

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

**January 26, 2023**

**CALL TO ORDER**

The regular meeting of the Minnehaha Creek Watershed District was called to order by Manager Jessica Loftus at 7:07 p.m. on January 26, 2023.

**MANAGERS PRESENT**

Jessica Loftus, Richard Miller, Arun Hejmadi, and Stephen Sando. Eugene Maxwell was present remotely as duly noticed using interactive technology from Cimarron Golf Resort, 67603 30th Avenue, Cathedral City, California. .

**MANAGERS ABSENT**

Sherry White and William Olson monitored the meeting using interactive technology but did not participate in discussion or vote. ,

**DISTRICT STAFF AND CONSULTANTS PRESENT**

James Wisker, Administrator; Michael Hayman, Project Planning Manager; Gabe Sherman, Planner – Project Manager; Becky Christopher, Policy Planning Manager; Chris Meehan, District Consulting Engineer; Thomas J. Radio, litigation counsel; and Louis Smith, District Counsel.

**APPROVAL OF AGENDA**

*It was moved by Manager Miller, seconded by Manager Sando to approve the Agenda as distributed. Upon vote, the motion carried 5-0 (Managers White and Olson absent).*

**MATTERS FROM THE FLOOR**

None.

**CONSENT AGENDA**

*It was moved by Manager Hejmadi, seconded by Manager Miller, to approve the items on the Consent Agenda consisting of approval of the January 12, 2023, Board meeting minutes, approval of the General Check Register, including check numbers 42167 through 42184 in the amount of \$89,754.87, electronic funds withdrawals of \$31,217.86, Managers Per Diems and Reimbursements of \$0, employee reimbursements of \$0, and payroll electronic funds withdrawals and disbursements of*



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*\$160,249.81 for a total of \$281,222.54; the Surety Check Register for check number 2187 in the amount of \$3,300.00; and the Wire Check Register in the amount of \$148,865.00 to Richfield 2020A for 2013B Refinance; and the following Resolution:*

*Resolution 23-008: Authorization to Renew Metro Watershed Partners Membership*

*NOW, THEREFORE, BE IT RESOLVED that the Minnehaha Creek Watershed District Board of Managers authorize the District Administrator to spend \$6,000 to renew MCWD's Metro Watershed Partners annual membership.*

*Upon vote, the motion carried 5-0 (Managers White and Olson absent).*

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

President's Report: Manager Loftus noted there would be no President's Report given President White's absence.

Policy and Planning Committee: Manager Miller noted that the Committee met earlier in the evening and had a detailed discussion facilitated by Manager Loftus to identify future MCWD priorities in preparation for an upcoming Board retreat.

Upcoming Meeting and Event Schedule: Manager Loftus directed the managers to the meetings listed on the agenda.

### **ACTION ITEMS**

Resolution 23-009: Authorization to Amend the Phase II Design Contract with HDR for 325 Blake Road Restoration and Redevelopment to Include Structural Engineering Services

Mr. Gabe Sherman appeared before the Board of Managers and reviewed the request for board action. He reviewed the design process for the MCWD project elements at 325 Blake Road and noted that a key focus has been how to create a unique, welcoming and visually impactful space at the Gateway to Greenway parcel at the corner of Blake Road and Lake Street. The Board of Managers previously opted to pursue a pergola overlooking Minnehaha Creek with swing benches, an artistic representation of the watershed in the pavement, and lettering on top of the structure reading "Minnehaha Creek," complemented by a native planting area that provides a buffer between Blake Road and the pergola.

In working on the pergola design, the project designers have determined that a structural engineering analysis is necessary to ensure constructability and safety of the structure.



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The proposed scope of work includes structural analysis, connection detail development, and drawing review of the pergola structure for a budget of \$15,800. Mr. Sherman reviewed more detail on design options for the pavement at the pergola area.

Manager Miller inquired whether this pergola element could be constructed separately on its own timetable. Mr. Sherman explained that this element is part of the overall bid package but it could be broken out separately if desired. Manager Miller noted that this element completes Cottageville Park and it may be worth additional cost to complete on its own schedule so that it could be done by the summer of 2023.

Mr. Sherman reviewed the pavement options for the pergola area, including sandblasting, engraved pre-cast pavers, engraved granite, and colored pavers.

Mr. Michael Hayman appeared before the Board of Managers to review the contract amendment. In response to a question from Manager Loftus, Mr. Hayman reviewed the earlier scopes for design services. He noted further that the MCWD is working with the City of Hopkins on Cottageville Park and should be ready for Board review of that work in late March or so.

