

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

4
5 **March 24, 2022**
6

7 **CALL TO ORDER**
8

9 The regular meeting of the Minnehaha Creek Watershed District was called to order by
10 President Sherry White at 7:00 p.m. on March 24, 2022. President White noted that this
11 meeting was convened electronically through WebEx, pursuant to Minnesota Statutes
12 13D.021, due to the COVID-19 pandemic and her determination that it is not prudent for
13 the Board of Managers, or any committee thereof, to meet in person, and it is not feasible
14 to provide for any member of the Board, or of the public, to meet at the regular meeting
15 location. For this reason, until this determination is withdrawn by the District's presiding
16 officer, chief legal counsel or chief administrative officer, the meetings of the Board and
17 its committees will be convened by telephone or other electronic means as the presiding
18 officer determines appropriate. All such meetings will be noticed and conducted in
19 accordance with §13D.021 and all other applicable terms of the Open Meeting Law.
20 President White noted that, pursuant to §13D.021, all votes will be by roll call.
21

22 President White called the roll to note attendance:
23

24 Hejmadi: Present
25 Loftus: Present
26 Sando: Present - joined at 8:40 p.m.
27 Miller: Present
28 Olson: Present
29 Maxwell: Present
30 White: Present
31

32 **DISTRICT STAFF AND CONSULTANTS PRESENT**
33

34 James Wisker, Administrator; Will Roach, Permitting Assistant; Tiffany Schaufler,
35 Project and Land Manager; Jill Sweet, Research and Monitoring Technician; Anna
36 Brown, Planner – Project Manager; Becky Christopher, Policy Planning Manager; Kate
37 Moran, Policy Planning Coordinator; Chris Meehan, Consulting Engineer; and Louis
38 Smith, District Counsel.
39

40 **MATTERS FROM THE FLOOR**
41

42 None.
43
44

45 **APPROVAL OF AGENDA**

46
47 President White noted that Item 13.1, Land & Water Partnership Program Opportunity
48 Updates, would be moved ahead of the Board Discussion Items 12.1, 325 Blake Road
49 Purchase and Sale Agreement, and 12.2, Minnehaha Preserve Boardwalk Update. *It was*
50 *moved by Manager Miller, seconded by Manager Hejmadi to approve the Agenda with*
51 *this change. Upon roll call vote, the motion carried 6-0-1 as follows:*

52
53 Hejmadi: Aye
54 Loftus: Aye
55 Sando: Absent for vote
56 Miller: Aye
57 Olson: Aye
58 Maxwell: Aye
59 White: Aye

60
61 **CONSENT AGENDA**

62
63 *It was moved by Manager Hejmadi, seconded by Manager Maxwell, to approve the*
64 *Consent Agenda consisting of approval of the March 10, 2022 Board minutes; the*
65 *General Checking Account consisting of checks 41843 through 41871 in the amount of*
66 *\$413,215.96; electronic funds withdrawals in the amount of \$35,197.53; manager per*
67 *diems and reimbursement direct deposits in the amount of \$1,641.38; employee*
68 *reimbursements - direct deposits in the amount of \$0; and payroll direct deposits in the*
69 *amount of \$161,326.57; for Total General Checking expenses of \$611,326.57; the*
70 *surety checking account check 2134 in the amount of \$1,500.00 and a bank service*
71 *charge of \$30.00; and the wires check register for a payment to Wells Fargo for 325*
72 *Blake Road in the amount of \$42,075.00.*

73
74 *Upon roll call vote, the motion carried, 6-0-1 as follows:*

75
76 Hejmadi: Aye
77 Loftus: Aye
78 Sando: Absent for vote
79 Miller: Aye
80 Olson: Aye
81 Maxwell: Aye
82 White: Aye

83
84 **BOARD, COMMITTEE AND TASK FORCE REPORTS**

85
86 President's Report: President White reported that she met with Managers Miller and
87 Hejmadi for a briefing as Minneapolis liaisons.

88
89 Policy and Planning Committee Report: Manager Miller reported that the committee met
90 earlier and received a presentation from Mr. Smith on chapter 4 of the District’s history
91 project.

92
93 Citizens Advisory Committee: Manager Olson reported that he attended the recent CAC
94 meeting in which Anna Brown presented the multi-year project implementation
95 framework; and staff provided updates on the 325 Blake Road design and the Minnehaha
96 Preserve Boardwalk. The CAC members asked helpful questions.

97
98 Website Development Liaison: Manager Olson reported on meetings he participated in
99 concerning the revision of the District website. He reviewed the vendor selection
100 process, the project timetable, and key principles to guide the work.

