

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

February 9, 2023

CALL TO ORDER

The regular meeting of the Minnehaha Creek Watershed District was called to order by President Sherry White 7:14 p.m. on February 9, 2013.

MANAGERS PRESENT

Sherry White, William Olson, Arun Hejmadi, Jessica Loftus, Richard Miller and Stephen Sando.

MANAGERS ABSENT

Eugene Maxwell.

DISTRICT STAFF AND CONSULTANTS PRESENT

James Wisker, Administrator; Michael Hayman, Project Planning 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 Hejmadi, seconded by Manager Miller to approve the Agenda as distributed. Upon vote, the motion carried 6-0 (Manager Maxwell absent).

MATTERS FROM THE FLOOR

None.

CONSENT AGENDA

It was moved by Manager Olson, seconded by Manager Sando to approve the items on the Consent Agenda consisting of approval of the January 26, 2023 Meeting Minutes, and Resolution 23-011: Acceptance of Tort Liability Limits on the MCWD Property and Casualty Insurance Policy Renewal as follows:

***NOW, THEREFORE, BE IT RESOLVED** that the Minnehaha Creek Watershed District Board of Managers accepts the statutory tort liability limits as set forth in Minnesota Statute § 466.04 and authorizes the District Administrator to advise the LMCIT accordingly.*

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Upon vote, the motion carried 6-0 (Manager Maxwell absent).

BOARD, COMMITTEE AND TASK FORCE REPORTS

President's Report: President White reported that meetings with county commissioners will be complete on February 14.

Operations and Programs Committee Report: Manager Loftus noted that the Committee met earlier in the evening and received a staff briefing on capital improvement planning in the Minnehaha Creek corridor and potential collaboration with the City of Minneapolis and Minneapolis Park and Recreation Board.

Upcoming Meeting and Event Schedule: President White directed the managers to the upcoming meeting schedule noted in the agenda.

ACTION ITEMS

Resolution 23-012: Authorization to Apply for Watershed-Based Implementation Funding

Ms. Becky Christopher appeared before the Board of Managers and reviewed the request for board authorization to apply for Watershed-Based Implementation Funding (WBIF). She stated that the Board of Water and Soil Resources (BWSR) has allocated total of \$418,140 to fund eligible projects for 2023-25 in the Minnehaha Creek watershed planning area. The eligible plans for this round of grants are the MCWD Watershed Management Plan and the Carver County Groundwater Plan.

Two eligible projects were identified through a convening process that included local government representatives from the planning area. The Holbrook Park Regional Stormwater Treatment is estimated to cost \$1,292,867 and to have a water quality benefit of 46.9 lbs. TP/yr. The Morningside Ravine Stabilization is estimated to cost \$343,200 and to have a water quality benefit of 30.3lbs. TP/yr.

Ms. Christopher said the program requires a convene meeting process where participants develop a budget request to submit to BWSR which must be prioritized, targeted, and measurable. The activities being funded must have a primary benefit towards water quality and must be completed by the end of the year in 2025.

At the convening meeting on January 3, 2023 it was agreed that both of these projects should be supported by this grant and should split the funding between them -- \$243,000 for the Morningside Ravine Stabilization, and \$175,000 for Holbrooke Park Regional Stormwater Treatment. Ms. Christopher recommended that MCWD serve as the grantee

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to allow transfer of funds between the two projects, which would allow flexibility in the budget of both projects as the cities work together.

The next steps for this plan include submitting a collaborative work plan to BWSR, submitting project work plans to be approved by March 30, 2023 by BWSR and completing the grant agreement. MCWD staff will develop agreements between the two cities to better understand how the funds will be passed on and responsibilities for grant administration. The agreements will be brought back for board authorization.

In response to a question from Manager Olson, Ms. Christopher explained that MCWD will be seeking other sources of funding for the Holbrook Park project.

It was moved by Manager Hejmadi, seconded by Manager Olson to adopt Resolution 23-012: Authorization to Apply for Watershed Based Implementation Funding at 7:25 P.M. on February 9, 2023 as follows:

NOW, THEREFORE, BE IT RESOLVED that the Minnehaha Creek Watershed District Board of Managers authorize staff to apply for grant funding through the BWSR Watershed-based Implementation Funding Program for the aforementioned projects.

