

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

4
5 **February 13, 2025**

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 7:06 p.m. on February 13, 2025, at the
11 MCWD offices, 15320 Minnetonka Boulevard, Minnetonka, Minnesota.

12
13 **MANAGERS PRESENT**

14 Sherry White, William Olson, Richard Miller, Jessica Loftus, Arun Hejmadi, and Steve
15 Sando.

16
17
18 **MANAGERS ABSENT**

19 Eugene Maxwell.

20
21
22 **DISTRICT STAFF AND CONSULTANTS PRESENT**

23
24 James Wisker, Administrator; Rebecca Neal, Policy Planning Coordinator; James
25 McDermond-Spies, Project Maintenance & Land Management Manager; Michael
26 Hayman, Director of Project Planning; Nick Wyers, District Consulting Engineer; and
27 Louis Smith, District Counsel.

28
29 **APPROVAL OF AGENDA**

30
31 President White noted that Item 13 Board Inquiries, Issues and Ideas, and Item 14 Staff
32 Updates would be taken up prior to Item 12 Discussion Items. *It was moved by Manager*
33 *Olson, seconded by Manager Sando, to approve the agenda with this change. Upon*
34 *vote, the motion carried 6-0 (Manager Maxwell absent).*

35
36 **MATTERS FROM THE FLOOR**

37 None.

38
39
40 **CONSENT AGENDA**

41
42 *It was moved by Manager Miller, seconded by Manager Hejmadi, to approve the items*
43 *on the Consent Agenda consisting of approval of the January 23, 2025, Board meeting*
44 *minutes.*

45
46 *Upon vote, the motion carried, 6-0.*

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

48

49 President's Report: President White noted that along with Manager Olson and Mr.
50 Wisker, she recently attended a special dinner to recognize the service of Independence
51 Mayor Marv Johnson. With Managers Maxwell and Hejmadi, she attended a staff
52 briefing on 325 Blake Road in anticipation of an upcoming liaisons meeting with
53 Hopkins and Alatus. She noted that the League of Women Voters recently visited
54 MCWD and will attend an upcoming meeting of the Minnesota Watersheds Metro
55 Chapter. Mr. Wisker is invited to speak to the annual meeting of the Council of
56 Metropolitan Leagues of Women Voters. A special meeting of Minnesota Watersheds
57 members is being planned for March 21 to consider bylaw changes concerning the
58 resolutions process.

59

60 Operations and Planning Committee Report: Manager Loftus reported that the
61 Committee met earlier in the evening and received an update on the feasibility
62 assessment of Phase I Projects in the Minnehaha Parkway.

63

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

65

66 **PUBLIC HEARINGS & PRESENTATIONS**

67

68 Public Hearing to Consider Ordering the Morningside Stormwater Improvement Project

69

70 Ms. Rebecca Neal appeared before the Board of Managers to provide background for the
71 public hearing. She reviewed the notices provided for the hearing. She noted that the
72 Project includes stabilizing three eroding ravines and constructing a stormwater pond to
73 reduce total phosphorous loads by 36 pounds per year to Lake Katrina, a wetland that
74 drains to impaired Jennings Bay of Lake Minnetonka. The project is estimated to cost
75 \$629,000. The Board of Water and Soil Resources (BWSR) has awarded \$243,200 in
76 Watershed-Based Implementation Funding (WBIF), and the City has committed
77 \$180,000 for the project. The City has requested \$200,000 in LWP funding to cover the
78 remaining costs.

79

80 President White invited any comments from the public and no one appeared to offer
81 comments. President White closed the public hearing.

82

83 **PERMITS REQUIRING A VARIANCE OR DISCUSSION**

84

85 None.

86

87

88

89

90 **ACTION ITEMS**

91
92 **Resolution 25-013: Ordering the Morningside Stormwater Improvement Project,**
93 **Authorizing Funding Agreement, and Amending 2025 Budget**

94
95 Ms. Rebecca Neal reviewed the request for board action. In addition to ordering the
96 proposed project, Resolution 25-013 also authorizes execution of a project funding
97 agreement with the City of Medina and amends the 2025 budget to provide funding for
98 the project.

