

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

April 28, 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 April 28, 2022. President White noted that this meeting was convened electronically through Zoom, 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 For this reason, until this determination is withdrawn by the District's presiding officer, chief legal counsel or chief administrative officer, the meetings of the Board and its committees will be convened by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 7:03 p.m.
Miller:	Present
Olson:	Present
Maxwell:	Present
White:	Present

DISTRICT STAFF AND CONSULTANTS PRESENT

James Wisker, Administrator; Tiffany Schaufler, Project and Land Manager; Becky Christopher, Policy Planning Manager; Kate Moran, Policy Planning Coordinator; Chris Meehan, Consulting Engineer; and Chuck Holtman, District Counsel.

MATTERS FROM THE FLOOR

None.

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APPROVAL OF AGENDA

It was moved by Manager Miller, seconded by Manager Maxwell to approve the Agenda as distributed. 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 Miller, to approve the Consent Agenda consisting of approval of the April 14, 2022 Board minutes; the General Checking Account consisting of checks 41872 through 41898 in the amount of \$389,958.90; electronic funds withdrawals in the amount of \$35,964.45; manager per diems and reimbursement direct deposits in the amount of \$6,359.27; employee reimbursements - direct deposits in the amount of \$182.87; and payroll direct deposits in the amount of \$130,255.07; for Total General Checking expenses of \$562,720.56; the surety checking account bank service charge of \$30.00; the wires check register for a payment to Bremer for office building refinance in the amount of \$52,461.58; and the following resolutions:

Resolution 22-024: Approval to Purchase Replacement Laptops

NOW, THEREFORE, BE IT RESOLVED that the Minnehaha Creek Watershed District Board of Managers hereby approves the purchase of 11 replacement laptops and docking stations for an amount not to exceed \$22,036.18;

Resolution 22-025: Approval to Amend the Construction Budget for the Six Mile Marsh Prairie Trail Project

THEREFORE, BE IT RESOLVED that the Minnehaha Creek Watershed District Board of Managers hereby amends the 2022 budget for the Six Mile Marsh Prairie Trail project to \$371,889; and approves a transfer of funds of \$64,647 from the Meadowbrook Golf Course capital project account (3-3150) to the Six Mile Marsh Prairie account (3-3106);

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Resolution 22-026: Authorization to Submit Hennepin County Environmental Response Fund Spring 2022 Grant Application

NOW, THEREFORE, BE IT RESOLVED that the Minnehaha Creek Watershed District Board of Managers hereby authorizes District Staff to submit an application to the Hennepin County Environmental Response Fund grant program's Spring 2022 funding round; and

Resolution 22-027: Authorize Second Phase Contract with Smith Partners to Complete Historic Review

NOW, THEREFORE, BE IT RESOLVED that the Minnehaha Creek Watershed District Board of Managers hereby authorizes the District Administrator to execute a contract with Smith Partners PLLP to complete the historical analysis project in accordance with the attached scope of services in an amount not to exceed \$34,787.

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

Hejmadi: Aye
Loftus: Aye
Sando: Aye
Miller: Aye
Olson: Aye
Maxwell: Aye
White: Aye

BOARD, COMMITTEE AND TASK FORCE REPORTS

President's Report: President White reported that she met with Representative Greenman, Mr. Wisker and Mr. Joel Carlson and completed meetings in preparation for the discussion of the Nokomis white paper.

Executive Committee Report: President White reported that the Executive Committee met earlier in the day to review the 2021 audit and voted to recommend acceptance of the audit.

Policy and Planning Committee Report: Manager Miller reported that the committee met earlier and received the initial 2023 budget presentation from staff; the committee felt the information was helpful and well-presented.

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Minnesota Association of Watershed Districts – Metro Chapter: Manager Sando reported that the meeting was informative and included an update from the Minnesota Pollution Control Agency. Manager Olson added that the Metropolitan Council also presented an overview of their priority waters program, ranking lakes and other water bodies based on recreational use, tourism, public health and other factors; this listing will guide Met Council’s ongoing involvement in water quality.

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.

ACTION ITEMS

Resolution 22-027: Review and Approve 2021 Financial Audit

Resolution 22-028: Review and Approve 2021 Fund Transfers and Account Closures

Mr. Andy Hering appeared before the Board of Managers to review the 2021 financial audit. He stated that the audit resulted in a clean, unmodified audit opinion. He reviewed the report on internal controls revealed no internal control deficiencies. The report on legal compliance indicated no findings or compliance issues. He reviewed the letter of required communications, which reflected no concerns. Upon questions from Manager Loftus, Mr. Hering noted no significant concerns for the coming year unless the District initiates new accounting procedures, and noted that some jurisdictions are delaying projects due to the pandemic.

It was moved by Manager Loftus, seconded by Manager Sando, to adopt Resolution 22-027 Acceptance of the 2021 MCWD Annual Financial Audit as follows:

NOW, THEREFORE, BE IT RESOLVED that the Minnehaha Creek Watershed District Board of Managers hereby accepts the 2021 Annual Financial Report, and directs the District Administrator to transmit it to the Minnesota State Auditor, the Minnesota Board of Water and Soil Resources, Wells Fargo and Hennepin and Carver County.

