

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

**April 11, 2024**

**CALL TO ORDER**

The regular meeting of the Minnehaha Creek Watershed District Board of Managers was called to order by President Sherry White at 7:24 p.m. on April 11, 2024, at the MCWD offices, 15320 Minnetonka Boulevard, Minnetonka, Minnesota.

**MANAGERS PRESENT**

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

**MANAGERS ABSENT**

None.

**DISTRICT STAFF AND CONSULTANTS PRESENT**

James Wisker, Administrator; Becky Christopher, Director of Policy Planning; Michael Hayman, Director of Project Planning; Maria Friedges, Permitting Technician; Josh Wolf, Project Maintenance and Land Management Program Manager; Chris Meehan, District Consulting Engineer; Alex Sellke, Real Estate Counsel; and Louis Smith, District Counsel.

**APPROVAL OF AGENDA**

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

**MATTERS FROM THE FLOOR**

None.

**CONSENT AGENDA**

*It was moved by Manager Olson, seconded by Manager Maxwell to approve the items on the Consent Agenda consisting of approval of the March 28, 2024, Board meeting minutes, and approval of the following resolutions:*

Minutes of the Regular Meeting  
Minnehaha Creek Watershed District  
Board of Managers  
4/11/24

***Resolution 24-019: Authorization to Renew GIS and WISKI Maintenance and Licenses***

***NOW, THEREFORE, BE IT RESOLVED that the Minnehaha Creek Watershed District Board of Managers hereby authorizes the renewal of GIS software maintenance and licenses for an amount of \$17,308.00.***

***AND, NOW THEREFORE, BE FURTHER RESOLVED that the Minnehaha Creek Watershed District Board of Managers hereby authorizes the renewal of WISKI software maintenance and licenses for an amount of \$14,931.10.***

***Resolution 24-020: Authorization to Submit Annual Activity Report to the Board of Water and Soil Resources and Department of Natural Resources***

***NOW, THEREOFRE, BE IT RESOLVED, that the District's Board of Managers accepts the 2023 Annual Activity Report and authorizes its release to BWSR and DNR; and***

***Resolution 24-021: Authorization to Trade in One District Vehicle and Purchase a New District Vehicle***

***NOW, THEREFORE, BE IT RESOLVED that the Minnehaha Creek Watershed District Board of Managers: approves the trade-in of one District vehicle towards the purchase of a new vehicle and authorizes the District Administrator to sign the dealership purchase order reflecting same with a not to exceed price of \$36,467.79.***

***Upon vote, the motion carried 5-0.***

**BOARD, COMMITTEE AND TASK FORCE REPORTS**

President's Report: None.

Operations and Programs Committee Report: Manager Loftus reported that the Committee met earlier in the evening and received a briefing on the Land & Water Partnership Program.

President White noted the upcoming meeting schedule presented in the agenda.

**PERMITS REQUIRING A VARIANCE OR DISCUSSION**

Permit 24-075: CenterPoint Energy County Road 84, Orono

Ms. Maria Friedges appeared before the Board of Managers and reviewed the permit application and request for variance. She noted that CenterPoint Energy has applied for a permit for the installation of a new natural gas distribution pipeline via horizontal directional drilling in the City of Orono for the CenterPoint Energy County Road 84 Paving Replacement Project (Project). She reviewed the location of the proposed project and the applicable MCWD rules. The Project triggers MCWD's Erosion Control, Floodplain Alteration, and Waterbody Crossings and Structures rules, and meets the requirements for all applicable rules, with the exception of one requirement of the Waterbody Crossings and Structures rule. The Applicant has requested a variance from the required 100-foot minimum setback from the streambank for pilot, entrance, and exit holes.

Ms. Friedges reviewed the requirements of the Variance rule and the six variance criteria as presented in the permit report. *It was moved by Manager Miller, seconded by Manager Olson, to approve the variance based on the findings presented in the permit report. Upon vote, the motion carried, 7-0.*

*It was moved by Manager Miller, seconded by Manager Hejmadi, to approve the permit with the conditions recommended by staff in the permit report. Upon vote, the motion carried, 7-0.*

Ms. Friedges noted that this would be her last presentation to the Board as she was leaving the District. The managers thanked her for her service.

### **ACTION ITEMS**

#### **Resolution 24-022: Authorization to Amend Five Vegetation Maintenance Contracts to Extend Work through 2024**

Mr. Josh Wolf appeared before the Board of Managers to review the request for board action. He noted that there are a total of 27 sites organized into five groups for contracting purposes. He explained that for efficiency purposes, staff solicited quotes for vegetation maintenance and recommends sole sourcing of the contracts with existing providers for this year. MCWD staff solicited quotes for vegetation maintenance in 2024 from the current four contractors. He noted plans for a detailed analysis of the vegetation management for all District capital projects, lands, and easements to be completed in Fall 2024 ahead of a competitive quote process for 2025 and beyond with a likely restructuring of management groupings and priorities.

