

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

4
5 **April 27, 2023**

6
7 **CALL TO ORDER**

8
9 The regular meeting of the Minnehaha Creek Watershed District was called to order by
10 President Sherry White 7:10 pm on April 27, 2023.

11
12 **MANAGERS PRESENT**

13
14 Sherry White, William Olson, Richard Miller, Arun Hejmadi, Eugene Maxwell,
15 Jessica Loftus, and Stephen Sando.

16
17 **MANAGERS ABSENT**

18
19 None.

20
21 **DISTRICT STAFF AND CONSULTANTS PRESENT**

22
23 James Wisker, Administrator; Brian Beck, Research & Monitoring Program Manager;
24 Kaitlyn Strub, Seasonal Field Technician; Michael Hayman, Project Planning Manager;
25 Chris Meehan, District Consulting Engineer; and Louis Smith, District Counsel.

26
27 **MATTERS FROM THE FLOOR**

28
29 None.

30
31 **APPROVAL OF AGENDA**

32
33 *It was moved by Manager Miller, seconded by Manager Olson to approve the Agenda*
34 *as distributed. Upon vote, the motion carried 7-0.*

35
36 **INFORMATION ITEMS**

37
38 Mr. Brian Beck appeared before the Board of Managers and introduced Ms. Kaitlyn
39 Strub a seasonal field technician. The managers welcomed Ms. Strub to the MCWD.

40
41 **CONSENT AGENDA**

42
43 *It was moved by Manager Olson, seconded by Manager Hejmadi to approve the items*
44 *on the Consent Agenda consisting of approval of the April 13, 2023 Board Meeting*
45 *Minutes; approval of the General Check Register, including check numbers 42228*
46 *through 42255 in the amount of \$1,405,847.04, electronic funds withdrawals of*

47 ***\$51,678.74, Managers Per Diems and Reimbursements of \$1,971.15, employee***
48 ***reimbursements of \$522.22, and payroll electronic funds withdrawals and***
49 ***disbursements of \$146,690.32 for a total of \$1,606,709.47; the Surety Check Register***
50 ***Bremer Bank fee in the amount of \$37.00, and check number 2188 to United***
51 ***Properties Investment LLC for surety reimbursement in the amount of \$2,500.00 for a***
52 ***total of \$2,537.00; the Wire Check Register in the amount of \$52,461.58 in payment to***
53 ***Bremer Bank for Office building loan; and the following resolutions:***

54

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

57

58 ***NOW, THEREFORE, BE IT RESOLVED that the Board authorizes the***
59 ***District Administrator, on advice of District Counsel, to amend a contract with***
60 ***Landbridge Ecological with a scope of services for one year of vegetation***
61 ***maintenance at the Minnehaha Creek Greenway sites in the amount of***
62 ***\$39,043; and***

63

64 ***BE IT FURTHER RESOLVED that the District Administrator is authorized, on***
65 ***advice of District Counsel, to amend a contract with Prairie Restorations, Inc.***
66 ***with a scope of services for one year of vegetation maintenance at the Six Mile***
67 ***Marsh Prairie Restoration and Laketown Wetland sites in the amount of***
68 ***\$28,645; and***

69

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

74

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

79

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

85

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

89

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

92
93 ***NOW, THEREFORE, BE IT RESOLVED that the Minnehaha Creek***
94 ***Watershed District Board of Managers recognizes the addition of June 19 to the***
95 ***District’s holiday schedule pursuant to state law and approves the addition of***
96 ***June 19 as a District holiday effective June 19, 2023.***
97

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

99
100 ***NOW, THEREFORE, BE IT RESOLVED that the Minnehaha Creek***
101 ***Watershed District Board of Managers hereby accepts the donation of \$150***
102 ***from the Gleason Lake Improvement Association and authorize the deposit of***
103 ***the donation into the District’s general fund.***
104

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

106
107 **BOARD, COMMITTEE AND TASK FORCE REPORTS**

108
109 **President’s Report:** President White asked Manager Olson to report on the State of the
110 Parks event with Three Rivers Park District. Manager Olson noted that the event was at
111 the Highland Ski Area and an interesting note is that the Park District has 4,800
112 volunteers. President White noted that she attended a meeting of the South Lake
113 Minnetonka Mayors, where Tonka Bay’s \$5.2 million stormwater project was discussed.
114

115 **Metro Watersheds Report:** Manager Olson noted that President White chaired the
116 quarterly meeting of Metro Watersheds, and Mr. Wisker presented the MCWD’s climate
117 action framework, which was well-received. President White noted that districts shared
118 information about carp management and also discussed the concept of a metro watershed
119 lobbyist.
120

121 **Executive Committee Report:** President White noted that the Executive Committee met
122 earlier to review the 2022 audit report, which will be presented at this meeting.
123

124 **Planning and Policy Committee Report:** Manager Miller reported that the committee had
125 a productive discussion of the climate action framework and desired outcomes for the
126 2027 Plan.
127

128 **Upcoming Meeting and Event Schedule:** President White noted the upcoming meeting
129 schedule.
130
131
132

133 **ACTION ITEMS**

134
135 **Resolutions 23-022 and 23-023: Financial Audit and Fund Transfers**

136
137 Mr. Wisker introduced Mr. Andrew Hering of Redpath and Company, who performed the
138 2022 financial audit. He noted that Ms. Erin Enstad, the MCWD accountant was also
139 present. Mr. Hering reviewed the audit, noting that the 2022 financial audit resulted in a
140 clean, unmodified opinion. ***It was moved by Manager Sando, seconded by Manager***
141 ***Hejmadi to adopt Resolution 23-022 as follows:***

142
143 ***NOW, THEREFORE, BE IT RESOLVED that the Minnehaha Creek***
144 ***Watershed District Board of Managers hereby accepts the 2022 Annual***
145 ***Financial Report, and directs the District Administrator to transmit it to the***
146 ***Minnesota State Auditor, the Minnesota Board of Water and Soil Resources,***
147 ***Wells Fargo and Hennepin and Carver County.***

148
149 Upon a question from Manager Loftus, Mr. Hering reviewed the nature of noncash
150 depreciable assets. ***Upon vote, the motion carried 7-0.*** Manager Miller noted the current
151 banking situation and asked if the MCWD's cash position is considered secure in
152 accordance with current best practices. Ms. Finstad noted that cash security is checked
153 monthly and collateralized at 110% of the cash balance.