*It was moved by Manager Miller, seconded by Manager Sando to adopt Resolution 23-009: Authorization to Amend the Phase II Design Contract with HDR for 325 Blake Road Restoration and Redevelopment to Include Structural Engineering Services 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 amend the Agreement between Minnehaha Creek Watershed District and HDR Engineering, Inc. (entitled "325 Blake Road Regional Stormwater and Greenway / Cottageville Park Phase II Riparian Restoration Schematic Design – Phase II Contract Amendment for 60/90/100% Design") to include structural engineering services for the pergola at the Gateway to Greenway parcel, in an amount not to exceed \$15,800.***

*Upon vote, the motion carried 5-0 (Managers White and Olson absent).*

Returning to the discussion of the pavement options, Mr. Sherman reviewed the size, placement and scale of the pergola site. Manager Miller noted that the Minnehaha Creek Watershed is a very large area and it is an important opportunity to educate the public about this context. Manager Sando agreed. In response to a question from Manager Loftus, Mr. Sherman noted the ability to explore metal inlay. Manager Maxwell expressed concern with winter salting impacting concrete pavers, and so he would favor granite as a more durable option. Manager Hejmadi stated that he felt it would be important for this site to reflect the quality of work in the whole project; it will be an



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iconic destination and it is important to do this right. Mr. Sherman thanked the managers for their suggestions.

Resolution 23-010: Authorization to Execute a Contract for a Classification and Compensation Study

Mr. Wisker appeared before the Board of Managers to review the request for board action. He reviewed the background and process for the previous classification and compensation study in 2018. He reviewed the scope for the updated study.

*It was moved by Manager Hejmadi, seconded by Manager Miller to adopt Resolution 23-010: Authorization to Execute a Contract for a Classification and Compensation Study as follows:*

***NOW, THEREFORE, BE IT RESOLVED that the Minnehaha Creek Watershed District Board of Managers hereby authorizes the District Administrator, on the advice of Counsel, to enter into a contract with Baker Tilly to conduct a position classification and compensation study, in an amount not to exceed \$36,700.***

In response to a question from Manager Hejmadi, Mr. Wisker noted the general effort to be responsive to the currently volatility in the labor market. Manager Hejmadi noted the recruiting challenge in a volatile employment situation nationally. Mr. Wisker noted that the longer term view and strategic focus of the MCWD's work continues to be an attractive asset for recruiting talented staff. *Upon vote, the motion carried, 5-0 (Managers White and Olson absent).*

**BOARD DISCUSSION ITEMS**

Long Lake Creek Partnership Roadmap

Ms. Becky Christopher presented the Long Lake Creek Partnership Roadmap, including:

- findings from the subwatershed assessment, broken into issues, drivers, and management strategies;
- prioritized projects, costs, and benefits;
- a recommended implementation strategy, including sequencing of projects, roles, and funding sources;
- and a framework for ongoing partner coordination, evaluation, and adaptive management.

Manager Miller expressed his appreciation for the roadmap and the quality of the work. He suggested that it would merit further Board study through the Policy and Planning



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Committee. Manager Loftus said she also appreciated this good work, including the cost estimates. Manager Hejmadi expressed his appreciation for excellent work and noted the connection to the Land & Water Partnership program. He suggested that it would be helpful to have feedback from the city partners.

Mr. Wisker noted that this roadmap had been developed in house by staff and thanked Ms. Christopher and Mr. Beck for their leadership, as well as the mapping and data analysis presentation by Mr. Steele. Manager Maxwell departed at this point in the meeting.

*It was moved by Manager Miller, seconded by Manager Hejmadi to refer the Long Lake Creek Partnership Roadmap to the Policy and Planning Committee for further study. Upon vote, the motion carried, 4-0 (Managers White, Olson and Maxwell absent).*

#### Minnehaha Preserve Boardwalk Update

Upon recommendation of Mr. Smith, *it was moved by Manager Miller, seconded by Manager Hejmadi to move into closed session for the purpose of receiving confidential legal advice from Mr. Radio concerning litigation strategy in the Minnehaha Preserve Boardwalk case. Upon vote, the motion carried, 4-0 (Managers White, Olson and Maxwell absent).*

Whereupon, the Board of Managers moved into closed session.

The Board of Managers returned to open session.

#### **BOARD INQUIRIES, ISSUES, AND IDEAS**

Manager Miller offer two suggestions. First, he asked if staff could provide PowerPoint presentations to the managers after meetings. Second, he noted the changes in the manager appointment process following the *City of Circle Pines v. Anoka County* decision and suggested that the Operations and Programs Committee explore legislative options.

#### **STAFF UPDATES**

##### Administrator's Report

Mr. Wisker reported on the following items:

1. The removal of the old defective Minnehaha Preserve Boardwalk has commenced. Approximately 900 feet of boardwalk have been removed and the



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remainder will be removed next week; the new lumber is arriving to keep the project on schedule;

2. The mayor and city engineer of Deephaven have reached out with some stormwater management concepts which may be potentially appropriate for the Land & Water Partnership program; staff will undertake further review and keep the Board apprised;
3. The Hennepin County clerk has communicated that the applications for manager appointments closed on December 31. The County Board will receive recorded interviews in Committee on January 31, and may act on appointments on February 7;
4. President White and Mr. Wisker have meetings scheduled with Commissioner Conley on February 3 and with the office of Commissioner Fernando on February 14.

**Adjournment**

There being no further business, Manager Loftus declared the meeting of the Board of Managers adjourned at 9:28 p.m.

Respectfully submitted,



Eugene Maxwell, Secretary