

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

June 22, 2023

CALL TO ORDER

The regular meeting of the Minnehaha Creek Watershed District Board of Managers was called to order by President Sherry White 7:12 pm on June 22, 2023 at the MCWD offices, 15320 Minnetonka Boulevard, Minnetonka, Minnesota.

MANAGERS PRESENT

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

MANAGERS ABSENT

None.

DISTRICT STAFF AND CONSULTANTS PRESENT

James Wisker, Administrator; Samantha Maul, Acting Outreach Manager; Gabe Sherman, Planner Project Manager; Michael Hayman, Project Planning Manager; Brian Beck, Research & Monitoring Program Manager; Jill Sweet, Research & Monitoring Technician; Chris Meehan, District Consulting Engineer; and Louis Smith, District Counsel.

MATTERS FROM THE FLOOR

None.

APPROVAL OF AGENDA

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

CONSENT AGENDA

It was moved by Manager Hejmadi, seconded by Manager Olson to approve the items on the Consent Agenda consisting of approval of the June 8, 2023 Board Meeting Minutes; approval of the General Check Register, including check numbers 42281 through 42304 in the amount of \$58,125.73, electronic funds withdrawals of \$37,804.96, Managers Per Diems and Reimbursements of \$1,371.18, employee reimbursements of \$11,409.46, and payroll electronic funds withdrawals and

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disbursements of \$144,241.97 for a total of \$252,953.30; the Surety Check Register Bremer Bank fee in the amount of \$37.00; the Wire Check Register in the amount of \$28,050.00 in payment to Wells Fargo for 325 Blake Road Refinance; and the following resolution:

Resolution 23-034: Approval to Purchase Replacement Laptops

NOW, THEREFORE, BE IT RESOLVED that the Minnehaha Creek Watershed District Board of Managers hereby approves the purchase of six replacement laptops and docking stations for an amount not to exceed \$9,880.17.

Upon vote, the motion carried 7-0.

BOARD, COMMITTEE AND TASK FORCE REPORTS

President's Report: President White reported that the manager liaisons to Minneapolis received a staff briefing on June 15.

Planning and Policy Committee Report: Manager Miller reported that the committee received a staff briefing on the of the outcomes Technical Advisory Committee's review from the Land & Water Partnership Initiative and permitting program improvements.

Other Reports: President White and Manager Olson reported that the MCWD hosted the Lessard Sams Outdoor Heritage Council at Wasserman Lake Preserve to review the results of the carp management program. President White and Managers Olson, Hejmadi and Sando reported on their attendance at the Minnesota Watersheds summer tour in the Cedar River and Shell Rock River Watershed Districts.

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

ACTION ITEMS

Resolution 23-035: Approval to Open Beta Testing for New Website

Ms. Samantha Maul appeared before the Board of Managers to review the request for board action. She reviewed the background and goals of the website, building on the MCWD's organizational outreach strategy.

It was moved by Manager Olson, seconded by Manager Hejmadi to adopt Resolution 23-035 as follows:

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NOW, THEREFORE, BE IT RESOLVED that the MCWD Board of Managers hereby approves the draft website build to undergo beta testing.

Ms. Maul reviewed the process steps in the beta testing, and in response to a question from Manager Hejmadi, noted that the website design is intended to be accessible to persons who are not familiar with the District. Manager Miller expressed interest in ways to recognize MCWD partners, and Manager Olson suggested inviting several other metro watershed districts to review the beta version.

Upon vote, the motion carried 7-0.

Resolution 23-036: Authorization to Amend the Phase II Design Contract with HDR for 325 Blake Road Restoration and Redevelopment to Include Pre-Bid Coordination

Mr. Gabe Sherman appeared before the Board of Managers to review the request for board action. He explained that uncertainty over the final shape of Alatus' commercial space and public realm adjacent to the regional stormwater pond and ongoing negotiations with Alatus on the next land sale have necessitated a gap between final design and bidding. While bidding is temporarily paused, there remains coordination and evaluation work that requires input and oversight from HDR as MCWD's licensed consulting engineer for the 325 Blake Road project.

It was moved by Manager Miller, seconded by Manager Olson to adopt Resolution 23-036 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 pre-bid coordination services, in an amount not to exceed \$25,000.

In response to a question from Manager Olson, Mr. Sherman explained that Damon Farber is a subcontractor to HDR. Manager Miller read the following statement for the record:

The \$25,000 extension payment by Alatus does not cover the District's ongoing holding costs. I want to flag that the District's restoration and regional stormwater project design is complete and ready for construction. Although we have designed the projects to be integrated and somewhat dependent on the private development as it relates to vision and user experience, we have the ability

to start moving our efforts forward, regardless of the development status. As part of this ongoing coordination contract, I appreciate our ability to work with HDR to understand how the public realm part of the project can move forward in a timely manner and not be unnecessarily delayed by the current development process.

Manager Loftus questioned the need for more work by HDR and asked why the District needs to make HDR available to Alatus. She stated that she felt that all of the MCWD's plans are complete and paid for and believed that any additional costs should be charged to Alatus. Mr. Sherman noted that any further work by HDR would be in MCWD's interest and directed by staff. Mr. Hayman noted that current stormwater work coordinated with Alatus is for the purpose of avoiding future disruption and increased costs to MCWD. Mr. Wisker and Mr. Smith noted that the issue before the Board is the contract extension for HDR. Manager Olson stated that he supported the resolution and believed that any work by HDR would be efficient and at staff direction. Manager Hejmadi agreed with Manager Olson.

