

47 **Sando:** *Aye*
48 **Miller:** *Aye*
49 **Olson:** *Aye*
50 **Maxwell:** *Aye*
51 **White:** *Aye*

52

53 **CONSENT AGENDA**

54

55 *It was moved by Manager Olson, seconded by Manager Miller to approve the items on*
56 *the Consent Agenda consisting of approval of the May 11, 2023 Board Meeting*
57 *Minutes; approval of the General Check Register, including check numbers 42256*
58 *through 42280 in the amount of \$245,986.06, electronic funds withdrawals of*
59 *\$45,808.90, Managers Per Diems and Reimbursements of \$4,156.91, employee*
60 *reimbursements of \$184.23, and payroll electronic funds withdrawals and*
61 *disbursements of \$149,777.86 for a total of \$445,913.96; the Surety Check Register*
62 *Bremer Bank fee in the amount of \$37.00; the Wire Check Register in the amount of*
63 *\$132,068.75 in payment to Hennepin County for 2013B and 2020B.*

64

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

66

67 **Hejmadi:** *Aye*
68 **Loftus:** *Aye*
69 **Sando:** *Aye*
70 **Miller:** *Aye*
71 **Olson:** *Aye*
72 **Maxwell:** *Aye*
73 **White:** *Aye*

74

75 **BOARD, COMMITTEE AND TASK FORCE REPORTS**

76

77 President's Report: President White reported that the Hopkins City Council approved the
78 Cottageville Park agreement, and Alatus provided an update to the Council. President
79 White noted a conflict in the regular meeting schedule with the annual meeting of
80 Minnesota Watersheds, and by Board consensus directed that action be prepared to
81 change the Board of Managers meeting from November 30 to November 27.

82

83 Planning and Policy Committee Report: Manager Miller reported that the committee had
84 a productive discussion of strategic action planning for strengthening partnerships and
85 leveraging brand equity.

86

87 Citizens Advisory Committee Report: Manager Maxwell reported that the CAC had a
88 full meeting to review the strategic action planning for strengthening partnerships and

89 leveraging brand equity, initial review of the capital improvement plan, an update on 325
90 Blake Road, and an update on the MCWD web site.

91
92 Upcoming Meeting and Event Schedule: President White noted the upcoming meeting
93 schedule.

94
95 **ACTION ITEMS**

96
97 Resolution 23-029: Authorization to Amend a Contract for Engineering and Design
98 Services for Minnehaha Preserve Boardwalk Reconstruction

99
100 Ms. Tiffany Schaufler appeared before the Board of Managers to review the request for
101 board action. She noted the discovery by the St. Louis Park inspector of defective work
102 on the Minnehaha Preserve Boardwalk as reported to the Board of Managers at the May
103 11 meeting. She presented photos to illustrate construction concerns, and reviewed the
104 chronology for the construction, oversight and inspection process. Ms. Schaufler
105 reviewed a protocol outlined by counsel reflecting contract requirements to identify
106 deficient construction for remedy. The proposed board action would increase the
107 engineering and design services contract total not-to-exceed amount for SRF Consulting
108 Group by \$26,790, though it remains for the District and SRF to determine to what extent
109 the work does go beyond the scope of SRF's construction observation/administration
110 responsibilities under the existing contract. Further, the District will reserve its right to
111 assess, before final payment to SRF, the extent to which the scope of any defective work,
112 and hence the engineering cost to address it, resulted from inadequate SRF construction
113 oversight.

114
115 *It was moved by Manager Olson, seconded by President White to adopt Resolution 23-*
116 *029 as follows:*

117
118 ***NOW, THEREFORE, BE IT RESOLVED that the MCWD Board of Managers***
119 ***authorizes the District Administrator, on advice of counsel, to execute a***
120 ***contract amendment with SRF Consulting Group to increase the total contract***
121 ***not-to-exceed amount by \$26,790.***

122
123 Manager Miller thanked the staff for the detailed report and expressed gratitude for the
124 St. Louis Park inspection. He stated that he would be opposed to the resolution and was
125 not sure it was a good idea to keep working with SRF. Manager Loftus stated that she
126 was surprised that SRF would request more compensation under these circumstances.
127 Ms. Schaufler noted that staff was seeking a solution to get the matter resolved
128 expeditiously. In response to a question from Manager Loftus, Mr. Smith noted that the
129 MCWD had a variety of legal options in terms of its relationship with SRF, and that staff
130 discussions have focused on practical means to get the issues resolved. Managers Sando
131 and Hejmadi stated that they shared the concerns expressed by Managers Miller and

132 Loftus. Manager Maxwell stated that he agreed, and felt it was important to keep St.
133 Louis Park staff in the loop of communication. The managers discussed their concerns
134 with the construction problems and apparent lack of proper construction oversight.

135
136 *It was moved by Manager Miller, seconded by Manager Maxwell to table Resolution*
137 *23-029. Upon roll call vote, the motion carried 7-0, as follows:*

138
139 *Hejmadi: Aye*
140 *Loftus: Aye*
141 *Sando: Aye*
142 *Miller: Aye*
143 *Olson: Aye*
144 *Maxwell: Aye*
145 *White: Aye*

146
147 *It was moved by Manager Maxwell, seconded by Manager Sando to direct staff to*
148 *communicate promptly to SRF and JTS that the Board of Managers is deeply*
149 *concerned with the state of construction of the boardwalk and construction oversight,*
150 *that the Board of Managers is not interested in providing additional compensation to*
151 *SRF, and the Board expects prompt action to have the boardwalk constructed as*
152 *designed and specified. Upon roll call vote, the motion carried 5-1-1, as follows:*

153
154 *Hejmadi: Aye*
155 *Loftus: Nay*
156 *Sando: Aye*
157 *Miller: Abstain*
158 *Olson: Aye*
159 *Maxwell: Aye*
160 *White: Aye*

161
162 **BOARD INQUIRIES, ISSUES, AND IDEAS**

163
164 Manager Miller requested that Mr. Wisker review the most recent Minnehaha Preserve
165 Boardwalk construction process and identify how this process can be improved.

166
167 **STAFF UPDATES**

168
169 Administrator's Report

170
171 Mr. Wisker reported on the following items:

172

Minutes of the Regular Meeting
Minnehaha Creek Watershed District
Board of Managers
05-25-23

- 173 1. Lake Minnetonka is at the elevation of 929.2. Precipitation year to date is two inches
174 above normal. The MCWD opened Grays Bay dam on May 22. Minnehaha Creek at
175 Grays Bay is flowing at 12 cubic feet per second.
176
- 177 2. After interviewing candidates for operations manager, the decision was made not to
178 extend any offers at this time, and re-launch the process in the future. The MCWD will
179 post for a planning project manager next week. Samantha Maul has agreed to take an
180 interim role as outreach manager.
181

182 **Adjournment**

183
184 There being no further business, President White declared the meeting of the Board of
185 Managers adjourned at 8:38 p.m.
186

187 Respectfully submitted,
188

189
190 Eugene Maxwell, Secretary
191
192