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

April 28, 2022

CALL TO ORDER

The regular meeting of the Minnehaha Creek Watershed District was called to order by President Sherry White at 7:00 p.m. on April 28, 2022. President White noted that this meeting was convened electronically through Zoom, pursuant to Minnesota Statutes 13D.021, due to the COVID-19 pandemic and her determination that it is not prudent for the Board of Managers, or any committee thereof, to meet in person, and it is not feasible to provide for any member of the Board, or of the public, to meet at the regular meeting location. For this reason, until this determination is withdrawn by the District’s presiding officer, chief legal counsel or chief administrative officer, the meetings of the Board and its committees will be convened by telephone or other electronic means as the presiding officer determines appropriate. All such meetings will be noticed and conducted in accordance with §13D.021 and all other applicable terms of the Open Meeting Law. President White noted that, pursuant to §13D.021, all votes will be by roll call.

President White called the roll to note attendance:

- Hejmadi: Present
- Loftus: Present
- Sando: Present - joined at 7:03 p.m.
- Miller: Present
- Olson: Present
- Maxwell: Present
- White: Present

DISTRICT STAFF AND CONSULTANTS PRESENT

James Wisker, Administrator; Tiffany Schaufler, Project and Land Manager; Becky Christopher, Policy Planning Manager; Kate Moran, Policy Planning Coordinator; Chris Meehan, Consulting Engineer; and Chuck Holtman, District Counsel.

MATTERS FROM THE FLOOR

None.

43 **APPROVAL OF AGENDA**

44

45 *It was moved by Manager Miller, seconded by Manager Maxwell to approve the*
46 *Agenda as distributed. Upon roll call vote, the motion carried 6-0-1 as follows:*

47

48 Hejmadi: Aye
49 Loftus: Aye
50 Sando: Absent for vote
51 Miller: Aye
52 Olson: Aye
53 Maxwell: Aye
54 White: Aye

55

56 **CONSENT AGENDA**

57

58 *It was moved by Manager Hejmadi, seconded by Manager Miller, to approve the*
59 *Consent Agenda consisting of approval of the April 14, 2022 Board minutes; the*
60 *General Checking Account consisting of checks 41872 through 41898 in the amount of*
61 *\$389,958.90; electronic funds withdrawals in the amount of \$35,964.45; manager per*
62 *diems and reimbursement direct deposits in the amount of \$6,359.27; employee*
63 *reimbursements - direct deposits in the amount of \$182.87; and payroll direct deposits*
64 *in the amount of \$130,255.07; for Total General Checking expenses of \$562,720.56;*
65 *the surety checking account bank service charge of \$30.00; the wires check register for*
66 *a payment to Bremer for office building refinance in the amount of \$52,461.58; and*
67 *the following resolutions:*

68

69 *Resolution 22-024: Approval to Purchase Replacement Laptops*

70

71 *NOW, THEREFORE, BE IT RESOLVED that the Minnehaha Creek*
72 *Watershed District Board of Managers hereby approves the purchase of 11*
73 *replacement laptops and docking stations for an amount not to exceed*
74 *\$22,036.18;*

75

76 *Resolution 22-025: Approval to Amend the Construction Budget for the Six Mile*
77 *Marsh Prairie Trail Project*

78

79 *THEREFORE, BE IT RESOLVED that the Minnehaha Creek Watershed*
80 *District Board of Managers hereby amends the 2022 budget for the Six Mile*
81 *Marsh Prairie Trail project to \$371,889; and approves a transfer of funds of*
82 *\$64,647 from the Meadowbrook Golf Course capital project account (3-3150) to*
83 *the Six Mile Marsh Prairie account (3-3106);*

84

85 ***Resolution 22-026: Authorization to Submit Hennepin County Environmental***
86 ***Response Fund Spring 2022 Grant Application***

87
88 ***NOW, THEREFORE, BE IT RESOLVED that the Minnehaha Creek***
89 ***Watershed District Board of Managers hereby authorizes District Staff to***
90 ***submit an application to the Hennepin County Environmental Response Fund***
91 ***grant program’s Spring 2022 funding round; and***
92

93 ***Resolution 22-027: Authorize Second Phase Contract with Smith Partners to Complete***
94 ***Historic Review***

95
96 ***NOW, THEREFORE, BE IT RESOLVED that the Minnehaha Creek***
97 ***Watershed District Board of Managers hereby***
98 ***authorizes the District Administrator to execute a contract with Smith Partners***
99 ***PLLP to complete the historical analysis***
100 ***project in accordance with the attached scope of services in an amount not to***
101 ***exceed \$34,787.***
102

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

- 104
105 Hejmadi: Aye
106 Loftus: Aye
107 Sando: Aye
108 Miller: Aye
109 Olson: Aye
110 Maxwell: Aye
111 White: Aye
112

