



47 Miller: Aye  
48 Olson: Aye  
49 Maxwell: Aye  
50 White: Aye

51

52 **OATH OF OFFICE**

53

54 Mr. Smith administered the oath of office to Manager William Olson, who was recently  
55 reappointed by the Carver County Board of Commissioners to a new three-year term.

56

57 **NEW EMPLOYEE INTRODUCTION**

58

59 Mr. Brian Beck introduced Ms. Kayleigh Blommer as a new Research & Monitoring  
60 Field Assistant. The managers welcomed Ms. Blommer to the District.

61

62 **MATTERS FROM THE FLOOR**

63

64 None.

65

66 **CONSENT AGENDA**

67

68 *It was moved by Manager Hejmadi, seconded by Manager Sando, to approve the items*  
69 *on the Consent Agenda consisting of approval of the March 24, 2022 Board meeting*  
70 *minutes; and adoption of the following resolutions:*

71

72 ***Resolution 22-017: Authorization to Renew GIS and WISKI Maintenance and License***  
73 ***Agreements:***

74

75 ***NOW, THEREFORE, BE IT RESOLVED that the Minnehaha Creek***  
76 ***Watershed District Board of Managers hereby authorizes the renewal of GIS***  
77 ***software maintenance and licenses for an amount of \$15,717.00.***

78

79 ***AND, NOW THEREFORE, BE FURTHER RESOLVED that the Minnehaha***  
80 ***Creek Watershed District Board of Managers hereby authorizes the renewal of***  
81 ***WISKI software maintenance and licenses for an amount of \$14,957.00.***

82

83 ***Resolution 22-018: Authorization to Submit Annual Report to the Board of Water and***  
84 ***Soil Resources and Department of Natural Resources :***

85

86 ***NOW, THEREFORE, BE IT RESOLVED that the Minnehaha Creek***  
87 ***Watershed District Board of Managers accepts the 2021 Annual Activity Report***  
88 ***and authorizes its release to BWSR and DNR.***

89

90 ***Resolution 22-019: Authorization to Extend Five Vegetation Maintenance Contracts***  
91 ***Through 2022:***

92  
93 ***NOW, THEREFORE, BE IT RESOLVED that the Minnehaha Creek***  
94 ***Watershed District Board of Managers authorize the District Administrator, on***  
95 ***advice of District Counsel, to amend a contract with Landbridge Ecological***  
96 ***with a scope of services for one year of vegetation maintenance at the***  
97 ***Minnehaha Creek Greenway sites in the amount of \$24,999 and that the Board***  
98 ***establishes a Minnehaha Creek Greenway sites project maintenance budget in***  
99 ***the not-to-exceed amount of \$27,498.90 and authorizes the District***  
100 ***Administrator, in his judgement, to authorize change orders obligating MCWD***  
101 ***up to that amount; and***  
102

103 ***BE IT FURTHER RESOLVED that the District Administrator is authorized, on***  
104 ***advice of District Counsel, to amend a contract with Prairie Restorations, Inc.***  
105 ***with a scope of services for one year of vegetation maintenance at the Six Mile***  
106 ***Marsh Prairie Restoration and Laketown Wetland sites in the amount of***  
107 ***\$31,900 and that the Board establishes a Six Mile Marsh Prairie Restoration***  
108 ***and Laketown Wetland sites project maintenance budget in the not-to-exceed***  
109 ***amount of \$35,090 and authorizes the District Administrator, in his judgement,***  
110 ***to authorize change orders obligating MCWD up to that amount; and***  
111

112 ***BE IT FURTHER RESOLVED that the District Administrator is authorized, on***  
113 ***advice of District Counsel, to amend a contract with Landbridge Ecological***  
114 ***with a scope of services for one year of vegetation maintenance at the Pond***  
115 ***Buffers & Shoreline sites in the amount of \$49,490 and that the Board***  
116 ***establishes a the Pond Buffers & Shoreline sites project maintenance budget in***  
117 ***the not-to-exceed amount of \$54,439 and authorizes the District Administrator,***  
118 ***in his judgement, to authorize change orders obligating MCWD up to that***  
119 ***amount; and***  
120

