

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

November 7, 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 7:07 p.m. on November 7, 2024, at the MCWD offices, 15320 Minnetonka Boulevard, Minnetonka, Minnesota.

ROLL CALL FOR ATTENDANCE

President White called the roll to note attendance:

William Olson:	Present
Richard Miller:	Present
Jessica Loftus:	Present
Stephen Sando:	Present
Eugene Maxwell:	Present
Arun Hejmadi:	Present, participating remotely using interactive technology at Minnehaha United Methodist Church, 3701 E 50th St, Minneapolis, MN
Sherry White:	Present

DISTRICT STAFF AND CONSULTANTS PRESENT

James Wisker, Administrator; Michael Hayman, Director of Project Planning; Gabe Sherman, Project Planning Manager; Chris Meehan, District Consulting Engineer; and Louis Smith, District Counsel.

APPROVAL OF AGENDA

President White noted that Item 13 Board Inquiries, Issues and Ideas, and Item 14 Staff Updates would be taken up prior to Item 12 Discussion Items. ***It was moved by Manager Miller, seconded by Manager Maxwell, to approve the agenda with this change. Upon roll call vote, the motion carried, 7-0 as follows:***

Olson:	Aye
Miller:	Aye
Loftus:	Aye
Hejmadi:	Aye
Maxwell:	Aye
Sando:	Aye

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White: Aye

MATTERS FROM THE FLOOR

None.

INFORMATION ITEMS/CORRESPONDENCE

Manager Miller noted the Q3 Financial Report and stated that he felt it would be appropriate for the Board to acknowledge and accept the report. *It was moved by Manager Loftus, seconded by Manager Miller to accept the Q3 Financial Report. Upon roll call vote, the motion carried, 7-0 as follows:*

Olson: Aye
Miller: Aye
Loftus: Aye
Hejmadi: Aye
Maxwell: Aye
Sando: Aye
White: Aye

CONSENT AGENDA

It was moved by Manager Maxwell, seconded by Manager Olson, to approve the items on the Consent Agenda consisting of approval of the October 24, 2024, Board meeting minutes, and the following resolutions:

Resolution 24-057: Approving Second Memorandum of Understanding with the City of Victoria:

NOW, THEREFORE, BE IT RESOLVED that the Minnehaha Creek Watershed District Board of Managers authorizes the District Administrator to execute the Memorandum of Understanding between MCWD and the City of Victoria, with any final, non-substantive changes on advice of counsel.

Resolution 24-058: Selection of Vendor and Authorization to Execute a Contract for Audit Services:

NOW, THEREFORE, BE IT RESOLVED that the Minnehaha Creek Watershed District Board of Managers authorizes the District Administrator to enter into an audit contract for fiscal years 2024-2025 with Redpath and Company, at a price not to exceed the amount stated in its proposal, on advice of legal counsel.

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Resolution 24-059: Approval of the 2025 Board Committee and Board Meeting Schedule:

NOW, THEREFORE, BE IT RESOLVED that the Minnehaha Creek Watershed District Board of Managers hereby approves the following 2025 meeting schedule. Unless otherwise posted Committee Meetings will start at 5:15 PM, and Board meetings will start at 7:00 PM. Executive Committee meetings are scheduled as needed and will be held prior to Board meetings.

1/9/2025	Operations & Programs Committee Meeting Board Meeting	7/10/2025	Operations & Programs Committee Meeting Board Meeting
1/23/2025	Policy & Planning Committee Meeting Board Meeting	7/24/2025	Policy & Planning Committee Meeting Board Meeting
2/13/2025	Operations & Programs Committee Meeting Board Meeting	8/14/2025	Operations & Programs Committee Meeting Board Meeting
2/27/2025	Policy & Planning Committee Meeting Board Meeting	8/28/2025	Policy & Planning Committee Meeting Board Meeting
3/13/2025	Operations & Programs Committee Meeting Board Meeting	9/11/2025	Operations & Programs Committee Meeting Board Meeting
3/27/2025	Policy & Planning Committee Meeting Board Meeting	9/25/2025	Policy & Planning Committee Meeting Board Meeting
4/10/2025	Operations & Programs Committee Meeting Board Meeting	10/9/2025	Operations & Programs Committee Meeting Board Meeting
4/24/2025	Policy & Planning Committee Meeting Board Meeting	10/23/2025	Policy & Planning Committee Meeting Board Meeting
5/8/2025	Operations & Programs Committee Meeting Board Meeting	11/6/2025	Operations & Programs Committee Meeting Board Meeting
5/22/2025	Policy & Planning Committee Meeting Board Meeting	11/20/2025	Policy & Planning Committee Meeting Board Meeting
6/12/2025	Operations & Programs Committee Meeting Board Meeting	12/4/2025	Operations & Programs Committee Meeting Board Meeting
6/26/2025	Policy & Planning Committee Meeting Board Meeting	12/18/2025	Policy & Planning Committee Meeting Board Meeting

