

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

January 27, 2022

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 27, 2022. President White noted that this meeting was convened electronically through Zoom, 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 For this reason, until this determination is withdrawn by the District's presiding officer, chief legal counsel or chief administrative officer, the meetings of the Board and its committees will be convened by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
Sando:	Present
Miller:	Present
Olson:	Present
Maxwell:	Present
White:	Present.

DISTRICT STAFF AND CONSULTANTS PRESENT

James Wisker, Administrator; Tiffany Schaufler, Project and Land Manager; Michael Hayman, Project Planning Manager; Janna Jonely, Project and Land Management Technician; Chris Meehan, District Consulting Engineer; Thomas Radio, consulting attorney; and Louis Smith, District Counsel.

MATTERS FROM THE FLOOR

Mr. Gabriel Jabbour appeared before the Board of Managers and described an initiative among many parties to propose an operator's permit with the Department of Natural Resources to address the problem of aquatic invasive species. Mr. Joe Schneider appeared in support of this initiative and stated the value of the initiative for education, protection of resources and safety. The managers thanked Mr. Jabbour and Mr. Schneider for their comments.

APPROVAL OF AGENDA

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

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

CONSENT AGENDA

It was moved by Manager Miller, seconded by Manager Hejmadi, to approve the items on the Consent Agenda consisting of approval of the January 13, 2022 Board meeting minutes; the General Checking Account consisting of checks 41801 through 41814 in the amount of \$138,024.29; electronic funds withdrawals in the amount of \$23,458.84; manager per diems and reimbursement direct deposits in the amount of \$0; employee reimbursements - direct deposits in the amount of \$0; and payroll direct deposits in the amount of \$139,959.69; for Total General Checking expenses of \$301,442.82; the surety checking account check 2132 totaling \$4,000.00; and electronic fund transfer of \$135,065.00 in debt payment to Richfield 2020A.

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

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

BOARD, COMMITTEE AND TASK FORCE REPORTS

President's Report: President White reported that she continues to participate in briefings to county commissioners; she participated in an onboarding session for the Citizens Advisory Committee; and attended the recent outreach meeting for the 325 Blake Road project, which included good questions and information. Manager Maxwell commented that he attended the outreach meeting also and agreed that it was a positive meeting.

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Policy and Planning Committee: Manager Miller reported that the committee received a presentation from Ms. Anna Brown on the capital improvement planning for the Six Mile Creek – Halsted Bay subwatershed. He noted that Ms. Brown provided a new presentation format to identify the processes and project opportunities that the committee found helpful.

Citizens Advisory Committee: Manager Maxwell reported that he attended the most recent CAC meeting, which involved orientation for the new members.

Metropolitan Chapter of the Minnesota Association of Watershed Districts Meeting: Manager Olson reported that he attended the most recent Metro MAWD meeting along with Manager Sando. Among a variety of state agency updates, the Minnesota Department of Health provided an informative presentation on the public health challenges with rainwater reuse. He noted the Department is concerned with six pathogens in stormwater that can present serious health issues.

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

ACTION ITEMS

Resolution 22-005: Authorization to Release the Request for Proposals for Engineering and Design Services for Minnehaha Creek Preserve Boardwalk Reconstruction

Ms. Tiffany Schaufler appeared before the Board of Managers to review the request for board action. She reviewed the history of this project and noted that the wood materials of the boardwalk structure are experiencing accelerated deterioration rendering the facility unsafe. Therefore, MCWD is seeking a qualified consultant to provide engineering and design services to prepare a design and re-specification of the boardwalk and oversee reconstruction of the boardwalk structure through use of the existing helical piers, which will maintain the current alignment of the boardwalk system.

Following discussion, it was moved by Manager Sando, seconded by Manager Olson to adopt Resolution 22-005: Authorization to Release the Request for Proposals for Engineering and Design Services for Minnehaha Creek Preserve Boardwalk Reconstruction as follows:

NOW, THEREFORE, BE IT RESOLVED that the Minnehaha Creek Watershed District Board of Managers authorizes the administrator to release the request for proposals for engineering and design services for the Minnehaha Creek Preserve Boardwalk reconstruction, with any further limited changes, in his discretion and on the advice of MCWD legal counsel.

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In response to a question from Manager Loftus, Ms. Schaufler noted that District staff have communicated with the City of St. Louis Park regarding the boardwalk closure in winter and the upcoming RFP process. In response to a question from Managers Hejmadi and Maxwell, Ms. Schaufler briefly reviewed the timeline for the bidding process.

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

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

BOARD DISCUSSION ITEMS

Minnehaha Preserve Boardwalk

Mr. Michael Hayman and Ms. Janna Jonely appeared before the Board of Managers and noted that this agenda item is appropriate for closed session. Mr. Smith recommended that the Board of Managers adopt a motion to move into closed session for the purpose of receiving confidential legal advice concerning litigation strategy from Mr. Radio concerning the Minnehaha Preserve Boardwalk litigation. ***It was so moved by Manager Miller, seconded by Manager Hejmadi to move into closed session for this purpose.***
Upon roll call vote, the motion carried 7-0 as follows:

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

Whereupon the Board of Managers went into closed session.

The Board of Managers returned to open session.

STAFF UPDATES

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Administrator's Report

Mr. Wisker reported on the following items:

1. As noted by President White, the county commissioner briefings continue, and the commissioners have offered positive feedback on the District's capital improvement program and climate action framework;
2. Carp removal efforts have achieved the target for Parley Lake;
3. Closure of the District office was a prudent measure, as a number of staff members tested positive for COVID or had exposures; Mr. Wisker is updated office protocols for return to work; there continues to be a very small number of public visitors to the office, but planning is underway for re-opening the office in the near future; ***Following discussion, it was moved by Manager Miller, seconded by Manager Olson to authorize the President and administrator to determine when it is appropriate to open or close the District office in response to pandemic conditions. Upon roll call vote, the motion carried 7-0 as follows:***

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

4. MCWD was originally slated to host the MAWD summer tour in 2020, but this was postponed due to the pandemic, and postponed again in 2021. Mr. Wisker stated that we would like the managers to provide feedback on approaching the MAWD executive director to discuss whether postponing again this year is prudent. The managers concurred, and Mr. Wisker said he would consult with MAWD accordingly; and
5. Mr. Wisker noted that Michael Hayman has completed ten years of service to the MCWD and expressed his appreciation for Mr. Hayman's hard work, passion for the MCWD's mission, and drive for excellence. The managers each offered their appreciation for Mr. Hayman's unique contributions and commitment to the District, as did Mr. Meehan and Mr. Smith.

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Adjournment

There being no further business, President White declared the meeting of the Board of Managers adjourned at 8:30 p.m.

Respectfully submitted,

A handwritten signature in cursive script that reads "Eugene J Maxwell".

Eugene Maxwell, Secretary