***It was moved by Manager Hejmadi, seconded by Manager Maxwell to adopt Resolution 24-022: Authorization to Amend Five Vegetation Maintenance Contracts to Extend Work through 2024 as follows:***

***NOW, THEREFORE, BE IT RESOLVED that the Board authorizes the District Administrator, on advice of legal 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 \$39,544; and***

***BE IT FURTHER RESOLVED that the District Administrator is authorized, on advice of legal counsel, to amend a contract with Prairie Restorations 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 \$32,285; and***

***BE IT FURTHER RESOLVED that the District Administrator is authorized, on advice of legal counsel, to amend a contract with Landbridge Ecological with a scope of services for one year of vegetation maintenance at the Pond Buffers and Shoreline sites in the amount of \$49,172; and***

***BE IT FURTHER RESOLVED that the District Administrator is authorized, on advice of legal counsel, to amend a contract with Minnesota Native Landscapes with a scope of services for one year of vegetation maintenance at the West and Southwest sites in the amount of \$61,285; and***

***BE IT FURTHER RESOLVED that the District Administrator is authorized, on advice of legal 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 \$7,150; and***

***BE IT FINALLY RESOLVED that the District Administrator is authorized, in his judgment, to further authorize up to an additional \$18,943, in aggregate under the above contracts.***

In response to a question from Manager Loftus, Mr. Wolf confirmed that this work would be bid next year. Manager Sando recalled problems with watering plants installed by Prairie Restoration at Arden Park and Mr. Wolf said that he would note this for future reference. In response to a question from Manager Maxwell, Mr. Wolf explained that burn decisions are made by District staff through consultation with the contractor. In response to a question from Manager Olson, Mr. Wolf confirmed that each site submits a report at the end of the season. Manager Miller flagged Mud Lake as a site in need of vegetation maintenance.

Minutes of the Regular Meeting  
Minnehaha Creek Watershed District  
Board of Managers  
4/11/24

*There being no further discussion, upon vote, the motion carried 7-0.*

Resolution 24-023: Adoption of Revised Rules and Authorization of Comment Responses

Ms. Becky Christopher appeared before the Board of Managers and reviewed the request for board action. She reviewed the goals of the rules revision, background to the rulemaking process, comments received, responses to comments, and final revisions drafted in response to comments.

*It was moved by Manager Maxwell, seconded by Manager Hejmadi, to adopt Resolution 24-023: Adoption of Revised Rules and Authorization of Comment Responses as follows:*

***NOW, THEREFORE, BE IT RESOLVED that the Minnehaha Creek Watershed District Board of Managers hereby adopts the attached amended rules, effective on April 29, 2024, and authorizes the Administrator to issue the attached responses to comments; and***

***BE IT FURTHER RESOLVED that the Board directs the Administrator to publish notice of the adoption of the amended rules, mail a copy of the amended rules to the governing body of each city affected by the amended rules and public transportation authorities with jurisdiction in the watershed, and file a copy of the amended rules with the Hennepin County Recorder and the Carver County Property Records Department.***

President White expressed her appreciation to Ms. Christopher and her team for an excellent rulemaking process. Manager Hejmadi noted that relationships with MCWD stakeholders were enhanced through this process.

*There being no further business, upon vote, the motion carried 7-0.*

**BOARD DISCUSSION ITEMS**

325 Blake Road, Hopkings, Briefing

Mr. Michael Hayman appeared before the Board of Managers and reviewed the milestones for this project and agreement with Alatus Development LLC. He noted that the MCWD's feasibility period of the purchase and sale agreement with Alatus expired on March 31. He requested that the Board of Managers go into closed session for the purpose of discussing the potential terms of possible amendments to the agreement for the sale of 325 Blake Road in Hopkings.

Minutes of the Regular Meeting  
Minnehaha Creek Watershed District  
Board of Managers  
4/11/24

*It was moved by Manager Miller, seconded by Manager Maxwell, that the Board of Managers go into closed session for the purpose of discussing with real estate counsel the potential terms of possible amendments to the agreement for the sale of 325 Blake Road in Hopkins. Upon vote, the motion carried 7-0.*

Whereupon the Board of Managers went into closed session.

The Board of Managers returned to open session.

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

None.

### **STAFF UPDATES**

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

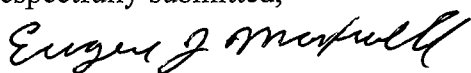
Mr. Wisker reported on the following items:

1. Recent staff hiring news includes a new policy planning staff member to join the MCWD in June, and a research and monitoring staff member to join in August; permitting positions are being posted soon;
2. Jill Sweet just completed ten years of service with the District;
3. The stop logs have been removed from the Grays Bay control structure and Lake Minnetonka is currently at 928.9, with the Creek discharging 20 cubic feet per second;
4. Alex Steele has tracked intensive growth in visits on Google Maps to key sites along Minnehaha Creek.

### **Adjournment**

There being no further business, President White declared the meeting of the Board of Managers adjourned at 9:00 p.m.

Respectfully submitted,



Eugene Maxwell, Secretary