There being no further discussion, upon vote the motion carried 6-1, with Manager Loftus voting against the motion.

BOARD DISCUSSION ITEMS

Compensation and Classification Study

Mr. Wisker noted the Board's policy commitment to a formal compensation and classification study every five years and introduced Ms. Laura Linehan of Baker Tilly to present the 2023 study. Ms. Linehan reviewed the scope of the study, methodology, findings from the market evaluation of employee wages and benefits, a recommended 2024 pay plan, and potential costs to implement the plan in 2023 and 2024. The managers thanked Ms. Linehan and Mr. Wisker and indicated that they are comfortable with the recommendations.

Greenway to Cedar Regional Trail Connection and Streambank Restoration Feasibility Report

Mr. Gabe Sherman appeared before the Board of Managers to provide an update on the trail connection and feasibility study of streambank restoration. He noted that this project will bring the Greenway trail under the newly constructed Southwest Light Rail Transit corridor, creating the final trail connection between the Minnehaha Creek Preserve and the Cedar Lake LRT Regional Trail by 325 Blake Road. Mr. Sherman reviewed the feasibility study and noted the changed site conditions and two modified alignment options, one providing for 12 miles per hour bicycle travel, and the other providing for 16 miles per hour, with varying floodplain impacts. The Board of Managers discussed these

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options and generally supported the staff recommendation for the 12 miles per hour option, with a hybrid alignment downstream of the bridge, and add alternative #1 for streambank restoration.

Mr. Sherman reviewed the project schedule, which includes work this fall on partnership agreements and a request for design proposals in the winter. The managers thanked Mr. Sherman for his presentation.

Update on the Implementation and Closeout of the Six Mile Creek Halsted Bay Habitat Restoration Project

Mr. Brian Beck and Ms. Jill Sweet appeared before the Board of Managers to provide an update on the Six Mile Creek Halsted Bay (SMCHB) Habitat Restoration Project regarding the steps being taken to close out the Lessard Sams Outdoor Heritage Council (LSOHC) grant. Ms. Sweet reviewed the carp management project and Mr. Beck reviewed the vegetation response and habitat management. Key conclusions from this work so far are that carp biomass greater than 300 kilograms per hectare limits healthy aquatic communities; obtaining a healthy plant community requires good water quality and low carp biomass; and the Six Mile Creek Halsted's Bay lakes that have achieved carp biomass targets have not yet demonstrated measurable improvement in water clarity. The managers thanked Ms. Sweet and Mr. Beck for this presentation.

BOARD INQUIRIES, ISSUES, AND IDEAS

None.

STAFF UPDATES

Administrator's Report

Mr. Wisker reported on the following items:

1. As the presentation from Ms. Sweet and Mr. Beck illustrates, we are committed to accountability and we recognize that there are no quick fixes. There appears to be no clear improvement in water clarity yet, but we will continue to evaluate our progress and share our research.
2. Lake Minnetonka is at the elevation of 928.9. Precipitation year to date is two inches above normal. The MCWD opened Grays Bay dam on May 22. Minnehaha Creek at Grays Bay is flowing at 12 cubic feet per second. Lake Minnetonka loses seven times this volume each day through evaporation.

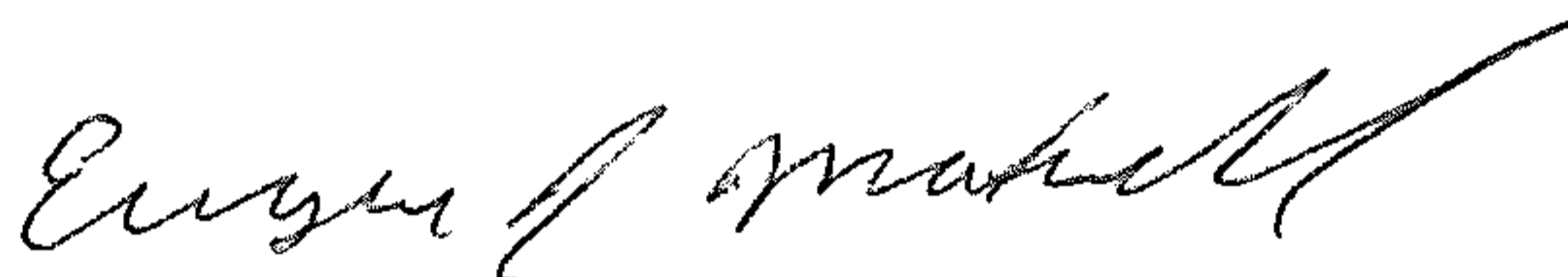
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3. Staff and consultants have continued to evaluate the construction problems with the Minnehaha Preserve Boardwalk. SRF prepared a defective work notice and the contractor JTS will propose remedial work within about a week. Staff have also independently inspected 60% of the boardwalk and will complete that inspection next week. So far, there has been an issue with 115 of 116 headers. In response to a question from Manager Olson, the Boardwalk remains open at present, but may close during remedial work.
4. Kayla Westerlund and Ben Rolland will be leaving the MCWD's permitting program, and the MCWD is grateful for their time and service to the District.
5. Susan Du's recent article in the Star Tribune provided a lengthy profile of the MCWD's work in the Minnehaha Creek corridor.

Adjournment

There being no further business, President White declared the meeting of the Board of Managers adjourned at 11:17 p.m.

Respectfully submitted,



Eugene Maxwell, Secretary