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

February 25, 2021

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CALL TO ORDER

The regular meeting of the Minnehaha Creek Watershed District Board of Managers was called to order by President Sherry White at 7:01 p.m. on February 25, 2021. President White noted that this meeting was convened electronically through WebEx, 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 For this reason, until this determination is withdrawn by the District's presiding officer, chief legal counsel or chief administrative officer, the meetings of the Board and its committees will be convened by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.

23 President White called the roll to note attendance:

24
25 Hejmadi: Present
26 Loftus: Present
27 Rogness: Absent
28 Miller: Present
29 Olson: Present
30 Maxwell: Present
31 White: Present.

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DISTRICT STAFF AND CONSULTANTS PRESENT

35 James Wisker, Administrator; Michael Hayman, Project Planning Manager; Chris Meehan,
36 Consulting Engineer; Louis Smith, Chuck Holtman, Counsel; Tiana Towns, Counsel.

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39

MATTERS FROM THE FLOOR

40 None.

41
42
43

APPROVAL OF AGENDA

44 Mr. Wisker requested that Resolution 21-016: Approve Assignment of Engineering Services
45 Agreement, be added to the agenda as Item 11.2. *It was moved by Manager Miller, seconded by*

46 ***Manager Maxwell to approve the agenda as distributed with this addition. Upon vote, roll call***
47 ***vote, the motion carried 6-0-1 as follows:***

48
49 Hejmadi: Aye
50 Loftus: Aye
51 Rogness: Absent
52 Miller: Aye
53 Olson: Aye
54 Maxwell: Aye
55 White: Aye

56
57 **CONSENT AGENDA**

58
59 ***It was moved by Manager Miller, seconded by Manager Hejmadi, to approve the consent***
60 ***agenda, consisting of approval of the February 11, 2021 board meeting minutes; the General***
61 ***Checking Account consisting of checks 41460 through 41487 in the amount of \$271,592.22;***
62 ***electronic funds withdrawals in the amount of \$33,589.18; manager per diems and***
63 ***reimbursement direct deposits in the amount of \$2,125.00; employee reimbursements - direct***
64 ***deposits in the amount of \$0; and payroll direct deposits in the amount of \$154,406.30; for***
65 ***Total General Checking expenses of \$461,712.70; the surety checking account charges of***
66 ***\$16,030.00; and electronic fund transfer of \$0.***

67
68 ***Upon roll call vote, the motion carried, 6-0-1 as follows:***

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

77
78 **REGULAR AGENDA**

79
80 **Board, Committee and Task Force Reports**

81
82 **President's Report:** President White stated that she had no new report for this meeting.

83
84 **Citizens Advisory Committee Report:** Manager Olson reported that he attended the
85 recent CAC meeting, which focused on a discussion of the CAC's role. CAC members
86 had breakout sessions and reported back with helpful comments on the Phase I
87 assessment work underway.

88
89

90 President White stated that the upcoming schedule of meetings is as noted in the agenda.

91

92 **Public Hearings and Presentations**

93

94 **Recognition of Commissioner Randy Maluchnik**

95

96 President White welcomed former Commissioner Maluchnik to the meeting and read the
97 Resolution Expressing Appreciation for the Service of Carver County Commissioner
98 Randy Maluchnik adopted by the Board of Managers on January 14, 2021. She thanked
99 Mr. Maluchnik for always being accessible and supportive of the MCWD mission.

100 Manager Olson recalled the early advice he received from Mr. Maluchnik to promote
101 strong communication and alignment with local partners. Mr. Maluchnik thanked the
102 Board of Managers for this recognition, stated that he was proud of his association with
103 the MCWD, and looked forward to enjoying the Wassermann project in the future. Mr.
104 Wisker expressed his gratitude for Mr. Maluchnik's support of the MCWD.

105

106 **Action Items**

107

108 **Resolution 21-015: Confirmation of the Select Developer List for Engagement in the 325**
109 **Blake Road Restoration and Redevelopment Project**

110

111 Mr. Michael Hayman appeared before the board of managers and reviewed the request
112 for board action. He reviewed the background and process for solicitation of letters of
113 interest from developers. Ten letters were received, and the staff coordination team and
114 the joint liaison group recommend that Alatus, Greco, Schafer Richardson, Sherman
115 Associates and Wellington Management be selected for continued engagement in the
116 project.

