

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

**April 27, 2023**

**CALL TO ORDER**

The regular meeting of the Minnehaha Creek Watershed District was called to order by President Sherry White 7:10 pm on April 27, 2023.

**MANAGERS PRESENT**

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

**MANAGERS ABSENT**

None.

**DISTRICT STAFF AND CONSULTANTS PRESENT**

James Wisker, Administrator; Brian Beck, Research & Monitoring Program Manager; Kaitlyn Strub, Seasonal Field Technician; Michael Hayman, Project Planning Manager; Chris Meehan, District Consulting Engineer; and Louis Smith, District Counsel.

**MATTERS FROM THE FLOOR**

None.

**APPROVAL OF AGENDA**

*It was moved by Manager Miller, seconded by Manager Olson to approve the Agenda as distributed. Upon vote, the motion carried 7-0.*

**INFORMATION ITEMS**

Mr. Brian Beck appeared before the Board of Managers and introduced Ms. Kaitlyn Strub a seasonal field technician. The managers welcomed Ms. Strub to the MCWD.

**CONSENT AGENDA**

*It was moved by Manager Olson, seconded by Manager Hejmadi to approve the items on the Consent Agenda consisting of approval of the April 13, 2023 Board Meeting Minutes; approval of the General Check Register, including check numbers 42228 through 42255 in the amount of \$1,405,847.04, electronic funds withdrawals of*

*\$51,678.74, Managers Per Diems and Reimbursements of \$1,971.15, employee reimbursements of \$522.22, and payroll electronic funds withdrawals and disbursements of \$146,690.32 for a total of \$1,606,709.47; the Surety Check Register Bremer Bank fee in the amount of \$37.00, and check number 2188 to United Properties Investment LLC for surety reimbursement in the amount of \$2,500.00 for a total of \$2,537.00; the Wire Check Register in the amount of \$52,461.58 in payment to Bremer Bank for Office building loan; and the following resolutions:*

*Resolution 23-019: Authorization to Amend Five Vegetation Maintenance Contracts to Extend Work Through 2023*

*NOW, THEREFORE, BE IT RESOLVED that the Board authorizes the District Administrator, on advice of District Counsel, to amend a contract with Landbridge Ecological with a scope of services for one year of vegetation maintenance at the Minnehaha Creek Greenway sites in the amount of \$39,043; and*

*BE IT FURTHER RESOLVED that the District Administrator is authorized, on advice of District Counsel, to amend a contract with Prairie Restorations, Inc. with a scope of services for one year of vegetation maintenance at the Six Mile Marsh Prairie Restoration and Laketown Wetland sites in the amount of \$28,645; and*

*BE IT FURTHER RESOLVED that the District Administrator is authorized, on advice of District Counsel, to amend a contract with Landbridge Ecological with a scope of services for one year of vegetation maintenance at the Pond Buffers & Shoreline sites in the amount of \$45,894; and*

*BE IT FURTHER RESOLVED that the District Administrator is authorized, on advice of District Counsel, to amend a contract with Minnesota Native Landscapes with a scope of services for one year of vegetation maintenance at the West & Southwest sites in the amount of \$51,150; and*

*BE IT FURTHER RESOLVED that the District Administrator is authorized, on advice of District Counsel, to amend a contract with Natural Shore Technologies with a scope of services for one year of vegetation maintenance at the CR 101 Shoreline and Jennings Bay Wetland sites in the amount of \$4,000; and*

*BE IT FINALLY RESOLVED that the District Administrator is authorized, in his judgment, to execute change orders obligating the MCWD up to an additional \$15,837, in aggregate, under the above contracts.*

***Resolution 23-020: Recognizing June 19 (Juneteenth) as a District Holiday***

***NOW, THEREFORE, BE IT RESOLVED that the Minnehaha Creek Watershed District Board of Managers recognizes the addition of June 19 to the District's holiday schedule pursuant to state law and approves the addition of June 19 as a District holiday effective June 19, 2023.***

***Resolution 23-021: Acceptance of Donation***

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

***Upon vote, the motion carried 7-0.***

**BOARD, COMMITTEE AND TASK FORCE REPORTS**

President's Report: President White asked Manager Olson to report on the State of the Parks event with Three Rivers Park District. Manager Olson noted that the event was at the Highland Ski Area and an interesting note is that the Park District has 4,800 volunteers. President White noted that she attended a meeting of the South Lake Minnetonka Mayors, where Tonka Bay's \$5.2 million stormwater project was discussed.

Metro Watersheds Report: Manager Olson noted that President White chaired the quarterly meeting of Metro Watersheds, and Mr. Wisker presented the MCWD's climate action framework, which was well-received. President White noted that districts shared information about carp management and also discussed the concept of a metro watershed lobbyist.

Executive Committee Report: President White noted that the Executive Committee met earlier to review the 2022 audit report, which will be presented at this meeting.

Planning and Policy Committee Report: Manager Miller reported that the committee had a productive discussion of the climate action framework and desired outcomes for the 2027 Plan.

Upcoming Meeting and Event Schedule: President White noted the upcoming meeting schedule.

