

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

4
5 **October 8, 2020**
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 October 8, 2020. 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 For this reason, until this determination is withdrawn by the District's presiding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 Rogness: Present
27 Miller: Present
28 Olson: Present
29 Maxwell: Present
30 White: Present
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32 **DISTRICT STAFF AND CONSULTANTS PRESENT**
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34 James Wisker, Administrator; Anna Brown, Planner – Project Manager; Michael
35 Hayman, Project Planning Manager; Janna Jonely, Project and Land Management
36 Technician; Kailey Cermak, Research & Monitoring Coordinator; Chris Meehan,
37 Consulting Engineer; and Louis Smith, District Counsel.
38

39 **MATTERS FROM THE FLOOR**
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41 None.
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48 **APPROVAL OF AGENDA**

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50 President White proposed to switch the order of Items 13.1 and 12.2. *It was moved by*
51 *Manager Miller, seconded by Manager Hejmadi to approve the Agenda with this*
52 *change. Upon roll call vote, the motion carried 7-0 as follows:*

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54 Hejmadi: Aye
55 Loftus: Aye
56 Rogness: Aye
57 Miller: Aye
58 Olson: Aye
59 Maxwell: Aye
60 White: Aye

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62 **CONSENT AGENDA**

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64 *It was moved by Manager Miller, seconded by Manager Hejmadi, to approve the*
65 *Consent Agenda consisting of approval of the September 24, 2020 Board minutes.*
66 *Upon roll call vote, the motion carried, 7-0 as follows:*

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69 Hejmadi: Aye
70 Loftus: Aye
71 Rogness: Aye
72 Miller: Aye
73 Olson: Aye
74 Maxwell: Aye
75 White: Aye

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

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79 President's Report: President White reported that she and Manager Maxwell met this
80 morning with the liaisons for the 325 Blake Road project. The liaisons received a
81 briefing on the financial framework dynamic evaluation and directed staff and
82 consultants from the MCWD and City to explore the variables in the framework and
83 report back to the liaisons.

84

85 Operations and Programs Committee Report: Manager Loftus reported that the
86 Committee received a briefing on the update of the District web site, with a focus in the
87 interests of users and the District priorities.

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89 Upcoming Meeting and Event Schedule: President White directed the managers to the
90 meetings listed on the agenda; all of the meetings to be noticed and held via WebEx.

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ACTION ITEMS

Resolution 20-077: Recognition of Commissioner Callison’s Service

Mr. Wisker reviewed the request for board action. *It was moved by Manager Miller, seconded by Manager Loftus to adopt Resolution 20-077, Recognition of Commissioner Callison’s service as follows:*

NOW, THEREFORE, BE IT RESOLVED that the Minnehaha Creek Watershed District Board of Managers hereby expresses its deepest gratitude and appreciation for the service of Commissioner Callison, and wishes her the very best of happiness, health and wellbeing in all of her next pursuits and adventures.

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

- Hejmadi: Aye
- Loftus: Aye
- Rogness: Aye
- Miller: Aye
- Olson: Aye
- Maxwell: Aye
- White: Aye

Resolution 20-078: Approval of 90% Plans for Church Lake Pond Enhancement Project

Ms. Anna Brown appeared before the Board of Managers to review the request for board action. She noted that pursuant to a cooperative agreement with the City of Victoria, the MCWD serves as a fiscal agent for a grant from the Board of Water and Soil Resources and no MCWD funds are spent for this project. She noted that approximately \$60,000 in grant funds remain and Wenck and the City have determined after a review of alternatives that the proposed enhancement of the Church Lake Pond is the best project to pursue mutual goals. She noted that the proposed action is to approve the 90% design plans, and the next steps will include bringing a supplemental agreement to extend the obligations from the original cooperative agreement to this project.

It was moved by Manager Rogness, seconded by Manager Olson to adopt Resolution 20-078: Approval of 90% Plans for Church Lake Pond Enhancement Project, as follows:

133 ***NOW, THEREFORE, BE IT RESOLVED that the Minnehaha Creek***
134 ***Watershed District Board of Managers approves the 90% design plans for the***
135 ***Church Lake Pond Enhancement Project.***
136

137 ***Upon roll call vote, the motion carried 7-0 as follows:***
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139 Hejmadi: Aye
140 Loftus: Aye
141 Rogness: Aye
142 Miller: Aye
143 Olson: Aye
144 Maxwell: Aye
145 White: Aye

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147 Resolution 20-079: Approval of Design Scope for West Auburn Barrier Design
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149 Ms. Brown reviewed the request for board action. She reviewed the carp management
150 strategy in the Six Mile Creek-Halsted Bay Subwatershed, noting that three carp barriers
151 have been installed and the design for a fourth barrier was complete in December 2019.
152 The location for this fourth barrier presented some construction challenges and staff
153 determined after further evaluation that relocating the barrier with a culvert under Carver
154 Park Road would be prudent.
155

156 ***It was moved by Manager Miller, seconded by Manager Olson to adopt Resolution 20-***
157 ***079 as follows:***
158

159 ***NOW, THEREFORE, BE IT RESOLVED that the Minnehaha Creek***
160 ***Watershed District Board of Managers authorizes the District Administer to***
161 ***execute a contract with Wenck Associates in an amount not to exceed \$9,445.00***
162 ***for the design, quote solicitation, and construction oversight of the West***
163 ***Auburn carp barrier.***
164