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

Olson: Aye
 Miller: Aye
 Loftus: Aye
 Hejmadi: Aye
 Maxwell: Aye
 Sando: Aye
 White: Aye

BOARD, COMMITTEE AND TASK FORCE REPORTS

President’s Report: President White reported that she and Mr. Wisker recently met with Hennepin County Commissioners Goettel, Conley and Edelson.

President White noted that the Board of Managers meeting scheduled for December 3 would conflict with the annual conference of Minnesota Watersheds. *It was moved by Manager Olson, seconded by Manager Maxwell to move the December 3 meeting of the Board of Managers to December 2, with committee meeting at 5:15 p.m. and the Board meeting at 7:00 p.m. Upon roll call vote, the motion carried, 7-0 as follows:*

- Olson: Aye
- Miller: Aye
- Loftus: Aye
- Hejmadi: Aye
- Maxwell: Aye
- Sando: Aye
- White: Aye

Operations and Program Committee Report: Manager Loftus reported that the Committee met earlier in the evening and received a briefing on recruitment for the 2025 Citizens Advisory Committee and an update on District campus improvements.

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

PUBLIC HEARINGS & PRESENTATIONS

None.

PERMITS REQUIRING A VARIANCE OR DISCUSSION

None.

ACTION ITEMS

Resolution 24-060: Authorization to Terminate Minnesota Dirt Works, Inc. Contract for Twin Lakes Park Pond and Nokomis-Amelia Pond Dredging

Mr. Michael Hayman appeared before the Board of Managers to review the request for board action. He noted that the Board had previously awarded this construction contract for stormwater pond maintenance to Minnesota Dirt Works, Inc. Dredging of both ponds was to be completed by March 29, 2024. Initial work to prepare the site began on January 17, 2024. However, due to the unseasonably warm weather, and the lack of frozen conditions in early 2024, MN Dirt Works communicated that they were unable to complete the work. The project was postponed on February 9, 2024, with the expectation

that staff would evaluate the possibility of extending the existing contract to February 2025, allowing the work to be completed in the winter of 2024-2025.

In late winter 2024, as MN Dirt Works sought dewatering permits, Minnesota Department of Natural Resources staff indicated that Blanding's turtles, a state-listed threatened species, were reported in the vicinity of the project area at Nokomis-Amelia Pond. State law and rules prohibit the destruction of threatened species and their habitats. Because dredging the Nokomis-Amelia Pond would seemingly conflict with these rules, MCWD staff proposed to temporarily cancel the Nokomis-Amelia portion of the work. This approach allowed staff to continue discussions with the DNR while advancing the dredging of Twin Lakes Park Pond through a change order to the existing contract with MN Dirt Works. MN Dirt Works reviewed the change order to postpone the dredging of Twin Lakes Park Pond to this upcoming winter with cost adjustments and requested that MCWD terminate the contract due to their workload and risk tolerance this winter.

It was moved by Manager Sando, seconded by Manager Loftus, to adopt Resolution 24-060: Authorization to Terminate Minnesota Dirt Works, Inc. Contract for Twin Lakes Park Pond and Nokomis-Amelia Pond Dredging, as follows:

NOW, THEREFORE, BE IT RESOLVED in accordance with GC 15.03 termination for convenience clause, that the Minnehaha Creek Watershed District Board authorizes the District Administrator to terminate the contract with Minnesota Dirt Works, Inc., for construction maintenance and release the project bonds, on advice of counsel.

In response to a question from Manager Olson, Mr. Hayman noted that MCWD had paid Dirt Works \$16,500 for mobilization, permitting and project management costs incurred. Manager Maxwell asked if legal counsel had reviewed and confirmed that it is appropriate to terminate the contract as requested, and Mr. Smith confirmed that termination is appropriate. Manager Miller asked if there are alternative approaches to do this work in warm weather conditions. Mr. Hayman and Mr. Meehan confirmed that hydraulic dredging could be an alternative approach, though much more expensive.