101
102 Upcoming Meeting and Event Schedule: President White directed the managers to the
103 meetings listed on the agenda; all of the meetings to be noticed and held remotely.

104
105 **PERMITS REQUIRING A VARIANCE OR DISCUSSION**

106
107 Permit 21-684: 4901-4921 France Ave. So., Minneapolis

108
109 ***It was moved by Manager Miller, seconded by Manager Hejmadi to approve the permit***
110 ***application with the conditions recommended by staff in the permit report.*** Mr. Will
111 Roach appeared before the Board of Managers and reviewed the permit application. He
112 explained that the project involves construction of a mixed-use commercial and
113 residential building and triggers the MCWD’s erosion control and stormwater
114 management rules. The application demonstrates compliance with the District rules and
115 is before the Board of Managers at the request of residents who have expressed concerns
116 about the reduction in green space and height of the proposed building. Mr. Roach noted
117 that both issues are outside of the MCWD’s jurisdiction.

118
119 President White asked if any member of the public was present to speak to the
120 application and there was none. In response to a question from Manager Loftus, Mr.
121 Meehan explained the infiltration basin maintenance.

122
123 ***Upon roll call vote, the motion carried, 6-0-1 as follows:***

124
125 Hejmadi: Aye
126 Loftus: Aye
127 Sando: Absent for vote
128 Miller: Aye
129 Olson: Aye
130 Maxwell: Aye

131 White: Aye

132

133 **ACTION ITEMS**

134

135 **Resolution 22-015: Authorization to Execute a Contract for Engineering and Design**
136 **Services for the Minnehaha Preserve Boardwalk Reconstruction**

137

138 Ms. Tiffany Schaufler appeared before the Board of Managers to review the request for
139 board action. She reviewed the Request for Proposal process. The RFP was distributed
140 to approximately 24 firms, and three firms attended the pre-proposal meeting. Only one
141 firm ultimately submitted a proposal, SRF Consulting Group. Ms. Schaufler reviewed
142 the timetable for design to be completed by around June 30 and construction during the
143 winter season.

144

145 ***It was moved by Manager Hejmadi, seconded by Manager Miller, to adopt Resolution***
146 ***22-015 as follows:***

147

148 ***NOW, THEREFORE, BE IT RESOLVED that the Minnehaha Creek***
149 ***Watershed District Board of Managers authorizes the District Administrator, on***
150 ***advice of MCWD legal counsel, to enter into a contract with SRF Consulting***
151 ***Group for engineering and design services for the reconstruction of the***
152 ***Minnehaha Preserve Boardwalk, in an amount not to exceed set forth in the***
153 ***proposal, including the optional task for the interpretive areas, and authorizes***
154 ***the Administrator to execute change orders in his discretion up to an additional***
155 ***10 percent, in aggregate, of the contract amount.***

156

157 Manager Loftus questioned whether the optional task to evaluate existing interpretive
158 elements of the boardwalk and propose adjustments was necessary. Ms. Schaufler noted
159 that this task was optional, and intended to address issues of shade, visibility, access and
160 wayfinding. Manager Loftus stated that the task seems nonessential and asked whether it
161 addresses any safety imperatives. Ms. Schaufler noted that this task (\$12,240) was not
162 intended to address safety imperatives and is an optional matter for the Board's
163 discretion. ***It was moved by Manager Miller, seconded by Manager Loftus to amend***
164 ***the resolution by removing the optional task for the interpretive areas from the***
165 ***approved contract with SRF Consulting Group.***

166

167 ***Upon roll call vote, the motion carried, 4-2-1 as follows:***

168

169 Hejmadi: Aye

170 Loftus: Aye

171 Sando: Absent for vote

172 Miller: Aye

173 Olson: Nay

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174 Maxwell: Aye
175 White: Nay
176

177 Ms. Schaufler noted that the total of the tasks without the optional task for the
178 interpretive areas is \$123,232.50, plus a 10% contingency, for a total not to exceed
179 amount of \$135,555.75. ***The Board of Managers then turned to vote on the approval of***
180 ***Resolution 22-015 as amended, and upon roll call vote, the motion carried, 6-0-1 as***
181 ***follows:***
182

183 Hejmadi: Aye
184 Loftus: Aye
185 Sando: Absent for vote
186 Miller: Aye
187 Olson: Aye
188 Maxwell: Aye
189 White: Aye
190

191 Resolution 22-016: Authorization to Execute Spring Carp Removal Contracts with WSB
192

193 Ms. Anna Brown and Ms. Jill Sweet appeared before the Board of Managers to review
194 the request for board action. Ms. Brown provided a review of work pursuant to the
195 Lessard Sams Outdoor Heritage Commission grant for the Six Mile Creek – Halsted Bay
196 Habitat Restoration Project. Ms. Sweet reviewed the proposed scope of work for spring
197 carp removal with WSB. ***It was moved by Manager Olson, seconded by Manager***
198 ***Hejmadi to adopt Resolution 22-016 as follows:***
199