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

Hejmadi: Aye
Loftus: Aye
Sando: Aye
Miller: Aye
Olson: Aye
Maxwell: Aye
White: Aye

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It was moved by Manager Olson, seconded by Manager Maxwell, to adopt Resolution 22-028 Authorization of 2021 End of Year Fund Transfers and Closures as follows:

NOW, THEREFORE, BE IT RESOLVED that the Minnehaha Creek Watershed District Board of Managers hereby accepts the proposed transfers and fund closures within the Management Planning Fund.

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

Hejmadi: Aye
Loftus: Aye
Sando: Aye
Miller: Aye
Olson: Aye
Maxwell: Aye
White: Aye

Resolution 22-029: Authorization to Contract with Background Stories for Design and Layout of the Climate Action Framework

Ms. Becky Christopher and Ms. Kate Moran appeared before the Board of Managers to review the request for board action. Ms. Christopher explained that the request includes the Board's acceptance of the draft Climate Action Framework and authorization to contract for final design and layout. Ms. Christopher and Ms. Moran reviewed the climate action framework and the value of design assistance. Upon a question from Manager Hejmadi, Ms. Christopher and Mr. Wisker reviewed coordination with partners in the development of the framework. Manager Maxwell expressed his appreciation of the work so far and the need to continue to coordinate with cities and other partners.

It was moved by Manager Hejmadi, seconded by Manager Maxwell, to adopt Resolution 22-029: Authorization to Contract with Background Stories for Design and Layout of the Climate Action Framework as follows:

NOW, THEREFORE, BE IT RESOLVED that the Minnehaha Creek Watershed District Board of Managers hereby accepts the draft CAF; and

BE IT FURTHER RESOLVED that the District Administrator is authorized to enter into a contract with Background Stories for final design and layout of the CAF for an amount not to exceed \$10,500.

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

Hejmadi: Aye

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Loftus: Aye
Sando: Aye
Miller: Aye
Olson: Aye
Maxwell: Aye
White: Aye

Resolution 22-030: Acceptance of the Lake Nokomis Area Groundwater & Surface Water Evaluation and the University of Minnesota's Technical Review of the Evaluation

Ms. Tiffany Schaufler appeared before the Board of Managers to review the request for board action. She reviewed the Lake Nokomis area groundwater and surface water evaluation and the third-party review by the University of Minnesota.

It was moved by Manager Hejmadi, seconded by Manager Miller to adopt Resolution 22-030 as follows:

NOW, THEREFORE, BE IT RESOLVED that the Minnehaha Creek Watershed District Board of Managers accepts the Lake Nokomis Groundwater & Surface Water Evaluation and accepts the U of M's technical review of the Evaluation.

Manager Olson commented that he felt the evaluation was excellent and asked about the University's timetable for the next steps. Ms. Schaufler reviewed their timetable following the scheduled town hall meeting in May. Upon further question from Manager Olson, Ms. Schaufler explained the possible remedies for sanitary sewer line problems. President White commented that his was a well-researched and coordinated effort. Manager Miller commented that the graphics assisted greatly in understanding the content. Manager Hejmadi also commended the staff team for this work.

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

Hejmadi: Aye
Loftus: Aye
Sando: Aye
Miller: Aye
Olson: Aye
Maxwell: Aye
White: Aye

Resolution 22-031: Adoption of a Revised Interim Maintenance Protocol for the Minnehaha Preserve Boardwalk

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Ms. Tiffany Schaufler appeared before the Board of Managers to review the request for board action. She noted winter snow and ice conditions leading to the seasonal closure during the winter, and a review of current safety conditions and the recommendation for an updated inspection and maintenance protocol.

It was moved by Manager Hejmadi, seconded by Manager Sando, to adopt Resolution 22-031: Adoption of a Revised Interim Maintenance Protocol for the Minnehaha Preserve Boardwalk as follows:

NOW, THEREFORE, BE IT RESOLVED that the Minnehaha Creek Watershed District Board of Managers adopts the revised interim maintenance protocol, as recommended by MCWD staff, for the Minnehaha Preserve boardwalk system.

Upon a question from Manager Olson, Ms. Schaufler noted the precautions in using plywood for patches on the boardwalk, with orange spray paint and posted signage. Managers Miller, Maxwell and Sando commented on these conditions and concerns. Mr. Chuck Holtman noted these concerns and staff consideration of the best ways to minimize the risks, and to bring to the Board of Managers a recommended protocol to be adopted in the Board's discretion. The weighing of concerns includes maximizing safety, providing access to this recreational amenity, and careful reasoning to assure that these considerations are managed thoughtfully given all of these factors. The managers' suggestions are helpful in this regard.

Upon a question from President White, Ms. Schaufler noted that it is unlikely that the boardwalk will be closed for the repair work, but the staff will continue to monitor these conditions and bring any updates as warranted. She also noted that the City of St. Louis Park has noted many calls from residents requesting that the boardwalk be opened. Upon a question from Manager Maxwell, Ms. Schaufler noted that the plywood system worked well last year without any incidents or concerns. Manager Miller noted his observations of the extensive use of the boardwalk.

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

Hejmadi:	Aye
Loftus:	Aye
Sando:	Aye
Miller:	Aye
Olson:	Aye
Maxwell:	Aye
White:	Aye

STAFF UPDATES

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Administrator's Report

Mr. Wisker reported on the following items:

1. Mr. Wisker thanked managers for completing the pandemic survey and the range of responses;
2. He noted the many accomplishments reflected in this evening's meeting.

Adjournment

There being no further business, President White declared the meeting of the Board of Managers adjourned at 8:45 p.m.

Respectfully submitted,

Eugene Maxwell, Secretary