121 ***BE IT FURTHER RESOLVED that the District Administrator is authorized, on***  
122 ***advice of District Counsel, to amend a contract with Minnesota Native***  
123 ***Landscapes with a scope of services for one year of vegetation maintenance at***  
124 ***the West & Southwest sites in the amount of \$47,980 and that the Board***  
125 ***establishes a West & Southwest sites project maintenance budget in the not-to-***  
126 ***exceed amount of \$52,778 and authorizes the District Administrator, in his***  
127 ***judgement, to authorize change orders obligating MCWD up to that amount;***  
128 ***and***  
129

130 ***BE IT FINALLY RESOLVED that the District Administrator is authorized, on***  
131 ***advice of District Counsel, to amend a contract with Natural Shore***  
132 ***Technologies with a scope of services for one year of vegetation maintenance at***

133 *the CR 101 Shoreline and Jennings Bay Wetland sites in the amount of \$4,000*  
134 *and that the Board establishes the CR 101 Shoreline and Jennings Bay Wetland*  
135 *sites project maintenance budget in the not-to-exceed amount of \$4,400 and*  
136 *authorizes the District Administrator, in his judgement, to authorize change*  
137 *orders obligating MCWD up to that amount.*

138  
139 **Resolution 22-020: Acceptance of Donation:**

140  
141 ***NOW, THEREFORE, BE IT RESOLVED that the Minnehaha Creek***  
142 ***Watershed District Board of Managers hereby accepts the donation of \$150***  
143 ***from the Gleason Lake Improvement Association and authorizes the deposit of***  
144 ***the donation into the District's general fund.***

145  
146 ***Upon roll call vote, the motion carried 7-0 as follows:***

147  
148 Hejmadi: Aye  
149 Loftus: Aye  
150 Sando: Aye  
151 Miller: Aye  
152 Olson: Aye  
153 Maxwell: Aye  
154 White: Aye

155  
156 **BOARD, COMMITTEE AND TASK FORCE REPORTS**

157  
158 President's Report: President White reported on a recent meeting with Managers Miller  
159 and Hejmadi as liaisons to the City of Minneapolis.

160  
161 Operations and Programs Committee: Manager Loftus reported that the committee had a  
162 briefing on the potential projects in the Minnehaha Parkway Subwatershed, which will  
163 involve engagement with the City of Minneapolis, Minneapolis Park & Recreation Board  
164 and the potential renewal of a Memorandum of Understanding.

165  
166 Upcoming Meeting and Event Schedule: President White directed the managers to the  
167 meetings listed on the agenda.

168  
169 **PERMITS REQUIRING A VARIANCE OR DISCUSSION**

170  
171 Permit Application 22-016: Morningside Flood Risk Reduction Project (Edina)  
172 Ms. Abigail Ernst appeared before the Board of Managers to review the permit  
173 application. She reviewed the site area, project description, and application of the  
174 MCWD Rules. She explained that based on the submitted design information the project  
175 complies with applicable MCWD regulations, but a consequence of the proposed

176 pumping is a decrease in efficiency in the downstream stormwater management ponds  
177 adjacent to Bde Maka Ska, due to their receiving a larger annual volume of water under  
178 the proposed project conditions. Therefore, as presently designed, while providing  
179 upstream water quality improvements, the project would have the unintended effect of  
180 increasing total phosphorus (TP) on the order of 8lbs annually and increasing total  
181 suspended solids (TSS) on the order of 1900lbs annually to Bde Maka Ska. This  
182 represents roughly 1% of the annual watershed phosphorus load to Bde Maka Ska.  
183

184 The MCWD stormwater management rule does not contain a specific criterion addressing  
185 this type of volume or water quality impact, although counsel advises that the Board of  
186 Managers, on the basis of the atypical nature of the impact, does have the authority to  
187 impose conditions to address it. The City of Edina is interested in working collaboratively  
188 with the Minnehaha Creek Watershed District and the Minneapolis Park and Recreation  
189 Board to explore solutions to offset this impact, which may also present the opportunity  
190 to create a net improvement in water quality by reducing phosphorus discharge to Bde  
191 Maka Ska beyond the eight pounds annually needed to mitigate the project increase. This  
192 collaboration would take place through a cooperative agreement which is a recommended  
193 condition of approval to the permit.  
194

