

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

4
5 **April 11, 2024**

6
7 **CALL TO ORDER**

8
9 The regular meeting of the Minnehaha Creek Watershed District Board of Managers was
10 called to order by President Sherry White at 7:24 p.m. on April 11, 2024, at the MCWD
11 offices, 15320 Minnetonka Boulevard, Minnetonka, Minnesota.

12
13 **MANAGERS PRESENT**

14
15 Sherry White, William Olson, Richard Miller Stephen Sando, Jessica Loftus, Arun
16 Hejmadi. and Eugene Maxwell.

17
18 **MANAGERS ABSENT**

19
20 None.

21
22 **DISTRICT STAFF AND CONSULTANTS PRESENT**

23
24 James Wisker, Administrator; Becky Christopher, Director of Policy Planning; Michael
25 Hayman, Director of Project Planning; Maria Friedges, Permitting Technician; Josh
26 Wolf, Project Maintenance and Land Management Program Manager; Chris Meehan,
27 District Consulting Engineer; Alex Sellke, Real Estate Counsel; and Louis Smith, District
28 Counsel.

29
30
31 **APPROVAL OF AGENDA**

32
33 *It was moved by Manager Miller, seconded by Manager Sando, to approve the Agenda*
34 *as distributed. Upon vote, the motion carried 7-0.*

35
36 **MATTERS FROM THE FLOOR**

37
38 None.

39
40 **CONSENT AGENDA**

41
42 *It was moved by Manager Olson, seconded by Manager Maxwell to approve the items*
43 *on the Consent Agenda consisting of approval of the March 28, 2024, Board meeting*
44 *minutes, and approval of the following resolutions:*

45
46

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

49

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

53

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

57

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

61

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

65

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

68

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

74

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

76

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

78

79 President's Report: None.

80

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

84

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

86

87 **PERMITS REQUIRING A VARIANCE OR DISCUSSION**

88

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

90
91 Ms. Maria Friedges appeared before the Board of Managers and reviewed the permit
92 application and request for variance. She noted that CenterPoint Energy has applied for a
93 permit for the installation of a new natural gas distribution pipeline via horizontal
94 directional drilling in the City of Orono for the CenterPoint Energy County Road 84
95 Paving Replacement Project (Project). She reviewed the location of the proposed project
96 and the applicable MCWD rules. The Project triggers MCWD's Erosion Control,
97 Floodplain Alteration, and Waterbody Crossings and Structures rules, and meets the
98 requirements for all applicable rules, with the exception of one requirement of the
99 Waterbody Crossings and Structures rule. The Applicant has requested a variance from
100 the required 100-foot minimum setback from the streambank for pilot, entrance, and exit
101 holes.

102
103 Ms. Friedges reviewed the requirements of the Variance rule and the six variance criteria
104 as presented in the permit report. ***It was moved by Manager Miller, seconded by***
105 ***Manager Olson, to approve the variance based on the findings presented in the permit***
106 ***report. Upon vote, the motion carried, 7-0.***

107
108 ***It was moved by Manager Miller, seconded by Manager Hejmadi, to approve the permit***
109 ***with the conditions recommended by staff in the permit report. Upon vote, the motion***
110 ***carried, 7-0.***

111
112 Ms. Friedges noted that this would be her last presentation to the Board as she was
113 leaving the District. The managers thanked her for her service.

114
115
116 **ACTION ITEMS**

117
118 **Resolution 24-022: Authorization to Amend Five Vegetation Maintenance**
119 **Contracts to Extend Work through 2024**

120
121 Mr. Josh Wolf appeared before the Board of Managers to review the request for board
122 action. He noted that there are a total of 27 sites organized into five groups for
123 contracting purposes. He explained that for efficiency purposes, staff solicited quotes for
124 vegetation maintenance and recommends sole sourcing of the contracts with existing
125 providers for this year. MCWD staff solicited quotes for vegetation maintenance in 2024
126 from the current four contractors. He noted plans for a detailed analysis of the vegetation
127 management for all District capital projects, lands, and easements to be completed in Fall
128 2024 ahead of a competitive quote process for 2025 and beyond with a likely
129 restructuring of management groupings and priorities.