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

114
115 **President’s Report:** President White reported that she met with Representative
116 Greenman, Mr. Wisker and Mr. Joel Carlson and completed meetings in preparation for
117 the discussion of the Nokomis white paper.
118

119 **Executive Committee Report:** President White reported that the Executive Committee
120 met earlier in the day to review the 2021 audit and voted to recommend acceptance of the
121 audit.
122

123 **Policy and Planning Committee Report:** Manager Miller reported that the committee met
124 earlier and received the initial 2023 budget presentation from staff; the committee felt the
125 information was helpful and well-presented.
126

127 Minnesota Association of Watershed Districts – Metro Chapter: Manager Sando reported
128 that the meeting was informative and included an update from the Minnesota Pollution
129 Control Agency. Manager Olson added that the Metropolitan Council also presented an
130 overview of their priority waters program, ranking lakes and other water bodies based on
131 recreational use, tourism, public health and other factors; this listing will guide Met
132 Council’s ongoing involvement in water quality.

133

134 Upcoming Meeting and Event Schedule: President White directed the managers to the
135 meetings listed on the agenda; all of the meetings to be noticed and held remotely.

136

137

138 **ACTION ITEMS**

139

140 Resolution 22-027: Review and Approve 2021 Financial Audit

141 Resolution 22-028: Review and Approve 2021 Fund Transfers and Account Closures

142

143 Mr. Andy Hering appeared before the Board of Managers to review the 2021 financial
144 audit. He stated that the audit resulted in a clean, unmodified audit opinion. He reviewed
145 the report on internal controls revealed no internal control deficiencies. The report on
146 legal compliance indicated no findings or compliance issues. He reviewed the letter of
147 required communications, which reflected no concerns. Upon questions from Manager
148 Loftus, Mr. Hering noted no significant concerns for the coming year unless the District
149 initiates new accounting procedures, and noted that some jurisdictions are delaying
150 projects due to the pandemic.

151

152 *It was moved by Manager Loftus, seconded by Manager Sando, to adopt Resolution*
153 *22-027 Acceptance of the 2021 MCWD Annual Financial Audit as follows:*

154

155 ***NOW, THEREFORE, BE IT RESOLVED that the Minnehaha Creek***
156 ***Watershed District Board of Managers hereby accepts the 2021 Annual***
157 ***Financial Report, and directs the District Administrator to transmit it to the***
158 ***Minnesota State Auditor, the Minnesota Board of Water and Soil Resources,***
159 ***Wells Fargo and Hennepin and Carver County.***

160

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

162

163 Hejmadi: Aye

164 Loftus: Aye

165 Sando: Aye

166 Miller: Aye

167 Olson: Aye

168 Maxwell: Aye

169 White: Aye

170 ***It was moved by Manager Olson, seconded by Manager Maxwell, to adopt Resolution***
171 ***22-028 Authorization of 2021 End of Year Fund Transfers and Closures as follows:***
172

173 ***NOW, THEREFORE, BE IT RESOLVED that the Minnehaha Creek***
174 ***Watershed District Board of Managers hereby accepts the proposed transfers***
175 ***and fund closures within the Management Planning Fund.***
176

177 ***Upon roll call vote, the motion carried, 7-0 as follows:***
178

179 Hejmadi: Aye
180 Loftus: Aye
181 Sando: Aye
182 Miller: Aye
183 Olson: Aye
184 Maxwell: Aye
185 White: Aye
186

187 Resolution 22-029: Authorization to Contract with Background Stories for Design and
188 Layout of the Climate Action Framework
189

190 Ms. Becky Christopher and Ms. Kate Moran appeared before the Board of Managers to
191 review the request for board action. Ms. Christopher explained that the request includes
192 the Board's acceptance of the draft Climate Action Framework and authorization to
193 contract for final design and layout. Ms. Christopher and Ms. Moran reviewed the
194 climate action framework and the value of design assistance. Upon a question from
195 Manager Hejmadi, Ms. Christopher and Mr. Wisker reviewed coordination with partners
196 in the development of the framework. Manager Maxwell expressed his appreciation of
197 the work so far and the need to continue to coordinate with cities and other partners.
198

199 ***It was moved by Manager Hejmadi, seconded by Manager Maxwell, to adopt***
200 ***Resolution 22-029: Authorization to Contract with Background Stories for Design and***
201 ***Layout of the Climate Action Framework as follows:***
202

203 ***NOW, THEREFORE, BE IT RESOLVED that the Minnehaha Creek***
204 ***Watershed District Board of Managers hereby accepts the draft CAF; and***
205

206 ***BE IT FURTHER RESOLVED that the District Administrator is authorized to***
207 ***enter into a contract with Background Stories for final design and layout of the***
208 ***CAF for an amount not to exceed \$10,500.***
209

210 ***Upon roll call vote, the motion carried, 7-0 as follows:***
211

212 Hejmadi: Aye

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213 Loftus: Aye
214 Sando: Aye
215 Miller: Aye
216 Olson: Aye
217 Maxwell: Aye
218 White: Aye

219

220 Resolution 22-030: Acceptance of the Lake Nokomis Area Groundwater & Surface
221 Water Evaluation and the University of Minnesota's Technical Review of the Evaluation

222

223 Ms. Tiffany Schaufler appeared before the Board of Managers to review the request for
224 board action. She reviewed the Lake Nokomis area groundwater and surface water
225 evaluation and the third-party review by the University of Minnesota.