195 Mr. Scot Neal and Mr. Ross Bintner were present on behalf of the City of Edina and  
196 expressed the City's support for the agreement and thanked the staff for the collaborative  
197 effort to produce it.  
198

199 ***It was moved by Manager Miller, seconded by Manager Hejmadi to approve the permit***  
200 ***application with the conditions and stipulation recommended by staff, including the***  
201 ***cooperative agreement.***  
202

203 Upon a question from Manager Maxwell, Ms. Ernst confirmed that the City of Edina  
204 supports the staff recommendation, including the cooperative agreement. Upon questions  
205 from Manager Loftus, Ms. Ernst explained that District Engineer would review the  
206 proposed pumping plan, and that the storm sewer system in the area is collaboratively  
207 managed by the City of Minneapolis and the City of Edina. Manager Miller noted the  
208 unique history of the Morningside area and expressed his appreciation for the  
209 collaborative staff work, and Edina's willingness to engage in a look at the larger  
210 watershed issues.  
211

212 ***Upon roll call vote, the motion carried 7-0 as follows:***  
213

214 Hejmadi: Aye  
215 Loftus: Aye  
216 Sando: Aye  
217 Miller: Aye  
218 Olson: Aye

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219 Maxwell: Aye  
220 White: Aye

221

222 **ACTION ITEMS**

223

224 Resolution 22-021: Authorization to Contract with Stantec for Wassermann Lake Alum  
225 Treatment Design and Construction Oversight

226

227 Ms. Anna Brown appeared before the Board of Managers to review the request for board  
228 action. She reviewed the project background, and explained the reasons for  
229 recommending that the contract be awarded to Stantec. *It was moved by Manager*  
230 *Olson, seconded by Manager Sando to adopt Resolution 22-021 as follows:*

231

232 ***NOW, THEREFORE, BE IT RESOLVED, that the Minnehaha Creek***  
233 ***Watershed District Board of Managers hereby authorizes the District***  
234 ***Administrator, on advice of counsel, to execute a contract with Stantec for***  
235 ***\$31,000 to develop specifications and provide construction oversight for the***  
236 ***Wassermann Lake internal load management project.***

237

238 Upon a question from Manager Olson, Ms. Brown and Mr. Meehan explained the process  
239 for determining the alum dosing concentration.

240

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

242

243 Hejmadi: Aye  
244 Loftus: Aye  
245 Sando: Aye  
246 Miller: Aye  
247 Olson: Aye  
248 Maxwell: Aye  
249 White: Aye

250

251 Resolution 22-022: Award of Contract for Six Mile Marsh Prairie Trail Construction

252

253 Ms. Brown reviewed the request for board action. She reviewed the design process and  
254 effort to rebid the project with design changes in light of high bids in the initial bidding  
255 process. She noted that Urban Companies was determined to be a responsive bidder, but  
256 staff determined that some information was missing in its bid. Counsel has reviewed the  
257 matter as explained in the request for board action and has concluded that the Board may  
258 waive the indicated irregularities and consider the bid responsive. She noted the base bid  
259 and the five add alternates; adding all five alternates would require amending the project  
260 budget. She noted that staff recommended omitting the add alternative #5 Trail Surface

261 (\$19,131.20). *It was moved by Manager Olson, seconded by Manager Miller to adopt*  
262 *Resolution 22-022 as follows:*

263  
264 ***THEREFORE BE IT RESOLVED that the MCWD Board of Managers finds***  
265 ***that the bid submitted by G. Urban Companies, Inc. is the low bid, and is***  
266 ***responsive, and G. Urban Companies, Inc. is a responsible contractor; and***  
267 ***awards the contract, consisting of the base bid and add alternates 2 - 4 to G.***  
268 ***Urban Companies, Inc., for a contract price of \$278,715.75, and directs the***  
269 ***District Administrator to issue the notice of award, return and otherwise***  
270 ***administer bid bonds in accordance with the terms of the request for bids, and***  
271 ***issue the notice to proceed, on advice of counsel and when all submittals***  
272 ***prerequisite thereto have been made;***

273  
274 ***BE IT FURTHER RESOLVED that the MCWD Board of Managers establishes***  
275 ***a contract budget in the not-to-exceed amount of \$293,000, and authorizes the***  
276 ***Administrator, on advice of counsel, to approve work change orders up to that***  
277 ***aggregate amount.***

