

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

April 25, 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 7:01 p.m. on April 25, 2024, at the MCWD offices, 15320 Minnetonka Boulevard, Minnetonka, Minnesota.

MANAGERS PRESENT

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

MANAGERS ABSENT

None.

DISTRICT STAFF AND CONSULTANTS PRESENT

James Wisker, Administrator; Deb Johnson, Office Manager; Brian Beck, Research & Monitoring Program Manager; Michael Hayman, Director of Project Planning; Chris Meehan, District Consulting Engineer; and Louis Smith, District Counsel.

APPROVAL OF AGENDA

President White noted that in light of audience members present, Items 11.2 and 11.3 should switch places on the agenda. *It was moved by Manager Miller, seconded by Manager Sando, to approve the Agenda with this change. Upon vote, the motion carried 6-0 (Manager Hejmadi absent for this vote).*

MATTERS FROM THE FLOOR

None.

CONSENT AGENDA

It was moved by Manager Maxwell, seconded by Manager Loftus to approve the items on the Consent Agenda consisting of approval of the April 11, 2024, Board meeting minutes; approval of the General Check Register, including check numbers 42538 through 42550 in the amount of \$97,728.14, electronic funds withdrawals of \$137,975.34, Managers Per Diems and Reimbursements of \$2,815.28, employee reimbursements of \$1,787.64, and payroll electronic funds withdrawals and

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disbursements of \$154,049.62, for a total of \$394,356.02; the Surety Check Register including payment of \$27.00 in fees to Bremer Bank; \$46,677.00 in repayment of various permit financial assurances, for a total of \$46,704.00; Wire Transfer of \$52,461.58 to Bremer Bank for Office Building refinance; and approval of the following resolution:

Resolution 24-024: Approval of Programmatic Maintenance Agreement with the City of Mound:

NOW, THEREFORE, BE IT RESOLVED that the Minnehaha Creek Watershed District Board of Managers hereby authorizes the Board President, on advice of counsel, to execute a programmatic maintenance agreement with the City of Mound

Upon vote, the motion carried 6-0 (Manager Hejmadi absent for vote).

BOARD, COMMITTEE AND TASK FORCE REPORTS

President's Report: President White noted that she and Managers Olson and Sando attended the State of the Three Rivers Parks System earlier in the day. (Manager Hejmadi arrived at this point in the meeting.)

Metro Minnesota Watersheds Quarterly Meeting Report: Manager Olson shared that he had the opportunity to chair this meeting in President White's absence. He noted that the meeting included an impressive presentation from the new lobbyists for Minnesota Watersheds, Lockridge Grindal Nauen; agency reports, including a Minnesota Pollution Control Agency report on eight new lakes impaired by chloride; concerns about microplastics pollution from synthetic turf; and a presentation on stormwater pond maintenance, noting that 27% of ponds are owned by homeowners' associations.

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

ACTION ITEMS

Resolution 24-025: Review and Approve 2023 Financial Audit and
Resolution 24-026: Review and Approve 2023 Fund Transfers and Account Closures

Mr. Andy Hering of Redpath & Company appeared before the Board of Managers to present a summary of the 2023 financial audit. He stated that the audit resulted in a clean, unmodified opinion. *Following discussion, it was moved by Manager Miller, seconded by Manager Olson, to adopt Resolution 24-025: Review and Approve 2023 Financial Audit, as follows:*

NOW, THEREFORE, BE IT RESOLVED that the Minnehaha Creek Watershed District Board of Managers hereby accepts the 2023 Annual Financial Report, and directs the District Administrator to transmit it to the Minnesota State Auditor, the Minnesota Board of Water and Soil Resources, and Hennepin and Carver County.

Upon vote, the motion carried 7-0.

It was moved by Manager Miller, seconded by Manager Sando, to adopt Resolution 24-026: Review and Approve 2023 Fund Transfers and Account Closures, as follows:

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

Upon vote, the motion carried 7-0.

Resolution 24-028: Authorization to Execute a Cooperative Agreement with the City of Minneapolis and Minneapolis Park and Recreation Board, and Release the Request for Proposals for the Minnehaha Parkway Phase I Project Feasibility Study

Mr. James Wisker appeared before the Board of Managers to review the request for board action. He noted the presence of Angie Kraft, City of Minneapolis, and Michael Schroeder, Minneapolis Park & Recreation Board. Mr. Wisker presented the history and background of collaboration in Minneapolis and the planning work to forge this latest collaboration of the three partners. He reviewed the cooperative agreement and the plan for release of a request for proposals for consultant services to complete the Phase I project feasibility study.

