

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

March 24, 2022

CALL TO ORDER

The regular meeting of the Minnehaha Creek Watershed District was called to order by President Sherry White at 7:00 p.m. on March 24, 2022. 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 For this reason, until this determination is withdrawn by the District's presiding officer, chief legal counsel or chief administrative officer, the meetings of the Board and its committees will be convened by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.

President White called the roll to note attendance:

Hejmadi:	Present
Loftus:	Present
Sando:	Present - joined at 8:40 p.m.
Miller:	Present
Olson:	Present
Maxwell:	Present
White:	Present

DISTRICT STAFF AND CONSULTANTS PRESENT

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

MATTERS FROM THE FLOOR

None.

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APPROVAL OF AGENDA

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

Hejmadi: Aye
Loftus: Aye
Sando: Absent for vote
Miller: Aye
Olson: Aye
Maxwell: Aye
White: Aye

CONSENT AGENDA

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

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

Hejmadi: Aye
Loftus: Aye
Sando: Absent for vote
Miller: Aye
Olson: Aye
Maxwell: Aye
White: Aye

BOARD, COMMITTEE AND TASK FORCE REPORTS

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

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

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

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

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

PERMITS REQUIRING A VARIANCE OR DISCUSSION

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

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

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

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

Hejmadi:	Aye
Loftus:	Aye
Sando:	Absent for vote
Miller:	Aye
Olson:	Aye
Maxwell:	Aye

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White: Aye

ACTION ITEMS

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

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

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

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

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

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

Hejmadi: Aye
Loftus: Aye
Sando: Absent for vote
Miller: Aye
Olson: Nay

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Maxwell: Aye
White: Nay

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

Hejmadi: Aye
Loftus: Aye
Sando: Absent for vote
Miller: Aye
Olson: Aye
Maxwell: Aye
White: Aye

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

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

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

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

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

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

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

Hejmadi: Aye
Loftus: Aye
Sando: Absent for vote
Miller: Aye
Olson: Aye
Maxwell: Aye
White: Aye

STAFF UPDATES

Land & Water Partnership Program: Opportunity Updates

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

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

BOARD DISCUSSION ITEMS

325 Blake Road Purchase and Sale Agreement **Minnehaha Preserve Boardwalk Update**

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

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

Hejmadi: Aye
Loftus: Aye
Sando: Aye
Miller: Aye
Olson: Aye

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Maxwell: Aye
White: Aye

Whereupon the Board of Managers went into closed session.

The Board of Managers returned to open session.

STAFF UPDATES, CONTINUED

Administrator's Report

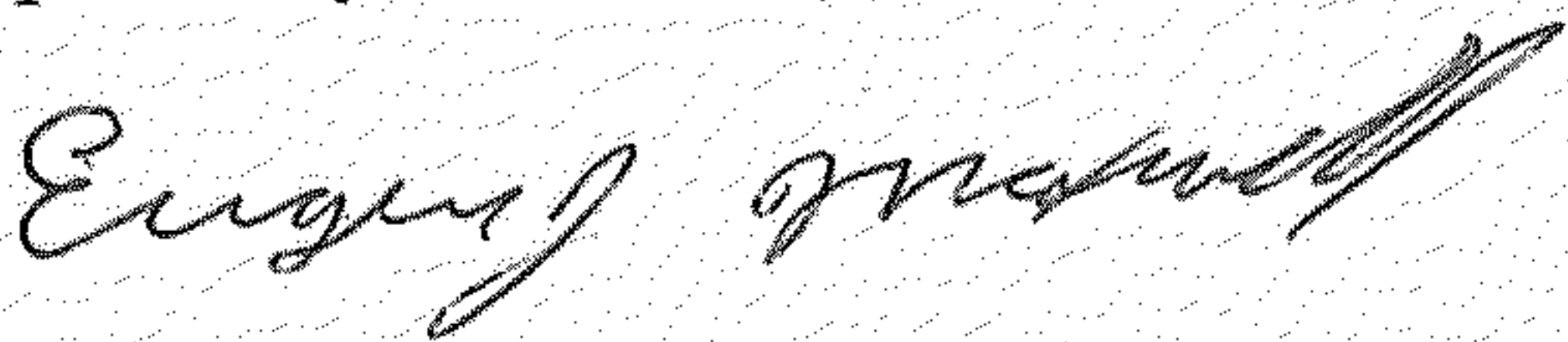
Mr. Wisker reported on the following items:

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

Adjournment

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

Respectfully submitted,



Eugene Maxwell, Secretary