There being no further discussion, upon roll call vote, the motion to adopt Resolution 24-060 carried, 7-0 as follows:

Maxwell:	Aye
Olson:	Aye
Miller:	Aye
Sando:	Aye
Loftus:	Aye
Hejmadi:	Aye
White:	Aye

Resolution 24-061: Award Contract for Tree Removal at the Minnehaha Preserve

Mr. Hayman reviewed the request for board action. He reported that on August 29, 2024, MCWD staff was notified by City of St. Louis Park staff that a large cottonwood in the Minnehaha Preserve had toppled, likely during a recent storm, landing across Minnehaha Creek and ripping up a portion of the bituminous trail. While the trail is still passable on foot, it is not currently meeting ADA standards and further erosion could pose a safety issue as the remaining pavement is undercut. Removal of the downed tree is necessary before any trail repairs can be undertaken. The Operations and Maintenance Plan does not explicitly address trees that have already fallen, but it assigns responsibility for the removal of trees/limbs capable of falling onto the trail to MCWD.

Based on its experience with tree contractors operating within St. Louis Park, the City has been assisting MCWD in soliciting quotes for the removal, and will continue to help coordinate the work, including temporary trail closures and administering the removal contract. To reduce costs, the City is allowing the use of its trail to remove the tree overland rather than requiring the use of a crane and is allowing disposal of the trees at a nearby City-owned facility at no cost. The City solicited quotes from three contractors, two of which submitted estimates and one of which declined to provide a quote for the work. Of the two estimates received, Precision Landscape & Tree (Precision) submitted the low quote by a significant margin.

It was moved by Manager Miller, seconded by Manager Olson to adopt Resolution 24-061: Award Contract for Tree Removal at the Minnehaha Preserve as follows:

NOW, THEREFORE, BE IT RESOLVED that the Minnehaha Creek Watershed District Board of Managers hereby authorizes the District Administrator to approve payment to Precision Landscape & Tree, or reimbursement of the City of St. Louis Park, for tree removal services in an amount not to exceed \$23,979 and authorizes the Administrator to issue change orders in the amount of 10% of the contract value.

Manager Miller stated that he had noticed many trees down on the Creek and asked about general responsibility for tree removal. Mr. Wisker noted that generally the landowner is responsible for tree removal, and that cities along that Creek can be a helpful resource. He noted that with increasingly intensive drought and storm cycles, tree removal issues will continue to arise, and MCWD is thinking about the need to develop a policy framework to guide our response.

There being no further discussion, upon roll call vote, the motion to adopt Resolution 24-061 carried, 7-0 as follows:

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Maxwell: Aye
Olson: Aye
Miller: Aye
Sando: Aye
Loftus: Aye
Hejmadi: Aye
White: Aye

BOARD INQUIRIES, ISSUES, AND IDEAS

None.

STAFF UPDATES

Administrator's Report

Mr. Wisker reported on the following items:

1. With assistance from the Minnetonka Department of Public Works, Gray's Bay Dam is now winterized.
2. MCWD staff and legal counsel have received a letter from the attorney for JTS Construction concerning plans to complete a field test to address necessary repairs of the Minnehaha Preserve Boardwalk.
3. Saunders Lake residents in Minnetrista have recently corresponded with the MCWD expressing concerns with excessive plant growth and water quality, and staff will coordinate a response and keep the Board informed.
4. Christmas Lake homeowners have expressed concern about erosion and the MCWD will be meeting with residents in the next day in cooperation with the City of Chanhassen.

BOARD DISCUSSION ITEMS

325 Blake Road Restoration and Redevelopment

Mr. Michael Hayman appeared before the Board of Managers to provide an update on redevelopment and the MCWD project at 325 Blake Road in Hopkins. He requested that the Board of Managers go into closed session. ***Pursuant to legal counsel's recommendation, it was moved by Manager Maxwell, seconded by Manager Miller for the Board to go into a closed session for the purpose of discussing the potential***

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expiration or revision of terms of the Purchase and Sale Agreement of 325 Blake Road in Hopkins. Upon roll call vote, the motion carried 7-0 as follows:

Maxwell: Aye
Olson: Aye
Miller: Aye
Sando: Aye
Loftus: Aye
Hejmadi: Aye
White: Aye

The Board of Managers went into closed session.

The Board of Managers returned to open session.

Adjournment

There being no further business, President White declared the meeting of the Board of Managers adjourned at 8:28 p.m.

Respectfully submitted,



Eugene Maxwell, Secretary