

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

4  
5                                   **February 9, 2023**

6  
7                                   **CALL TO ORDER**

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9                                   The regular meeting of the Minnehaha Creek Watershed District was called to order by  
10                                   President Sherry White 7:14 p.m. on February 9, 2013.

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12                                   **MANAGERS PRESENT**

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

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17                                   **MANAGERS ABSENT**

18                                   Eugene Maxwell.

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20                                   **DISTRICT STAFF AND CONSULTANTS PRESENT**

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22                                   James Wisker, Administrator; Michael Hayman, Project Planning Manager; Becky  
23                                   Christopher, Policy Planning Manager; Chris Meehan, District Consulting Engineer;  
24                                   Thomas J. Radio, litigation counsel; and Louis Smith, District Counsel.

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26                                   **APPROVAL OF AGENDA**

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28                                   *It was moved by Manager Hejmadi, seconded by Manager Miller to approve the*  
29                                   *Agenda as distributed. Upon vote, the motion carried 6-0 (Manager Maxwell absent).*

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31                                   **MATTERS FROM THE FLOOR**

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33                                   None.

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35                                   **CONSENT AGENDA**

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37                                   *It was moved by Manager Olson, seconded by Manager Sando to approve the items on*  
38                                   *the Consent Agenda consisting of approval of the January 26, 2023 Meeting Minutes,*  
39                                   *and Resolution 23-011: Acceptance of Tort Liability Limits on the MCWD Property*  
40                                   *and Casualty Insurance Policy Renewal as follows:*

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42                                   ***NOW, THEREFORE, BE IT RESOLVED that the Minnehaha Creek***  
43                                   ***Watershed District Board of Managers accepts the statutory tort liability limits***  
44                                   ***as set forth in Minnesota Statute § 466.04 and authorizes the District***  
45                                   ***Administrator to advise the LMCIT accordingly.***  
46

47 *Upon vote, the motion carried 6-0 (Manager Maxwell absent).*

48

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

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51 President's Report: President White reported that meetings with county commissioners  
52 will be complete on February 14.

53

54 Operations and Programs Committee Report: Manager Loftus noted that the Committee  
55 met earlier in the evening and received a staff briefing on capital improvement planning  
56 in the Minnehaha Creek corridor and potential collaboration with the City of Minneapolis  
57 and Minneapolis Park and Recreation Board.

58

59 Upcoming Meeting and Event Schedule: President White directed the managers to the  
60 upcoming meeting schedule noted in the agenda.

61

62 **ACTION ITEMS**

63

64 Resolution 23-012: Authorization to Apply for Watershed-Based Implementation  
65 Funding

66

67 Ms. Becky Christopher appeared before the Board of Managers and reviewed the request  
68 for board authorization to apply for Watershed-Based Implementation Funding (WBIF).  
69 She stated that the Board of Water and Soil Resources (BWSR) has allocated total of  
70 \$418,140 to fund eligible projects for 2023-25 in the Minnehaha Creek watershed  
71 planning area. The eligible plans for this round of grants are the MCWD Watershed  
72 Management Plan and the Carver County Groundwater Plan.

73

74 Two eligible projects were identified through a convening process that included local  
75 government representatives from the planning area. The Holbrook Park Regional  
76 Stormwater Treatment is estimated to cost \$1,292,867 and to have a water quality benefit  
77 of 46.9 lbs. TP/yr. The Morningside Ravine Stabilization is estimated to cost \$343,200  
78 and to have a water quality benefit of 30.3lbs. TP/yr.

79

80 Ms. Christopher said the program requires a convene meeting process where participants  
81 develop a budget request to submit to BWSR which must be prioritized, targeted, and  
82 measurable. The activities being funded must have a primary benefit towards water  
83 quality and must be completed by the end of the year in 2025.

84

85 At the convening meeting on January 3, 2023 it was agreed that both of these projects  
86 should be supported by this grant and should split the funding between them -- \$243,000  
87 for the Morningside Ravine Stabilization, and \$175,000 for Holbrooke Park Regional  
88 Stormwater Treatment. Ms. Christopher recommended that MCWD serve as the grantee

89 to allow transfer of funds between the two projects, which would allow flexibility in the  
90 budget of both projects as the cities work together.

91  
92 The next steps for this plan include submitting a collaborative work plan to BWSR, submitting  
93 project work plans to be approved by March 30, 2023 by BWSR and completing the grant  
94 agreement. MCWD staff will develop agreements between the two cities to better understand  
95 how the funds will be passed on and responsibilities for grant administration. The agreements  
96 will be brought back for board authorization.

