William Olson; Secretary, Kurt Rogness; and Treasurer, Jessica Loftus.

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

Hejmadi: Aye
Loftus: Aye
Rogness: Aye
Miller: Aye
Olson: Aye
Maxwell: Aye
White: Aye

President White designated managers to continue with the same committee assignments from the previous year. It was moved by Manager Olson, seconded by Manager Maxwell to confirm these appointments.

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

Hejmadi: Aye
Loftus: Aye
Rogness: Aye
Miller: Aye
Olson: Aye
Maxwell: Aye
White: Aye
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STAFF UPDATES

Administrator’s Report

Mr. Wisker reported on the following items:

1. The process for soliciting letters of interest from developers in the 325 Blake Road site has begun, and the HDR consultant team facilitated a very impressive and exciting kickoff meeting; letters of interest are due January 29;
2. President White, Manager Olson and Mr. Wisker have held meetings with three Carver County Commissioners to brief them on District matters;
3. Staff are completing the professional development review process for 2020;
4. Mr. Wisker is working with Mr. Smith on a scope of services to conduct a strategic historical review and will be bringing a proposal to the Board of Managers at the next meeting on January 28;
5. KSTP has covered the recent aggregation of fish below the Gray’s Bay control structure, which happens most winters, and concern among fishermen and women for winter kill;
6. Mr. Wisker will work with President White to prepare for his performance review at the end of January.

Adjournment

There being no further business, President White declared the meeting of the Board of Managers adjourned at 9:02 p.m.

Respectfully submitted,

Kurt Rogness, Secretary