117

118 ***It was moved by Manager Maxwell, seconded by Manager Hejmadi to adopt Resolution***
119 ***21-015 as follows:***

120

121 ***NOW, THEREFORE, BE IT RESOLVED that the Minnehaha Creek***
122 ***Watershed District Board of Managers hereby confirms the Joint Liaison***
123 ***Group's recommendation of a select developer list, consisting of Alatus, Greco,***
124 ***Schafer Richardson, Sherman Associates and Wellington Management, for***
125 ***continued engagement in the 325 Blake Road Restoration and Redevelopment***
126 ***project.***

127

128 Manager Maxwell stated that he was pleased with the enthusiastic interest from developers in
129 this project. Manager Loftus noted that the summary matrix included information on
130 qualifications, though it was not a submittal requirement. She asked what weight was given to
131 qualifications in this review process. Mr. Hayman and President White stated that it was not a
132 factor in the deliberations. Manager Miller stated that he has known four of the five

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133 recommended developers for many years and believes that all are extraordinarily capable and
134 owner-operated.

135

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

137

138 Hejmadi: Aye
139 Loftus: Aye
140 Rogness: Absent
141 Miller: Aye
142 Olson: Aye
143 Maxwell: Aye
144 White: Aye

145

146 Election of Secretary Pro Tem

147

148 President White noted that with Manager Rogness retiring from the board, a Secretary
149 Pro Tem should be elected. ***It was moved by President White, seconded by Manager***
150 ***Miller that Manager Maxwell be elected Secretary Pro Tem.***

151

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

153

154 Hejmadi: Aye
155 Loftus: Aye
156 Rogness: Absent
157 Miller: Aye
158 Olson: Aye
159 Maxwell: Aye
160 White: Aye

161

162 Resolution 21-016: Approval of Assignment of Engineering Services Agreement

163

164 Mr. Wisker noted that Stantec Consulting Services acquired ownership of Wenck and
165 that Wenck will accordingly dissolve as an entity on March 5, 2021. Stantec has assured
166 the MCWD of the continue of services and requested that all MCWD contracts with
167 Wenck be assigned to Stantec.

168

169 ***It was moved by Manager Hejmadi, seconded by Manager Loftus to adopt Resolution***
170 ***21-016 as follows:***

171

172 ***NOW, THEREFORE, BE IT RESOLVED that the Minnehaha Creek Watershed***
173 ***District Board of Managers hereby approves the assignment of the Wenck engineering***
174 ***services agreements to Stantec and authorizes the administrator on advice of counsel to***
175 ***execute approval of the assignment upon receipt of certificates of insurance from***

176 ***Stantec as required by the agreement, and any other items deemed necessary by***
177 ***counsel.***

178
179 ***Upon roll call vote, the motion carried, 6-0-1 as follows:***

180
181 Hejmadi: Aye
182 Loftus: Aye
183 Rogness: Absent
184 Miller: Aye
185 Olson: Aye
186 Maxwell: Aye
187 White: Aye

188
189 **Closed Session: 6430 County Road 26, Minnetrista**

190
191 President White noted the next item on the agenda, to discuss the status of district financing for
192 the L&P Schaper Properties in Minnetrista. She noted the presence of Chuck Holtman, Smith
193 Partners, and Tiana Towns, Dorsey & Whitney for this discussion. ***It was moved by Manager***
194 ***Maxwell, seconded by Manager Hejmadi to convene in closed session pursuant to attorney-***
195 ***client privilege, in order to confer with counsel as to legal options with respect to the***
196 ***delinquency on the MCWD note, and with the finding that confidentiality is necessary so that***
197 ***counsel may advise as to the strengths and weaknesses of the options.***

198
199 ***Upon roll call vote, the motion carried, 6-0-1 as follows:***

200
201 Hejmadi: Aye
202 Loftus: Aye
203 Rogness: Absent
204 Miller: Aye
205 Olson: Aye
206 Maxwell: Aye
207 White: Aye

208
209 Whereupon the Board of Managers went into closed session. The Board returned to open
210 session.

211
212 **Staff Updates**

213
214 **Administrator's Report**

215
216 Mr. Wisker reported on the following items:

- 217
218 1. The Minneapolis Park and Recreation Board held a public hearing on the Hiawatha Golf
219 Course Property Master Plan; the plan was approved by committee on a vote of 3-2;

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- 220 2. MCWD will continue legislative outreach with Joel Carlson and is planning meetings
221 with Senator Patricia Torres Ray, Representative Jamie Long, and Representative Patty
222 Acomb to review the MCWD's work on high water conditions.
223

224 **Adjournment**
225

226 There being no further business, the meeting of the Board of Managers adjourned at 8:43 p.m.
227

228 Respectfully submitted,
229

230

231

232 Eugene Maxwell, Secretary Pro Tem

DRAFT