130
131

132 ***It was moved by Manager Hejmadi, seconded by Manager Maxwell to adopt Resolution***
133 ***24-022: Authorization to Amend Five Vegetation Maintenance Contracts to Extend***
134 ***Work through 2024 as follows:***

135

136 ***NOW, THEREFORE, BE IT RESOLVED that the Board authorizes the***
137 ***District Administrator, on advice of legal counsel, to amend a contract with***
138 ***Landbridge Ecological with a scope of services for one year of vegetation***
139 ***maintenance at the Minnehaha Creek Greenway sites in the amount of***
140 ***\$39,544; and***

141

142 ***BE IT FURTHER RESOLVED that the District Administrator is authorized, on***
143 ***advice of legal counsel, to amend a contract with Prairie Restorations with a***
144 ***scope of services for one year of vegetation maintenance at the Six Mile Marsh***
145 ***Prairie Restoration and Laketown Wetland sites in the amount of \$32,285; and***

146

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

151

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

156

157 ***BE IT FURTHER RESOLVED that the District Administrator is authorized, on***
158 ***advice of legal counsel, to amend a contract with Natural Shore Technologies***
159 ***with a scope of services for one year of vegetation maintenance at the CR 101***
160 ***Shoreline and Jennings Bay Wetland sites in the amount of \$7,150; and***

161

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

165

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

174

175 *There being no further discussion, upon vote, the motion carried 7-0.*
176

177 Resolution 24-023: Adoption of Revised Rules and Authorization of Comment
178 Responses
179

180 Ms. Becky Christopher appeared before the Board of Managers and reviewed the request
181 for board action. She reviewed the goals of the rules revision, background to the
182 rulemaking process, comments received, responses to comments, and final revisions
183 drafted in response to comments.
184

185 *It was moved by Manager Maxwell, seconded by Manager Hejmadi, to adopt*
186 *Resolution 24-023: Adoption of Revised Rules and Authorization of Comment*
187 *Responses as follows:*
188

189 *NOW, THEREFORE, BE IT RESOLVED that the Minnehaha Creek*
190 *Watershed District Board of Managers hereby adopts the attached amended*
191 *rules, effective on April 29, 2024, and authorizes the Administrator to issue the*
192 *attached responses to comments; and*
193

194 *BE IT FURTHER RESOLVED that the Board directs the Administrator to*
195 *publish notice of the adoption of the amended rules, mail a copy of the amended*
196 *rules to the governing body of each city affected by the amended rules and*
197 *public transportation authorities with jurisdiction in the watershed, and file a*
198 *copy of the amended rules with the Hennepin County Recorder and the Carver*
199 *County Property Records Department.*
200

201 President White expressed her appreciation to Ms. Christopher and her team for an
202 excellent rulemaking process. Manager Hejmadi noted that relationships with MCWD
203 stakeholders were enhanced through this process.
204

205 *There being no further business, upon vote, the motion carried 7-0.*
206

207 **BOARD DISCUSSION ITEMS**
208

209 325 Blake Road, Hopkings, Briefing
210

211 Mr. Michael Hayman appeared before the Board of Managers and reviewed the
212 milestones for this project and agreement with Alatus Development LLC. He noted that
213 the MCWD's feasibility period of the purchase and sale agreement with Alatus expired
214 on March 31. He requested that the Board of Managers go into closed session for the
215 purpose of discussing the potential terms of possible amendments to the agreement for
216 the sale of 325 Blake Road in Hopkings.
217

218 *It was moved by Manager Miller, seconded by Manager Maxwell, that the Board of*
219 *Managers go into closed session for the purpose of discussing with real estate counsel*
220 *the potential terms of possible amendments to the agreement for the sale of 325 Blake*
221 *Road in Hopkins. Upon vote, the motion carried 7-0.*
222

223 Whereupon the Board of Managers went into closed session.
224

225 The Board of Managers returned to open session.
226

227 **BOARD INQUIRIES, ISSUES, AND IDEAS**

228
229 None.

230
231 **STAFF UPDATES**

232
233 Administrator's Report

234
235 Mr. Wisker reported on the following items:
236

- 237 1. Recent staff hiring news includes a new policy planning staff member to join
238 the MCWD in June, and a research and monitoring staff member to join in
239 August; permitting positions are being posted soon;
240
- 241 2. Jill Sweet just completed ten years of service with the District;
242
- 243 3. The stop logs have been removed from the Grays Bay control structure and
244 Lake Minnetonka is currently at 928.9, with the Creek discharging 20 cubic
245 feet per second;
246
- 247 4. Alex Steele has tracked intensive growth in visits on Google Maps to key sites
248 along Minnehaha Creek.
249

250 **Adjournment**

251
252 There being no further business, President White declared the meeting of the Board of
253 Managers adjourned at 9:00 p.m.
254

255 Respectfully submitted,
256

257
258 Eugene Maxwell, Secretary