165 Upon a question from Manager Olson, Ms. Brown compared Options 1 and 2 and
166 explained why Option 1 is preferred for carp management reasons. ***Upon roll call vote,***
167 ***the motion carried 7-0 as follows:***
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169 Hejmadi: Aye
170 Loftus: Aye
171 Rogness: Aye
172 Miller: Aye
173 Olson: Aye
174 Maxwell: Aye
175 White: Aye

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177 **BOARD DISCUSSION ITEMS**

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179 Liaisons to 325 Blake Road Stormwater Design
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181 Manager Miller noted that the collective investments in the 325 Blake Road project
182 would be the most expensive ever, and it therefore is important to have the Board of
183 Managers fully engaged and knowledgeable about the public improvements element of
184 the project as well as the redevelopment. *It was moved by Manager Miller, seconded by*
185 *Manager Olson to adopt Resolution 20-080: Appointing Board Liaisons to Public*
186 *Improvement Project at 325 Blake Road as follows:*

187
188 *NOW, THEREFORE, BE IT RESOLVED that the Minnehaha Creek*
189 *Watershed District Board of Managers hereby designates Managers Olson,*
190 *Rogness and Loftus to serve as liaisons to the 325 Blake Road Regional*
191 *Stormwater and Greenway and Cottageville Park Phase II Riparian Restoration*
192 *Project; these three managers will be available to meet with staff on key phases*
193 *of the project and report to the Board of Managers with recommendations on*
194 *critical milestones or policy questions that arise in project planning, design, or*
195 *implementation.*

196
197 Manager Maxwell stated that he felt the process as Manager Miller described it sounds
198 good, and it will be important for all of the liaisons to be coordinated and well informed
199 about what is going on with the project. Managers Olson, Rogness and Loftus stated
200 their support for the resolution and willingness to serve as liaisons. President White
201 stated that will these two groups of liaisons, it will be important to be clear on the process
202 and meeting requirements. Mr. Wisker stated that staff will work to recommend
203 important milestones and coordination of information in this process. Manager Loftus
204 stated that she echoed the concerns expressed by Manager Maxwell and President White
205 and felt coordination with the administrator and legal counsel would be critical. *Upon*
206 *roll call vote, the motion carried 7-0 as follows:*

207
208 Hejmadi: Aye
209 Loftus: Aye
210 Rogness: Aye
211 Miller: Aye
212 Olson: Aye
213 Maxwell: Aye
214 White: Aye

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216 **STAFF UPDATES**

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218 Real-Time Sensor Network Project Update
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220 Ms. Kailey Cermak appeared before the Board of Managers and reviewed the process and
221 latest developments for developing the real-time sensor network project. She explained
222 the staff commitment to develop the coding in house and noted the value of the District's
223 IT investments. She explained the value to stakeholders for having access to this new
224 database. Manager Miller noted the importance of wetlands in the District and Ms.
225 Cermak said that future phases of the project can build elements to monitor wetland
226 levels. Manager Hejmadi praised the staff effort for learning the project coding
227 themselves and the value of this internal institutional knowledge. President White and
228 Manager Loftus expressed their appreciation for the staff work and commitment to
229 professional growth. The managers thanked Ms. Cermak for this update.

230

231 Minnehaha Preserve Boardwalk

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233 Mr. Michael Hayman and Ms. Janna Jonely appeared before the Board of Managers and
234 noted that they were prepared to present expert analysis of the boardwalk failures. Mr.
235 Smith noted that this information was developed in preparation for litigation and that Mr.
236 Tom Radio is prepared to advise the Board of Managers on litigation strategy, which
237 requires confidentiality. ***It was moved by Manager Miller, seconded by Manager***
238 ***Hejmadi to move into closed session for the purpose of discussing litigation strategy***
239 ***with Mr. Radio. Upon roll call vote, the motion carried 7-0 as follows:***

240

241 Hejmadi: Aye
242 Loftus: Aye
243 Rogness: Aye
244 Miller: Aye
245 Olson: Aye
246 Maxwell: Aye
247 White: Aye

248

249 Whereupon the Board of Managers went into closed session. The Board of Managers
250 returned to open session.

251

252 Administrator's Report

253

254 Mr. Wisker reported on the following items:

255

- 256 1. With the nearing completion of the Wassermann Lake Preserve Project,
257 discussions with the City of Victoria have identified November 5 at 4 pm for a
258 possible ribbon cutting ceremony; managers expressed interest in attending and
259 Mr. Wisker noted that a meeting would be noticed for this purpose;
- 260
261 2. Mr. Wisker reported that staff is developing a proposed implementation roadmap
262 for the Long Lake Creek Partnership work; it has been presented to the Orono and
263 Long Lake city councils with good feedback and will be presented to the Medina

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264 city council; the application for the Wolsfeld Woods Ravine Stabilization Project
265 has been approved for full funding from the BWSR watershed-based program.
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268 **Adjournment**

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270 There being no further business, President White declared the meeting of the Board of
271 Managers adjourned at 8:56 p.m.

272

273 Respectfully submitted,

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275

276

277 Kurt Rogness, Secretary

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DRAFT