



47 ***\$27.00, and payment of \$1,500 to Brush Dental Studio for permit 21-129; the Wire***  
48 ***Check Register in the amount of \$2,461.58 to Bremer Bank for office building***  
49 ***refinance; and the following resolution:***

50

51 ***Resolution 23-064: 2023 American Geophysical Union Conference Attendance***

52

53 ***NOW, THEREFORE, BE IT RESOLVED, that the MCWD Board of Managers***  
54 ***authorizes four (4) staff to attend the American Geophysical Union National***  
55 ***Conference for a cost not to exceed \$9,500 for registration, travel, and***  
56 ***accommodations.***

57

58 ***Upon vote, the motion carried 7-0.***

59

60

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

62

63 President's Report: President White reported that she had attended a briefing for the  
64 Carver County Board of Commissioners with Manager Olson and Mr. Wisker, and the  
65 quarterly Metro Watersheds meeting. She asked Manager Olson and Manager Maxwell  
66 to provide further reports.

67

68 Manager Olson reported that Mr. Wisker's presentation to Carver County included the  
69 MCWD's budget, projects completed, and plans for upcoming projects, as well as  
70 opportunities to coordinate with local communities on development opportunities. He  
71 noted that the presentation was well received by the commissioners.

72

73 Metro Watersheds Quarterly Meeting Report: Manager Maxwell reported that the  
74 Metropolitan Council provided information on water policy research and other state  
75 agencies provided updates.

76

77 Upcoming Meeting and Event Schedule: President White noted the upcoming meeting  
78 schedule.

79

80 **ACTION ITEMS**

81

82 Resolution 23-065: Authorization to Release Proposed Rule Revisions for Public  
83 Comment Period

84

85 Ms. Abigail Ernst appeared before the Board of Managers to review the request for board  
86 action. She traced the purpose of the rules revision undertaking, the process of  
87 engagement with the citizens advisory committee, technical advisory committee, and  
88 Operations and Programs Committee of the Board of Managers. She summarized the  
89 proposed rule revisions and requested that the Board authorize release of the proposed  
90 changes for a 45-day public comment period.

91

92 *It was moved by Manager Olson, seconded by Manager Hejmadi to adopt Resolution*  
93 *23-065 as follows:*

94

95 ***NOW, THEREFORE, BE IT RESOLVED that the MCWD Board of Managers***  
96 ***authorizes the District Administrator to release the proposed rule revisions for***  
97 ***public comment in accordance with Minnesota Statutes section 103D.341, and***  
98 ***schedule and issue notice of a public hearing on the revisions as part of the***  
99 ***January 11, 2024 meeting of the Board of Managers.***

100

101 In response to a question from Manager Olson, Ms. Ernst reviewed how the original  
102 permit would be referenced for individual fast track dredging permits. Manager Olson  
103 asked whether comments could be made on the proposed rule revisions through the  
104 MCWD web site, and Ms. Ernst noted that email would be an easier process. In response  
105 to a question from Manager Maxwell, Ms. Ernst noted that there has been 100%  
106 engagement by the cities in the watershed.

107

108 ***Upon vote, the motion carried 7-0.***

109

110 Resolution 23-066: Second Amendment to the 325 Blake Road Purchase and Sale  
111 Agreement

112

113 Mr. Michael Hayman appeared before the Board of Managers to review the status of  
114 extensions to Alatus pursuant to the purchase and sale agreement for 325 Blake Road.  
115 He noted that the second extension granted under the agreement would expire on  
116 November 3, 2023. Manager Miller noted that he intended to introduce a resolution to  
117 direct staff to work on other project priorities.

118

119 Mr. Hayman noted the presence of real estate counsel Alex Sellke and consultant Chuck  
120 Lutz. Upon recommendation of Mr. Smith, ***it was moved by Manager Olson, seconded***  
121 ***by Manager Maxwell to move into closed session for the purpose of discussing the***  
122 ***possible amendment of terms for the sale of 325 Blake Road in Hopkins. Upon vote,***  
123 ***the motion carried, 7-0.***

124

125 Whereupon the Board of Managers went into closed session. The Board of Managers  
126 returned to open session.

127

128 ***Manager Miller introduced the following resolution, seconded by Manager Loftus:***

129

130

131

132 ***NOW, THEREFORE, BE IT RESOLVED that the Minnehaha Creek***  
133 ***Watershed District Board of Managers directs the District administrator to***  
134 ***redirect staff currently assigned to the 325 Blake Road project to work on other***

135 *District priorities until such time as the administrator determines that renewed*  
136 *work with the City of Hopkins would be productive and lead to real, substantial*  
137 *progress in the redevelopment of the site.*  
138

139 *It was moved by Manager Hejmadi, seconded by Manager Maxwell to table this*  
140 *resolution. Upon vote, the motion carried 7-0.*  
141

142 *It was moved by Manager Maxwell, seconded by Manager Loftus, to adopt Resolution*  
143 *23-066: Second Amendment to the 325 Blake Road Purchase and Sale Agreement as*  
144 *follows:*  
145

146 *NOW, THEREFORE, BE IT RESOLVED that the Minnehaha Creek*  
147 *Watershed District Board of Managers hereby approves the Second Amendment*  
148 *to the 325 Blake Road Real Estate Purchase Agreement and authorizes the*  
149 *President to execute the amendment with any non-substantive changes in*  
150 *consultation with legal counsel.*  
151