Upon vote, the motion carried 6-0 (Manager Maxwell absent).

Resolution 23-013: Authorization to Amend the Construction Contract of the Six Mile Marsh Prairie Trail

Mr. Michael Hayman appeared before the Board of Managers to review the request for board action to amend the construction contract for the Six Mile Marsh Prairie Trail. Mr. Hayman reviewed the history of the project. MCWD selected Damon Farber Landscape Architects to design the pedestrian trail and an interpretive program on May 13, 2021. In September of 2021 MCWD began the bid process and received two bids that were well over budget and thus rejected these bids. In April of 2022, MCWD solicited bids again and received four bids. The District awarded the bid to G. Urban Companies for a contract cost of \$333,714.75 and approved a 5% construction contingency for a total budget of \$350,000.

Mr. Hayman stated that certain site conditions required field adjustments, such as excavation to avoid steep slopes or sensitive areas, geotextile fabric for soft soils, class 2 and class 5 aggregate for finish grades and compaction levels, and restoration of a former driveway to a natural state. Damon Farber Landscape Architects reviewed and confirmed these increases in construction quantities. Damon Farber recommends approval of the revised contracts, which will increase the contract price by \$40,033.50 for a total of

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\$373,748.25. This contract price represents an increase of \$23,748.25 from the Board approved budget of \$350,000.

The construction and installation of the trail system is complete including the connection to the Dakota Regional Trail. Supply chain issues and delays in steel delivery have delayed signs and seating fabrication and installation until Spring 2023, as soon as ground conditions allow.

In response to Manager Sando's question about bicycle use, Mr. Hayman noted the location of the bituminous trail and a bike rack to be installed in the Spring along with the signs and seating. In response to a question from President White Mr. Hayman explained "truck tickets" which are used to track quantity and location of material hauled to the construction site.

It was moved by Manager Miller, seconded by Manager Olson to adopt Resolution 23-013: Authorization to Amend the Construction Contract of the Six Mile Marsh Prairie Trail 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 Change Order No. 1 in order to amend the construction agreement between Minnehaha Creek Watershed District and G. Urban Companies, Inc., to include increased excavation and trail material quantities in an amount not to exceed \$40,033.50, for a total contract amount of \$373,748.25.

Upon vote, the motion carried, 6-0 (Manager Maxwell absent).

BOARD INQUIRIES, ISSUES, AND IDEAS

None.

STAFF UPDATES

Administrator's Report

Mr. Wisker reported on the following items:

1. Staff is working to follow up on previous requests from Manager Miller, to explore potential changes to the appointment process, and to provide PowerPoint presentations to managers after meetings.

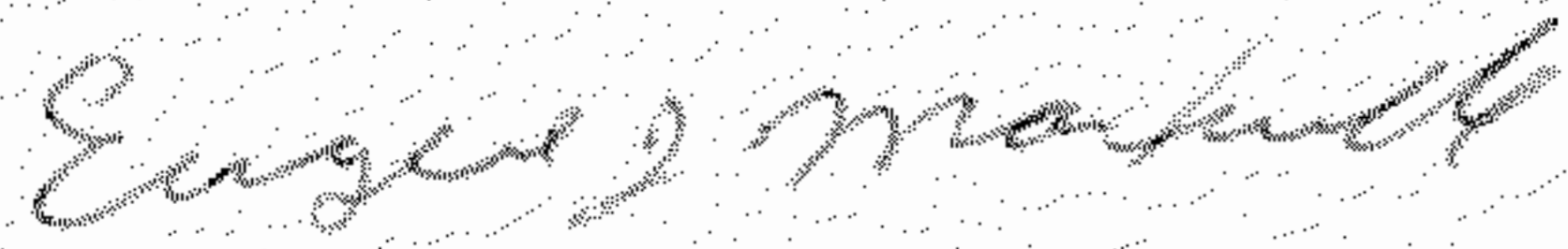
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2. Staff will be working with the Board to follow up on the priority brainstorming process in preparation for a Board retreat later this year. This process will help to update the five-year strategic action plan.

Adjournment

There being no further business, President White declared the meeting of the Board of Managers adjourned at 8:03 p.m.

Respectfully submitted,



Eugene Maxwell, Secretary