MINUTES OF THE REGULAR MEETING OF 1 THE MINNEHAHA CREEK WATERSHED DISTRICT 2 3 **BOARD OF MANAGERS** 4 5 August 12, 2021 6 7 CALL TO ORDER 8 The regular meeting of the Minnehaha Creek Watershed District was called to order by 9 10 President Sherry White at 7:00 p.m. on August 12, 2021. President White noted that this meeting was convened electronically through Zoom, pursuant to Minnesota Statutes 11 13D.021, due to the COVID-19 pandemic and her determination that it is not prudent for 12 the Board of Managers, or any committee thereof, to meet in person, and it is not feasible 13 to provide for any member of the Board, or of the public, to meet at the regular meeting 14 location. For this reason, until this determination is withdrawn by the District's presiding 15 officer, chief legal counsel or chief administrative officer, the meetings of the Board and 16 17 its committees will be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 18 accordance with §13D.021 and all other applicable terms of the Open Meeting Law. 19 President White noted that, pursuant to §13D.021, all votes will be by roll call. 20 21 22 President White called the roll to note attendance: 23 Heimadi: Present from 7:02 p.m. 24 25 Loftus: Absent 26 Sando: Present Miller: Absent 27 Olson: Present 28 29 Maxwell: Present from 7:01 p.m. 30 White: Present. 31 DISTRICT STAFF AND CONSULTANTS PRESENT 32 33 James Wisker, Administrator; Laura Domyancich-Lee, Planner-Project Manager; Janna 34 35 Jonely, Project and Land Management Technician; Michael Hayman, Project Planning Manager; Alex Steele, GIS Coordinator; Chris Meehan, Consulting Engineer; and Louis 36 Smith, District Counsel. 37 38 MATTERS FROM THE FLOOR 39 40 None. 41 42 43 APPROVAL OF AGENDA 44 45 It was moved by Manager Olson, seconded by Manager Sando to approve the Agenda

as distributed. Upon roll call vote, the motion carried 5-0-2 as follows:

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Minutes of the Regular Meeting Minnehaha Creek Watershed District Board of Managers 8-12-21

Heimadi: Absent 47

48 Loftus: Aye

Sando: Aye 49

Miller: 50 Absent

Olson: 51 Aye

52 Maxwell: Aye

White: 53 Aye

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CONSENT AGENDA

It was moved by Manager Olson, seconded by Manager Maxwell, to approve the Consent Agenda consisting of approval of the July 22, 2021 Board minutes, and Resolution 21-054: Authorization to Renew ElementsXS Annual License and Maintenance Agreement as follows:

> NOW, THEREFORE, BE IT RESOLVED that the Minnehaha Creek Watershed District Board of Managers hereby authorizes the renewal of permitting software maintenance and licenses for an amount of \$10,000.00.

Upon roll call vote, the motion carried 6-0-1 as follows:

67 68 Hejmadi: Aye

Loftus: 69 Aye

70 Sando: Aye

71 Miller: Absent

72 Olson: Aye

73 Maxwell: Aye

> White: Aye

BOARD, COMMITTEE AND TASK FORCE REPORTS

President's Report: President White expressed her appreciation to staff for preparing a productive Board retreat meeting on July 26. She reported that she attended a recent 325 Blake Road meeting that included a review of the design charette, initial review of the preliminary development agreement, and discussion of next steps in the development process.

Operations and Programs Committee Report: Manager Loftus reported that the committee met earlier and received a briefing from Ms. Domyancich-Lee on planning for office campus improvements, including discussions and concerns of neighboring property owners and project options. More discussions will follow.

Upcoming Meeting and Event Schedule: President White directed the managers to the meetings listed on the agenda, noting that the District is back to meeting remotely.

Minutes of the Regular Meeting Minnehaha Creek Watershed District Board of Managers 8-12-21

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BOARD DISCUSSION ITEMS

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Six Mile Marsh Prairie Trail and Interpretation Design Briefing

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Ms. Laura Domyancich-Lee appeared before the Board of Managers and provided a briefing on the design for the Six Mile Marsh Prairie Trail. She reviewed past design guidance from the Policy and Planning Committee. In response to manager questions, she highlighted the trail user experience, accessibility, security, and needs of various user groups. She noted plans for bid solicitation in September, with planned construction either late this fall or next spring. The managers thanked Ms. Domyancich-Lee for her presentation.

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Minnehaha Preserve Boardwalk Update

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Mr. Michael Hayman and Ms. Janna Jonely appeared before the Board of Managers and noted the presence of Mr. Tom Radio to brief the Board on the upcoming mediation session. Mr. Smith recommended that the Board of Managers move into closed session for the purpose of receiving confidential legal advice concerning litigation strategy in the upcoming mediation on the problems with the defects in the Minnehaha Preserve Boardwalk. It was moved by Manager Sando, seconded by Manager Maxwell to move the board meeting into closed session for this purpose. Upon roll call vote, the motion

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- 115 Hejmadi: Aye116 Loftus: Aye
- 117 Sando: Aye
- 118 Miller: Absent

carried 6-0-1 as follows:

Aye

- 119 Olson:
- 120 Maxwell: Aye
- 121 White: Aye

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Whereupon the Board of Managers went into closed session.

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The Board of Managers returned to open session.

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STAFF UPDATES

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129 <u>Administrator's Report</u>

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131 Mr. Wisker reported on the following items:

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Minutes of the Regular Meeting Minnehaha Creek Watershed District Board of Managers 8-12-21

Eugene Maxwell, Secretary

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1. Lake Minnetonka is at 928.3, or 0.3 feet below the runout elevation. Minnehaha 133 Creek is flowing at 2 cubic feet per second. Precipitation in the metro area is 5 134 inches below normal, and 78% of the state is in severe drought condition. 135 136 2. Mr. Wisker expressed his appreciation to the Board for a productive retreat on 137 July 26. 138 139 140 3. Mr. Wisker send a letter to the City of Greenwood in response to the city's letter expressing interest in MCWD funding for management of aquatic invasive 141 142 species in Lake Minnetonka; he noted a related article in the Lake Minnetonka Association newsletter. 143 144 4. Mr. Wisker asked Mr. Smith to report on the Schmidt v. Orono, MCWD lawsuit. 145 Mr. Smith reported that the plaintiff had recently agreed voluntarily to dismiss the 146 MCWD from the lawsuit. 147 148 **Adjournment** 149 150 There being no further business, President White declared the meeting of the Board of 151 Managers adjourned at 9:01 p.m. 152 153 154 Respectfully submitted, 155 156 157