It was moved by Manager Miller, seconded by Manager Hejmadi, to adopt Resolution 24-028: Authorization to Execute a Cooperative Agreement with the City of Minneapolis and Minneapolis Park and Recreation Board, and Release the Request for Proposals for the Minnehaha Parkway Phase I Project Feasibility Study, as follows:

NOW, THEREFORE, BE IT RESOLVED that the Minnehaha Creek Watershed District Board of Managers authorizes the Board President to Execute a Cooperative Agreement with the City of Minneapolis and Minneapolis Park and Recreation Board;

BE IT FURTHER RESOLVED that the Minnehaha Creek Watershed District Board of Managers authorizes the release of a Request for Proposals for the Minnehaha Parkway Phase I Project Feasibility Study.

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The managers each expressed their appreciation to Ms. Kraft, Mr. Schroeder, and Mr. Wisker for their work and partnership effort. *Upon vote, the motion carried 7-0.*

Resolution 24-027: Authorization to Execute a Contract with Virginia Tech and Streamline Technologies for 2D Model Review

Mr. Brian Beck appeared before the Board of Managers to review the request for board action. He reviewed the MCWD Climate Action Framework as context for building the 2D model. He reviewed the scope of work with Streamline Technologies and Virginia Tech.

It was moved by Manager Olson, seconded by Manager Hejmadi, to adopt Resolution 24-027: Authorization to Execute a Contract with Virginia Tech and Streamline Technologies for 2D Model Review, as follows:

NOW, THEREFORE, BE IT RESOLVED that the District Board of Managers hereby authorizes the Administrator, on advice of counsel, to execute a contract with Virginia Tech to review and support the development of the Watershed-Wide 2D Model, in an amount not to exceed \$20,000, and that does not include an indirect cost component.

BE IT FURTHER RESOLVED that the District Board of Managers hereby authorizes the Administrator, on advice of counsel, to execute a contract with Streamline Technologies to review and support the development of the Watershed-Wide 2D Model, in an amount not to exceed \$29,000.

Manager Olson expressed his appreciation for having the contract developed with Virginia Tech. In response to a question from Manager Loftus, Mr. Beck stated that staff would consider alternatives to owning equipment such as outsourcing to address data gaps. Manager Maxwell asked whether the professor from Virginia Tech would be coming to Minnesota, and Mr. Beck said that he hoped this would be possible for future workshops. In response to a question from President White, Mr. Beck reviewed the status of the new larger computer to assist in this work. *There being no further discussion, upon vote, the motion carried 7-0.*

BOARD DISCUSSION ITEMS

325 Blake Road, Hopkins, MN, Restoration and Redevelopment Update

Mr. Michael Hayman appeared before the Board of Managers to review the status of the sale of 325 Blake Road to Alatus. He noted the Board's discussion at the April 11 meeting, and that the Feasibility Period under the Purchase and Sale Agreement ended on

March 31, which triggered the obligation for Alatus either to terminate the agreement or to move toward closing and provide a payment of \$100,000 by April 3. He reported that Alatus indicates that they are working to obtain capital investment from Kayne Anderson, and Alatus made the \$100,000 payment on April 11. Mr. Hayman noted that Alatus has requested a 3rd Amendment to the Purchase and Sale Agreement and provided a proposed amendment for the MCWD's consideration; the MCWD staff and consultant team had recommended holding on this amendment until Alatus had more news on its capital investment partner. Given the latest news from Alatus, it would be helpful for the Board to consider the issues related to a 3rd Amendment to the Purchase and Sale Agreement. Mr. Hayman recommended that the Board go into Closed Session for this purpose and asked Mr. Smith to provide guidance.

Mr. Smith noted that with the update on the project and transaction status, it is appropriate for the Board of Managers to go into closed session for the purpose of considering the amendment of terms for the sale of 325 Blake Road, in Hopkins, MN. *It was moved by Manager Maxwell, seconded by Manager Hejmadi, that the Board go into Closed Session for the purpose of considering the potential amendment of terms for the sale of 325 Blake Road. 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. Lake Minnetonka is at elevation 928.9. There is no discharge from the Gray's Bay dam, and base flow in Minnehaha Creek is 20 cubic feet per second.
2. Staff is planning the Spring field trip for May 2 and managers are asked to RSVP.
3. Communications staff are reconfiguring the MCWD email updates to provide more targeted communications to distinct audiences.

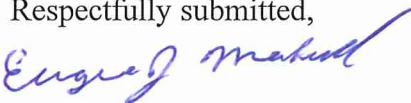
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4. The City of Minnetrista requested a letter of support for two drinking well projects and staff will send the letter absent Board objection. There was no objection.
5. In response to a question from Manager Loftus, Mr. Wisker asked Mr. Smith to provide a brief overview of procurement processes for construction projects, equipment purchase, and services.

Adjournment

There being no further business, President White declared the meeting of the Board of Managers adjourned at 9:07 p.m.

Respectfully submitted,



Eugene Maxwell, Secretary