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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.

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

91
92 ***NOW, THEREFORE, BE IT RESOLVED that the Minnehaha Creek Watershed***
93 ***District Board of Managers hereby approves the following 2025 meeting***
94 ***schedule. Unless otherwise posted Committee Meetings will start at 5:15 PM,***
95 ***and Board meetings will start at 7:00 PM. Executive Committee meetings are***
96 ***scheduled as needed and will be held prior to Board meetings.***
97

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

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99
100 ***Upon roll call vote, the motion carried, 7-0 as follows:***

101
102 Olson: Aye
103 Miller: Aye
104 Loftus: Aye
105 Hejmadi: Aye
106 Maxwell: Aye
107 Sando: Aye
108 White: Aye

109
110 **BOARD, COMMITTEE AND TASK FORCE REPORTS**

111
112 **President's Report:** President White reported that she and Mr. Wisker recently met with
113 Hennepin County Commissioners Goettel, Conley and Edelson.

114
115 President White noted that the Board of Managers meeting scheduled for December 3
116 would conflict with the annual conference of Minnesota Watersheds. *It was moved by*
117 *Manager Olson, seconded by Manager Maxwell to move the December 3 meeting of*
118 *the Board of Managers to December 2, with committee meeting at 5:15 p.m. and the*
119 *Board meeting at 7:00 p.m. Upon roll call vote, the motion carried, 7-0 as follows:*

120
121 Olson: Aye
122 Miller: Aye
123 Loftus: Aye
124 Hejmadi: Aye
125 Maxwell: Aye
126 Sando: Aye
127 White: Aye

128
129 Operations and Program Committee Report: Manager Loftus reported that the
130 Committee met earlier in the evening and received a briefing on recruitment for the 2025
131 Citizens Advisory Committee and an update on District campus improvements.

132
133 President White noted the upcoming meeting schedule presented in the agenda.

134
135
136 **PUBLIC HEARINGS & PRESENTATIONS**

137
138 None.

139
140 **PERMITS REQUIRING A VARIANCE OR DISCUSSION**

141
142 None.

143
144 **ACTION ITEMS**

145
146 Resolution 24-060: Authorization to Terminate Minnesota Dirt Works, Inc. Contract for
147 Twin Lakes Park Pond and Nokomis-Amelia Pond Dredging

148
149 Mr. Michael Hayman appeared before the Board of Managers to review the request for
150 board action. He noted that the Board had previously awarded this construction contract
151 for stormwater pond maintenance to Minnesota Dirt Works, Inc. Dredging of both ponds
152 was to be completed by March 29, 2024. Initial work to prepare the site began on January
153 17, 2024. However, due to the unseasonably warm weather, and the lack of frozen
154 conditions in early 2024, MN Dirt Works communicated that they were unable to
155 complete the work. The project was postponed on February 9, 2024, with the expectation

156 that staff would evaluate the possibility of extending the existing contract to February
157 2025, allowing the work to be completed in the winter of 2024-2025.

158
159 In late winter 2024, as MN Dirt Works sought dewatering permits, Minnesota
160 Department of Natural Resources staff indicated that Blanding's turtles, a state-listed
161 threatened species, were reported in the vicinity of the project area at Nokomis-Amelia
162 Pond. State law and rules prohibit the destruction of threatened species and their habitats.
163 Because dredging the Nokomis-Amelia Pond would seemingly conflict with these rules,
164 MCWD staff proposed to temporarily cancel the Nokomis-Amelia portion of the work.
165 This approach allowed staff to continue discussions with the DNR while advancing the
166 dredging of Twin Lakes Park Pond through a change order to the existing contract with
167 MN Dirt Works. MN Dirt Works reviewed the change order to postpone the dredging of
168 Twin Lakes Park Pond to this upcoming winter with cost adjustments and requested that
169 MCWD terminate the contract due to their workload and risk tolerance this winter.

170
171 ***It was moved by Manager Sando, seconded by Manager Loftus, to adopt Resolution 24-***
172 ***060: Authorization to Terminate Minnesota Dirt Works, Inc. Contract for Twin Lakes***
173 ***Park Pond and Nokomis-Amelia Pond Dredging, as follows:***

174
175 ***NOW, THEREFORE, BE IT RESOLVED in accordance with GC 15.03***
176 ***termination for convenience clause, that the Minnehaha Creek Watershed***
177 ***District Board authorizes the District Administrator to terminate the contract***
178 ***with Minnesota Dirt Works, Inc., for construction maintenance and release the***
179 ***project bonds, on advice of counsel.***

180
181 In response to a question from Manager Olson, Mr. Hayman noted that MCWD had paid
182 Dirt Works \$16,500 for mobilization, permitting and project management costs incurred.
183 Manager Maxwell asked if legal counsel had reviewed and confirmed that it is
184 appropriate to terminate the contract as requested, and Mr. Smith confirmed that
185 termination is appropriate. Manager Miller asked if there are alternative approaches to do
186 this work in warm weather conditions. Mr. Hayman and Mr. Meehan confirmed that
187 hydraulic dredging could be an alternative approach, though much more expensive.

188
189 ***There being no further discussion, upon roll call vote, the motion to adopt Resolution***
190 ***24-060 carried, 7-0 as follows:***

191
192 Maxwell: Aye
193 Olson: Aye
194 Miller: Aye
195 Sando: Aye
196 Loftus: Aye
197 Hejmadi: Aye
198 White: Aye

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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:

242 Maxwell: Aye
243 Olson: Aye
244 Miller: Aye
245 Sando: Aye
246 Loftus: Aye
247 Hejmadi: Aye
248 White: Aye

249

250 **BOARD INQUIRIES, ISSUES, AND IDEAS**

251

252 None.

253

254 **STAFF UPDATES**

255

256 Administrator's Report

257

258 Mr. Wisker reported on the following items:

259

- 260 1. With assistance from the Minnetonka Department of Public Works, Gray's
261 Bay Dam is now winterized.
262
- 263 2. MCWD staff and legal counsel have received a letter from the attorney for
264 JTS Construction concerning plans to complete a field test to address
265 necessary repairs of the Minnehaha Preserve Boardwalk.
266
- 267 3. Saunders Lake residents in Minnetrista have recently corresponded with the
268 MCWD expressing concerns with excessive plant growth and water quality,
269 and staff will coordinate a response and keep the Board informed.
270
- 271 4. Christmas Lake homeowners have expressed concern about erosion and the
272 MCWD will be meeting with residents in the next day in cooperation with the
273 City of Chanhassen.
274

275

276

276 **BOARD DISCUSSION ITEMS**

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278 325 Blake Road Restoration and Redevelopment

279

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

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

287
288 Maxwell: Aye
289 Olson: Aye
290 Miller: Aye
291 Sando: Aye
292 Loftus: Aye
293 Hejmadi: Aye
294 White: Aye

295
296 The Board of Managers went into closed session.

297
298 The Board of Managers returned to open session.

299
300 **Adjournment**

301
302 There being no further business, President White declared the meeting of the Board of
303 Managers adjourned at 8:28 p.m.

304
305 Respectfully submitted,

306
307
308
309 Eugene Maxwell, Secretary