97  
98 In response to a question from Manager Olson, Ms. Christopher explained that MCWD will be  
99 seeking other sources of funding for the Holbrook Park project.

100  
101 ***It was moved by Manager Hejmadi, seconded by Manager Olson to adopt Resolution***  
102 ***23-012: Authorization to Apply for Watershed Based Implementation Funding at 7:25***  
103 ***P.M. on February 9, 2023 as follows:***

104  
105 ***NOW, THEREFORE, BE IT RESOLVED that the Minnehaha Creek***  
106 ***Watershed District Board of Managers authorize staff to apply for grant***  
107 ***funding through the BWSR Watershed-based Implementation Funding***  
108 ***Program for the aforementioned projects.***

109  
110 ***Upon vote, the motion carried 6-0 (Manager Maxwell absent).***

111  
112 Resolution 23-013: Authorization to Amend the Construction Contract of the Six Mile  
113 Marsh Prairie Trail

114  
115 Mr. Michael Hayman appeared before the Board of Managers to review the request for  
116 board action to amend the construction contract for the Six Mile Marsh Prairie Trail. Mr.  
117 Hayman reviewed the history of the project. MCWD selected Damon Farber Landscape  
118 Architects to design the pedestrian trail and an interpretive program on May 13, 2021. In  
119 September of 2021 MCWD began the bid process and received two bids that were well  
120 over budget and thus rejected these bids. In April of 2022, MCWD solicited bids again  
121 and received four bids. The District awarded the bid to G. Urban Companies for a  
122 contract cost of \$333,714.75 and approved a 5% construction contingency for a total  
123 budget of \$350,000.

124  
125 Mr. Hayman stated that certain site conditions required field adjustments, such as  
126 excavation to avoid steep slopes or sensitive areas, geotextile fabric for soft soils, class 2  
127 and class 5 aggregate for finish grades and compaction levels, and restoration of a former  
128 driveway to a natural state. Damon Farber Landscape Architects reviewed and confirmed  
129 these increases in construction quantities. Damon Farber recommends approval of the  
130 revised contracts, which will increase the contract price by \$40,033.50 for a total of

131 \$373,748.25. This contract price represents an increase of \$23,748.25 from the Board  
132 approved budget of \$350,000.

133  
134 The construction and installation of the trail system is complete including the connection  
135 to the Dakota Regional Trail. Supply chain issues and delays in steel delivery have  
136 delayed signs and seating fabrication and installation until Spring 2023, as soon as  
137 ground conditions allow.

138  
139 In response to Manager Sando’s question about bicycle use, Mr. Hayman noted the  
140 location of the bituminous trail and a bike rack to be installed in the Spring along with the  
141 signs and seating. In response to a question from President White Mr. Hayman explained  
142 “truck tickets” which are used to track quantity and location of material hauled to the  
143 construction site.

144  
145 *It was moved by Manager Miller, seconded by Manager Olson to adopt Resolution 23-*  
146 *013: Authorization to Amend the Construction Contract of the Six Mile Marsh Prairie*  
147 *Trail as follows:*

148  
149 ***NOW, THEREFORE, BE IT RESOLVED that the Minnehaha Creek***  
150 ***Watershed District Board of Managers authorizes the District Administrator, on***  
151 ***advice of counsel, to execute Change Order No. 1 in order to amend the***  
152 ***construction agreement between Minnehaha Creek Watershed District and G.***  
153 ***Urban Companies, Inc., to include increased excavation and trail material***  
154 ***quantities in an amount not to exceed \$40,033.50, for a total contract amount of***  
155 ***\$373,748.25.***

156  
157 *Upon vote, the motion carried, 6-0 (Manager Maxwell absent).*

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159 **BOARD INQUIRIES, ISSUES, AND IDEAS**

160  
161 None.

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163 **STAFF UPDATES**

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165 **Administrator’s Report**

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167 Mr. Wisker reported on the following items:

- 168  
169 1. Staff is working to follow up on previous requests from Manager Miller, to explore  
170 potential changes to the appointment process, and to provide PowerPoint presentations to  
171 managers after meetings.

172

- 173           2. Staff will be working with the Board to follow up on the priority brainstorming process in  
174           preparation for a Board retreat later this year. This process will help to update the five-  
175           year strategic action plan.  
176

177           **Adjournment**

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179           There being no further business, President White declared the meeting of the Board of  
180           Managers adjourned at 8:03 p.m.  
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182           Respectfully submitted,  
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185  
186           Eugene Maxwell, Secretary  
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DRAFT