226

227 ***It was moved by Manager Hejmadi, seconded by Manager Miller to adopt Resolution***
228 ***22-030 as follows:***

229

230 ***NOW, THEREFORE, BE IT RESOLVED that the Minnehaha Creek***
231 ***Watershed District Board of Managers accepts the Lake Nokomis Groundwater***
232 ***& Surface Water Evaluation and accepts the U of M's technical review of the***
233 ***Evaluation.***

234

235 Manager Olson commented that he felt the evaluation was excellent and asked about the
236 University's timetable for the next steps. Ms. Schaufler reviewed their timetable
237 following the scheduled town hall meeting in May. Upon further question from Manager
238 Olson, Ms. Schaufler explained the possible remedies for sanitary sewer line problems.
239 President White commented that his was a well-researched and coordinated effort.
240 Manager Miller commented that the graphics assisted greatly in understanding the
241 content. Manager Hejmadi also commended the staff team for this work.

242

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

244

245 Hejmadi: Aye
246 Loftus: Aye
247 Sando: Aye
248 Miller: Aye
249 Olson: Aye
250 Maxwell: Aye
251 White: Aye

252

253 Resolution 22-031: Adoption of a Revised Interim Maintenance Protocol for the
254 Minnehaha Preserve Boardwalk

255

256 Ms. Tiffany Schaufler appeared before the Board of Managers to review the request for
257 board action. She noted winter snow and ice conditions leading to the seasonal closure
258 during the winter, and a review of current safety conditions and the recommendation for
259 an updated inspection and maintenance protocol.

260
261 ***It was moved by Manager Hejmadi, seconded by Manager Sando, to adopt Resolution***
262 ***22-031: Adoption of a Revised Interim Maintenance Protocol for the Minnehaha***
263 ***Preserve Boardwalk as follows:***

264
265 ***NOW, THEREFORE, BE IT RESOLVED that the Minnehaha Creek***
266 ***Watershed District Board of Managers adopts the revised interim maintenance***
267 ***protocol, as recommended by MCWD staff, for the Minnehaha Preserve***
268 ***boardwalk system.***

269
270 Upon a question from Manager Olson, Ms. Schaufler noted the precautions in using
271 plywood for patches on the boardwalk, with orange spray paint and posted signage.
272 Managers Miller, Maxwell and Sando commented on these conditions and concerns. Mr.
273 Chuck Holtman noted these concerns and staff consideration of the best ways to
274 minimize the risks, and to bring to the Board of Managers a recommended protocol to be
275 adopted in the Board's discretion. The weighing of concerns includes maximizing safety,
276 providing access to this recreational amenity, and careful reasoning to assure that these
277 considerations are managed thoughtfully given all of these factors. The managers'
278 suggestions are helpful in this regard.

279
280 Upon a question from President White, Ms. Schaufler noted that it is unlikely that the
281 boardwalk will be closed for the repair work, but the staff will continue to monitor these
282 conditions and bring any updates as warranted. She also noted that the City of St. Louis
283 Park has noted many calls from residents requesting that the boardwalk be opened. Upon
284 a question from Manager Maxwell, Ms. Schaufler noted that the plywood system worked
285 well last year without any incidents or concerns. Manager Miller noted his observations
286 of the extensive use of the boardwalk.

287
288 ***Upon roll call vote, the motion carried, 7-0 as follows:***

289
290 Hejmadi: Aye
291 Loftus: Aye
292 Sando: Aye
293 Miller: Aye
294 Olson: Aye
295 Maxwell: Aye
296 White: Aye

297
298 **STAFF UPDATES**

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299

300 Administrator's Report

301

302 Mr. Wisker reported on the following items:

303

304 1. Mr. Wisker thanked managers for completing the pandemic survey and the range
305 of responses;

306

307 2. He noted the many accomplishments reflected in this evening's meeting.

308

309 Adjournment

310

311 There being no further business, President White declared the meeting of the Board of
312 Managers adjourned at 8:45 p.m.

313

314 Respectfully submitted,

315

316

317

318 Eugene Maxwell, Secretary