278  
279 ***BE IT FINALLY RESOLVED that the MCWD Board of Managers directs the***  
280 ***District Administrator to return to the Board with a proposed amendment to the***  
281 ***construction budget and transfer of funds.***

282  
283 Upon a question from Manager Loftus, Ms. Brown explained the design intention for the  
284 loungers (add alternate 3). Manager Miller noted the MCWD's investment in acquiring  
285 the land and restoration, it seems appropriate to invest in these improvements to facilitate  
286 public use of the site. Manager Olson asked whether a traditional bench would be a good  
287 alternative to the loungers, and Manager Maxwell agreed. Upon a question from  
288 Manager Maxwell, Ms. Brown noted that the contractor's work has positive reviews from  
289 other agencies. Manager Hejmadi expressed his hope that the site would be well-used by  
290 school children and that he felt the interpretive features were an important investment.

291  
292 ***It was moved by Manager Miller, seconded by Manager Hejmadi to amend the***  
293 ***Resolution to include add alternate 1: Transect, and to direct staff to explore***  
294 ***replacement of the loungers with a bench, thereby increasing the contract price to***  
295 ***\$333,715.75 and the not-to-exceed contract budget to \$350,000.***

296  
297 ***Upon roll call vote, the motion carried 5-1, as follows:***

298  
299 Hejmadi: Aye  
300 Loftus: Nay  
301 Sando: Absent for vote  
302 Miller: Aye  
303 Olson: Aye

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304 Maxwell: Aye  
305 White: Aye

306

307 ***Upon roll call vote, the motion to adopt Resolution 22-022 as amended carried 5-1 as***  
308 ***follows:***

309

310 Hejmadi: Aye  
311 Loftus: Nay  
312 Sando: Absent for vote  
313 Miller: Aye  
314 Olson: Aye  
315 Maxwell: Aye  
316 White: Aye

317

318 Resolution 22-023: Approval of the 325 Blake Road Purchase and Sale Agreement

319

320 Mr. Michael Hayman appeared before the Board of Managers to review the request for  
321 board action. He reviewed the background and process for development of the purchase  
322 and sale agreement with Alatus.

323

324 ***It was moved by Manager Hejmadi, seconded by Manager Miller to move into closed***  
325 ***session for the purpose of discussing the terms of the sale of 325 Blake Road in***  
326 ***Hopkins.***

327

328 ***Upon roll call vote, the motion carried 6-0 as follows:***

329

330 Hejmadi: Aye  
331 Loftus: Aye  
332 Sando: Absent for vote  
333 Miller: Aye  
334 Olson: Aye  
335 Maxwell: Aye  
336 White: Aye

337

338 Whereupon the Board of Managers went into closed session.

339

340 The Board of Managers returned to open session.

341

342 ***It was moved by Manager Maxwell, seconded by Manager Miller to adopt Resolution***  
343 ***22-023 as follows:***

344

345 ***NOW, THEREFORE, BE IT RESOLVED that the Minnehaha Creek***  
346 ***Watershed District Board of Managers hereby approves the purchase and sale***



347 *agreement between MCWD and Alatus Development, LLC, and authorizes the*  
348 *President to execute the agreement with any non-substantive changes in*  
349 *consultation with legal counsel.*  
350

351 *Upon roll call vote, the motion carried 6-0 as follows:*  
352

353 Hejmadi: Aye  
354 Loftus: Aye  
355 Sando: Absent for vote  
356 Miller: Aye  
357 Olson: Aye  
358 Maxwell: Aye  
359 White: Aye  
360

361 **STAFF UPDATES**  
362

363 **Administrator's Report**  
364

365 Mr. Wisker reported on the following items:  
366

- 367 1. Three new permitting staff have been hired and will start May 2;
  - 368 2. The communications team is in the process of hiring for two positions;
  - 369 3. A planner – project manager position will also be filled soon.
- 370  
371  
372

373 **Adjournment**  
374

375 There being no further business, President White declared the meeting of the Board of  
376 Managers adjourned at 9:05 p.m.  
377

378 Respectfully submitted,  
379

380  
381  
382 Eugene Maxwell, Secretary