152 *It was moved by Manager Loftus, seconded by Manager Miller to amend the attached*  
153 *Second Amendment to the 325 Blake Road Real Estate Purchase Agreement at Section*  
154 *5 to provide that the sum for the additional extension payment from additional earnest*  
155 *money be \$100,000 instead of \$50,000. Upon vote, the motion on the amendment*  
156 *carried, 7-0.*  
157

158 *Upon roll call vote, the motion to adopt the resolution as amended carried 6-1 as*  
159 *follows:*  
160

161 *White: Aye*  
162 *Olson: Aye*  
163 *Loftus: Aye*  
164 *Miller: Nay*  
165 *Hejmadi: Aye*  
166 *Maxwell: Aye*  
167 *Sando: Aye*  
168

169 **BOARD DISCUSSION ITEMS**  
170

171 None.  
172

173 **BOARD INQUIRIES, ISSUES, AND IDEAS**  
174

175 Manager Miller noted for the record that he has engaged Stantec to address flooding  
176 issues at his residence.  
177  
178

179 **STAFF UPDATES**  
180 **Administrator's Report**

181  
182 Mr. Wisker reported on the following matters:

183  
184 1. Water levels: Precipitation year to date is 26.5 inches, about 2 inches below normal.  
185 Precipitation in October has been 3.5 inches, about 1.4 inches above normal. Lake  
186 Minnetonka is at elevation 928.49 and the creek is flowing 85 cubic feet per second at  
187 Lake Hiawatha.

188  
189 2. Minnehaha Preserve Boardwalk: Since the defective work was first identified, staff  
190 has worked with counsel to consistently communicate in writing clear expectations for  
191 resolving the defective work through the process identified in the contract. The  
192 contractor, JTS, has proposed to correct nine of the eleven Defective Work Categories to  
193 the original design specifications. For the remaining two Defective Work Categories, JTS  
194 has proposed engineering solutions to these defective issues. To do so, in accordance  
195 with the contract documents, JTS must provide engineer drawings and calculations for  
196 SRF's review and conformance with the design.

197  
198 JTS is responsible for submitting the proposed engineering solutions to St. Louis Park for  
199 State code compliance. MCWD has applied proactive pressure to try to drive pace,  
200 however, the contract documents have a clear process that must be followed. Meanwhile,  
201 MCWD has communicated the costs incurred to date by SRF and legal counsel to review  
202 the defective work and proposed corrections; as well as the liquated damages that have  
203 been accruing since the project completion date of June 30, 2023.

204  
205 MCWD has communicated to JTS that it is in JTS' best interest to demonstrate efficient  
206 progress, complete the work with good quality, and complete the corrections at the  
207 earliest time. Today MCWD and SRF were informed that JTS retained an attorney.  
208 MCWD staff will work with legal counsel to outline the facts and orderly process that  
209 MCWD has run to date; and have counsel provide that to JTS' attorney. MCWD staff are  
210 hopeful that JTS' attorney will help JTS find a critical path to complete the work.

211  
212 3. Carver County Presentation: As noted by President White and Manager Olson, Mr.  
213 Wisker presented an update to the Carver County Board of Commissioners on the Six  
214 Mile Creek Halsted's Bay projects, which was warmly received.

215  
216 4. Carver County Transportation Improvements: the county has a series of significant  
217 infrastructure improvements planned as part of the Arboretum Area Transportation Plan,  
218 including Trunk Highway 5, County Road 11, and 82<sup>nd</sup> Avenue. MCWD is reaching out  
219 in partnership to address wetland mitigation and stormwater management issues for  
220 Highway 5. MCWD has noted Lake Zumbra residents concern for upsizing the culvert  
221 between Lake Zumbra and the Auburn wetland. Staff have engaged with the City of  
222 Victoria engineer and she is available to present to a committee meeting in the future.

Minutes of the Regular Meeting  
Minnehaha Creek Watershed District  
Board of Managers  
10-26-23

223 5. A steering committee meeting has been scheduled for December 6 for the partnership  
224 of the City of Minneapolis, Minneapolis Park & Recreation Board, and MCWD. A  
225 cooperative agreement is being prepared for discussion at the meeting, along with plans  
226 for three pilot projects.

227  
228 6. Follow up on Taft Alum Injection Project: staff have continued discussions with the  
229 City of Richfield seeking to bring the project into performance levels within designed  
230 targets. At MCWD's request, Barr Engineering was retained by the city to evaluate the  
231 project's ability to meet the targets. Barr's report is near completion and Mr. Wisker will  
232 be meeting the director of public works tomorrow and to plan next steps.

233  
234 7. Conferences: MCWD staff have attended five different conferences recently and are  
235 bringing specific learnings to apply to our work. Interesting questions at the University  
236 of Minnesota Water Resources conference on the Morningside project included potential  
237 downstream impacts.

238  
239 8. Personnel: recent hires include Sophia Green, Planner-Project Manager; Maggie  
240 Menden, Permitting Assistant; Tessa Vacek, Administrative Services Manager; and Maia  
241 Irvin, Communications Coordinator. An internal process is being explored to fill another  
242 planning-project manager position.

243  
244 **Adjournment**

245  
246 There being no further business, President White declared the meeting of the Board of  
247 Managers adjourned at 8:59 p.m.

248  
249 Respectfully submitted,

250  
251  
252 Eugene Maxwell, Secretary

253  
254