99
100 ***It was moved by Manager Loftus, seconded by Manager Hejmadi to adopt Resolution***
101 ***25-013: Ordering the Morningside Stormwater Improvement Project, Authorizing***
102 ***Funding Agreement, and Amending 2025 Budget, as follows:***

103
104 ***NOW THEREFORE BE IT RESOLVED that pursuant to Minnesota Statutes***
105 ***§103B.251 and the WMP, the Minnehaha Creek Watershed District Board of***
106 ***Managers hereby orders the Morningside Stormwater Improvement Project;***
107 ***and***
108 ***BE IT FURTHER RESOLVED that Minnehaha Creek Watershed District***
109 ***Board of Managers hereby authorizes the District Administrator to execute the***
110 ***Project Funding Agreement, with non-material changes and on advice of***
111 ***counsel; and***
112 ***BE IT FINALLY RESOLVED that the Minnehaha Creek Watershed District***
113 ***Board of Managers hereby amends the 2025 budget as recommended by staff***
114 ***for a total 2025 budget of \$14,620,445.***

115
116 Manager Miller asked if the 36 pounds of phosphorus reduction anticipated from the
117 project would result in a 36-pound reduction of phosphorus to Jennings Bay. Ms. Neal
118 noted that this is generally true, though there are several other intervening water bodies
119 downstream from the project before Jennings Bay which could be factors. In response to
120 a question from Manager Olson, Ms. Neal reviewed the location of the proposed weirs
121 and step pools in the project design.

122
123 ***There being no further discussion, upon vote, the motion carried 6-0.***

124
125 **Resolution 25-014: Authorization to Release Request for Quote Packages for Vegetation**
126 **Maintenance**

127
128 Mr. James McDermond-Spies appeared before the Board of Managers to review the
129 request for board action. He reviewed the recent history of vegetation maintenance
130 contracting and the evaluation of the scope and geographic groupings of past contracts,
131 determining the need for changes. Staff have amended the geographic groupings to allow
132 for better efficiency in mobilization and work between sites. He requested that the board

133 authorize release of the quote packages that reflect these changes. *It was moved by*
134 *Manager Miller, seconded by Manager Hejmadi to adopt Resolution 25-014:*
135 *Authorization to Release Request for Quote Packages for Vegetation Maintenance as*
136 *follows:*

137
138 ***NOW, THEREFORE, BE IT RESOLVED that the Minnehaha Creek***
139 ***Watershed District Board of Managers authorizes the District Administrator, on***
140 ***advice of legal counsel, to release the Request for Quote packages for the***
141 ***Minneapolis Ponds and Arden Park Sites, Minnehaha Greenway and***
142 ***Headwaters sites, Northern Upper Watershed Sites, and Southern Upper***
143 ***Watershed sites.***

144
145 In response to a question from Manager Hejmadi, Mr. McDermond-Spies reviewed plans
146 for active oversight to track contractor performance. Manager Hejmadi also noted the
147 importance of accounting for climate volatility in our vegetation maintenance program.
148 Manager Miller expressed his view that contractors may need to be constantly observed
149 on site, given recent experience with construction projects. In response to a question
150 from Manager Olson, Mr. McDermond-Spies noted the importance of adaptive
151 management to address emerging needs. Manager Sando pointed to the example of
152 Arden Park and the cooperative approach to maintenance with the City of Edina.
153 Manager Loftus expressed her appreciation for Mr. McDermond-Spies' deep
154 understanding of this field and his good presentation. President White inquired about
155 maintenance locations near the Jennings Bay Wetland Restoration project. ***There being***
156 ***no further discussion, upon vote the motion carried 6-0.***

157
158 Resolution 25-015: Authorization to Amend 325 Blake Road Redevelopment Advisory
159 Services Agreement with Shenandoah Consulting Group, LLC

160
161 Mr. Michael Hayman appeared before the board of managers to review the request for
162 board action. He noted that to effectively engage the development community and
163 position the 325 Blake Road site to deliver the MCWD and City's vision and goals,
164 MCWD contracted with Shenandoah Consulting Group, LLC (Shenandoah) in December
165 2020. Shenandoah is led by Chuck Lutz, the former deputy director of Community
166 Planning and Economic Development (CPED) for the City of Minneapolis.