154
155 ***It was moved by Manager Hejmadi, seconded by Manager Sando to adopt Resolution***
156 ***23-023 as follows:***

157
158 ***NOW, THEREFORE, BE IT RESOLVED that the Minnehaha Creek***
159 ***Watershed District Board of Managers hereby accepts the proposed transfers***
160 ***and fund closures within the Management Planning Fund.***

161
162 ***Upon vote, the motion carried 7-0.***

163
164 **Resolution 23-024: Authorization to Contract with Alatus Development for Installation of**
165 **Storm Sewer at 325 Blake Road**

166
167 Mr. Michael Hayman appeared before the Board of Managers to review the request for
168 board action. He explained that with the phasing of construction at 325 Blake Road, it is
169 more cost effective to contract with Alatus Development to install storm sewer across the
170 Building A driveway access to avoid future disruption to the finished site. Mr. Hayman
171 noted that this option would save an estimated \$11 – 13,000 for MCWD.

172
173 ***It was moved by Manager Miller, seconded by Manager Hejmadi to adopt Resolution***
174 ***23-024 as follows:***

176 ***NOW, THEREFORE, BE IT RESOLVED that the Minnehaha Creek***
177 ***Watershed District Board of Managers authorizes the District Administrator, on***
178 ***advice of Counsel, to execute an agreement with Alatus Development, LLC., by***
179 ***which Alatus would provide for its contractor to construct a portion of the***
180 ***MCWD Project design consisting of a section of storm sewer and***
181 ***appurtenances for the regional stormwater system at 325 Blake Road, and in***
182 ***that agreement to obligate the MCWD up to the amount of \$84,170, and further***
183 ***authorizes the Administrator thereafter to amend the contract in his discretion***
184 ***up to an additional 10% of this amount.***

185
186 *Upon vote, the motion carried, 7-0.*

187
188 **BOARD DISCUSSION ITEMS**

189
190 **325 Blake Road Restoration and Redevelopment Update: 325 Blake Road, Hopkins**

191
192 Mr. Hayman noted that Alatus has recently requested an amendment to the Purchase and
193 Sale Agreement of May 9, 2022, to provide an extension of the feasibility period. He
194 explained that the current agreement provides for the feasibility period to expire on
195 May 9, 2023, but also provides for two ninety (90) day extensions.

196
197 ***It was moved by Manager Miller, seconded by Manager Maxwell to move into closed***
198 ***session for the purpose of discussing the possible amendment of terms for the sale of***
199 ***325 Blake Road in Hopkins. Upon vote, the motion carried 7-0.***

200
201 The Board of Managers went into closed session.

202
203 The Board of Managers returned to open session.

204
205 **BOARD INQUIRIES, ISSUES, AND IDEAS**

206
207 Manager Miller noted that he recently received a briefing from Brian Beck on the
208 MCWD's wetlands assessment and found it very enlightening.

209
210 **STAFF UPDATES**

211
212 **Administrator's Report**

- 213
214 1. Mr. Wisker noted that in response to previous Board inquiries, he met with Joel Carlson
215 and Louis Smith to consider possible legislation on the manager appointment process and
216 will report back at a future meeting. Access to board meeting presentations beginning for
217 2023 meetings will be provided through a Drop Box link or other means.

Minutes of the Regular Meeting
Minnehaha Creek Watershed District
Board of Managers
04-27-23

- 218 2. The MCWD received sad news that CAC member Marc Rosenberg passed away
219 recently. He was a longstanding member of the CAC, serving 15 years, and was
220 energetic and positive in his commitment to the District.
221
- 222 3. Lake Minnetonka is 4.9 inches below the Ordinary High Water mark of 929.4.
223 Precipitation year to date is 3.5 inches above normal. Minnehaha Creek at Lake
224 Hiawatha is flowing at 32 cubic feet per second. Staff anticipates removing the stop logs
225 at Gray's Bay dam on May 1.
226
- 227 4. The MCWD's Technical Advisory Committee met earlier in the day to review proposed
228 MCWD rule revisions. The TAC's feedback will be synthesized and the board will
229 receive a report on proposed rule revisions in June or July.
230
- 231 5. Staff is working with the City of Medina on a potential collaboration for Holy Name
232 Lake and will report to the board in June.
233
- 234 6. The Minneapolis Public Works leadership has communicated support for the MCWD's
235 proposal to collaborate in Minnehaha Creek investments at three focal sites. The mutual
236 financial commitments and a work plan should be presented to a Steering Committee
237 later this year and the goal is to develop a cooperative agreement by the end of the year.
238
- 239 7. The MCWD's work along the Minnehaha Greenway recently received a community
240 design award from the American Society of Landscape Architects.
241

242 **Adjournment**

243
244 There being no further business, President White declared the meeting of the Board of
245 Managers adjourned at 8:43 p.m.
246

247 Respectfully submitted,
248

249
250 Eugene Maxwell, Secretary
251
252