200 ***NOW, THEREFORE, BE IT RESOLVED that on the basis of the specific***
201 ***experience of WSB & Associates and the finding of District staff that the***
202 ***contract fee is competitive, the Minnehaha Creek Watershed District Board of***
203 ***Managers finds it appropriate to authorize a professional services contract with***
204 ***that firm without competitive process;***
205

206 ***BE IT FURTHER RESOLVED that the District Administrator is authorized, on***
207 ***advice of counsel, to execute a contract with WSB & Associates, for services to***
208 ***remove common carp in Stieger Lake within the Six Mile Creek-Halsted Bay***
209 ***Subwatershed, consistent with the Lessard-Sams Outdoor Heritage Council***
210 ***Grant Accomplishment Plan, in an amount not to exceed \$21,152.00;***
211

212 ***BE IT FURTHER RESOLVED that the District Administrator is authorized, on***
213 ***advice of counsel, to execute a contract with WSB & Associates, for services to***
214 ***remove common carp in Auburn Lake in an amount not to exceed \$18,089.00;***
215

216 ***BE IT FINALLY RESOLVED that the District Administrator is authorized, on***
217 ***advice of counsel, to execute a contract with WSB & Associates, for services to***
218 ***remove common carp in Pierson Lake in an amount not to exceed \$17,441.00.***
219

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

221 Hejmadi: Aye
222 Loftus: Aye
223 Sando: Absent for vote
224 Miller: Aye
225 Olson: Aye
226 Maxwell: Aye
227 White: Aye

228

229 **STAFF UPDATES**

230

231 **Land & Water Partnership Program: Opportunity Updates**

232

233 Ms. Kate Moran and Ms. Becky Christopher appeared before the Board of Managers to
234 provide updates on several opportunities for the Land & Watershed Partnership Program,
235 including Plymouth – Maple Creek, Woldfeld Woods Ravine, and Holy Name wetland
236 restoration project. The managers thanked Ms. Moran and Ms. Christopher for the
237 updates.

238

239 President White noted that the Board would receive the Administrator’s report after the
240 closed session items.

241

242 **BOARD DISCUSSION ITEMS**

243

244 **325 Blake Road Purchase and Sale Agreement**

245 **Minnehaha Preserve Boardwalk Update**

246

247 ***It was moved by Manager Sando, and seconded by Manager Miller to move into closed***
248 ***session for 1) the purpose of discussing the development of an offer to sell real estate at***
249 ***325 Blake Road in Hopkins; and 2) for the purpose of receiving confidential legal***
250 ***advice concerning litigation strategy in the Minnehaha Preserve Boardwalk litigation.***

251

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

253

254 Hejmadi: Aye
255 Loftus: Aye
256 Sando: Aye
257 Miller: Aye
258 Olson: Aye

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259 Maxwell: Aye
260 White: Aye

261
262 Whereupon the Board of Managers went into closed session.

263
264 The Board of Managers returned to open session.

265
266 **STAFF UPDATES, CONTINUED**

267
268 Administrator's Report

269
270 Mr. Wisker reported on the following items:

- 271
- 272 1. Mr. Wisker noted that for the Resolution 22-015, authorizing a contract for
273 engineering and design services for the Minnehaha Preserve Boardwalk
274 reconstruction, there were a total of five tasks, and earlier discussion had
275 incorrectly referred to the optional task concerning interpretive areas as Task 4,
276 but it in fact was Task 5. Nevertheless, the Board's action approving the total
277 without the optional task concerning interpretive areas reflected the correct dollar
278 amount;
 - 279
 - 280 2. The Minnesota Association of Watershed Districts distributed a survey to
281 managers to be completed concerning MAWD's work;
 - 282
 - 283 3. Managers will receive a survey to identify a convenient date and time for a meet
284 and greet gathering with members of the Citizens Advisory Committee;
 - 285
 - 286 4. The Minneapolis Park & Recreation Board will be considering a proposal from
287 the Bronze Foundation to redesign an 18 hole golf course at Hiawatha that would
288 involve a significant drawdown of Lake Hiawatha. Staff will continue to monitor
289 this discussion.

290
291 **Adjournment**

292
293 There being no further business, President White declared the meeting of the Board of
294 Managers adjourned at 9:46 p.m.

295
296 Respectfully submitted,

297
298
299
300 Eugene Maxwell, Secretary