167
168 After approximately four years of working as MCWD's development advisor, the
169 original Shenandoah contract has reached its approved funding cap. Mr. Hayman noted
170 that Shenandoah bills at an hourly rate, rather than through a commission-based structure,
171 thus maintaining a strong level of objectivity throughout the development effort and
172 negotiations. Due to Mr. Lutz's key role in continued development discussions and
173 ongoing negotiations, staff is recommending the MCWD Board of Managers amend the
174 agreement with Shenandoah Consulting Group, LLC, for an additional \$25,000.

175

176 *It was moved by Manager Miller, seconded by Manager Olson to adopt Resolution 25-*
177 *015: Authorization to Amend 325 Blake Road Redevelopment Advisory Services*
178 *Agreement with Shenandoah Consulting Group, LLC, as follows:*

179
180 ***NOW, THEREFORE, BE IT RESOLVED that the Minnehaha Creek***
181 ***Watershed District Board of Managers hereby authorizes the District***
182 ***Administrator, on advice of counsel, to amend the contract with Shenandoah***
183 ***Consulting, LLC for redevelopment advisory services in the amount of \$25,000,***
184 ***and authorizes the Administrator to execute change orders in his discretion up***
185 ***to an additional 10% of the proposal fee, for a not-to-exceed amount of \$27,500.***
186

187 In response to a question from Manager Loftus, Mr. Hayman noted that these costs are not
188 reimbursed by the developer. Manager Hejmadi expressed his appreciation for the
189 excellent consultation provided by Mr. Lutz to date. ***There being no further discussion,***
190 ***upon vote, the motion carried 6-0.***

191
192 **BOARD INQUIRIES, ISSUES, AND IDEAS**

193
194 None.

195
196 **STAFF UPDATES**

197
198 **Administrator's Report**

199 Mr. Wisker reported on the following items:

- 200
201 1. In response to Manager Hejmadi's earlier inquiry about the MCWD's work in
202 diversity, equity and inclusion, staff has been advancing the work plan
203 approved by the Board; a more detailed update will come to the Projects and
204 Programs Committee and Citizens Advisory Committee in April;
- 205
206 2. As noted by President White, the League of Women Voters had an excellent
207 visit to MCWD's office and asked excellent questions. MCWD has been
208 invited to speak to their annual meeting.
- 209
210 3. The staff planning and technical teams are working on preparing for a
211 Steering Committee meeting for the Minnehaha Creek Parkway collaboration
212 with the City of Minneapolis and the Minneapolis Park & Recreation Board.

213
214
215 **BOARD DISCUSSION ITEMS**

216
217 **325 Blake Road Restoration and Redevelopment**

218

219 Mr. Michael Hayman appeared before the Board of Managers to provide an update on
220 redevelopment and the MCWD project at 325 Blake Road in Hopkins. He requested that
221 the Board of Managers go into closed session. ***Pursuant to legal counsel's***
222 ***recommendation, it was moved by Manager Olson, seconded by Manager Hejmadi for***
223 ***the Board to go into a closed session for the purpose of discussing the potential***
224 ***expiration or revision of terms of the Purchase and Sale Agreement of 325 Blake Road***
225 ***in Hopkins. Upon vote, the motion carried 6-0.***
226

227 The Board of Managers went into closed session.

228

229 The Board of Managers returned to open session.

230

231 Administrator's Annual Performance Evaluation

232

233 ***It was moved by Manager Miller, seconded by Manager Sando for the Board to go into***
234 ***a closed session for the purpose of discussing the annual performance evaluation of***
235 ***James Wisker, MCWD Administrator. Upon vote, the motion carried 6-0.***
236

237 The Board of Managers went into closed session.

238

239 The Board of Managers returned to open session.

240

241 **Adjournment**

242

243 There being no further business, President White declared the meeting of the Board of
244 Managers adjourned at 10:08 p.m.

245

246 Respectfully submitted,

247

248

249

250 Eugene Maxwell, Secretary