**ACTION ITEMS**

Resolutions 23-022 and 23-023: Financial Audit and Fund Transfers

Mr. Wisker introduced Mr. Andrew Hering of Redpath and Company, who performed the 2022 financial audit. He noted that Ms. Erin Enstad, the MCWD accountant was also present. Mr. Hering reviewed the audit, noting that the 2022 financial audit resulted in a clean, unmodified opinion. *It was moved by Manager Sando, seconded by Manager Hejmadi to adopt Resolution 23-022 as follows:*

***NOW, THEREFORE, BE IT RESOLVED that the Minnehaha Creek Watershed District Board of Managers hereby accepts the 2022 Annual Financial Report, and directs the District Administrator to transmit it to the Minnesota State Auditor, the Minnesota Board of Water and Soil Resources, Wells Fargo and Hennepin and Carver County.***

Upon a question from Manager Loftus, Mr. Hering reviewed the nature of noncash depreciable assets. *Upon vote, the motion carried 7-0.* Manager Miller noted the current banking situation and asked if the MCWD's cash position is considered secure in accordance with current best practices. Ms. Enstad noted that cash security is checked monthly and collateralized at 110% of the cash balance.

*It was moved by Manager Hejmadi, seconded by Manager Sando to adopt Resolution 23-023 as follows:*

***NOW, THEREFORE, BE IT RESOLVED that the Minnehaha Creek Watershed District Board of Managers hereby accepts the proposed transfers and fund closures within the Management Planning Fund.***

*Upon vote, the motion carried 7-0.*

Resolution 23-024: Authorization to Contract with Alatus Development for Installation of Storm Sewer at 325 Blake Road

Mr. Michael Hayman appeared before the Board of Managers to review the request for board action. He explained that with the phasing of construction at 325 Blake Road, it is more cost effective to contract with Alatus Development to install storm sewer across the Building A driveway access to avoid future disruption to the finished site. Mr. Hayman noted that this option would save an estimated \$11 – 13,000 for MCWD.

*It was moved by Manager Miller, seconded by Manager Hejmadi to adopt Resolution 23-024 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 an agreement with Alatus Development, LLC., by which Alatus would provide for its contractor to construct a portion of the MCWD Project design consisting of a section of storm sewer and appurtenances for the regional stormwater system at 325 Blake Road, and in that agreement to obligate the MCWD up to the amount of \$84,170, and further authorizes the Administrator thereafter to amend the contract in his discretion up to an additional 10% of this amount.***

*Upon vote, the motion carried, 7-0.*

### **BOARD DISCUSSION ITEMS**

#### **325 Blake Road Restoration and Redevelopment Update: 325 Blake Road, Hopkins**

Mr. Hayman noted that Alatus has recently requested an amendment to the Purchase and Sale Agreement of May 9, 2022, to provide an extension of the feasibility period. He explained that the current agreement provides for the feasibility period to expire on May 9, 2023, but also provides for two ninety (90) day extensions.

***It was moved by Manager Miller, seconded by Manager Maxwell to move into closed session for the purpose of discussing the possible amendment of terms for the sale of 325 Blake Road in Hopkins. Upon vote, the motion carried 7-0.***

The Board of Managers went into closed session.

The Board of Managers returned to open session.

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

Manager Miller noted that he recently received a briefing from Brian Beck on the MCWD's wetlands assessment and found it very enlightening.

### **STAFF UPDATES**

#### **Administrator's Report**

1. Mr. Wisker noted that in response to previous Board inquiries, he met with Joel Carlson and Louis Smith to consider possible legislation on the manager appointment process and will report back at a future meeting. Access to board meeting presentations beginning for 2023 meetings will be provided through a Drop Box link or other means.

2. The MCWD received sad news that CAC member Marc Rosenberg passed away recently. He was a longstanding member of the CAC, serving 15 years, and was energetic and positive in his commitment to the District.
3. Lake Minnetonka is 4.9 inches below the Ordinary High Water mark of 929.4. Precipitation year to date is 3.5 inches above normal. Minnehaha Creek at Lake Hiawatha is flowing at 32 cubic feet per second. Staff anticipates removing the stop logs at Gray's Bay dam on May 1.
4. The MCWD's Technical Advisory Committee met earlier in the day to review proposed MCWD rule revisions. The TAC's feedback will be synthesized and the board will receive a report on proposed rule revisions in June or July.
5. Staff is working with the City of Medina on a potential collaboration for Holy Name Lake and will report to the board in June.
6. The Minneapolis Public Works leadership has communicated support for the MCWD's proposal to collaborate in Minnehaha Creek investments at three focal sites. The mutual financial commitments and a work plan should be presented to a Steering Committee later this year and the goal is to develop a cooperative agreement by the end of the year.
7. The MCWD's work along the Minnehaha Greenway recently received a community design award from the American Society of Landscape Architects.

### **Adjournment**

There being no further business, President White declared the meeting of the Board of Managers adjourned at 8:43 p.m.

Respectfully submitted,



Eugene Maxwell, Secretary