

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

**July 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 July 28, 2022.

**MANAGERS PRESENT**

Sherry White, William Olson, Jessica Loftus, Richard Miller, Arun Hejmadi, Eugene Maxwell and Stephen Sando.

**MANAGERS ABSENT**

None.

**DISTRICT STAFF AND CONSULTANTS PRESENT**

James Wisker, Administrator; Brian Beck, Research & Monitoring Program Manager; Kailey Cermak, Hydrologist; Tiffany Schaufler, Project and Land Manager; Michael Hayman, Project Planning Manager; Chris Meehan, District Consulting Engineer; and Louis Smith, District Counsel.

**APPROVAL OF AGENDA**

Manager Miller requested that a discussion item be added to discuss the standing agenda of board meetings. Louis Smith requested that an attorney's report on the Circle Pines v. Anoka County decision be added. *It was moved by Manager Miller, seconded by Manager Loftus to approve the Agenda with these changes. Upon vote, the motion carried 7-0.*

**MATTERS FROM THE FLOOR**

None.

**CONSENT AGENDA**

*It was moved by Manager Hejmadi, seconded by Manager Miller, to approve the items on the Consent Agenda consisting of approval of the July 14, 2022, Board meeting minutes, approval of the General Check Register, including check numbers 41962 through 42000 in the amount of \$321,410.17, electronic funds withdrawals of \$42,208.91, Managers Per Diems and Reimbursements of \$4,283.67, employee*

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*reimbursements of \$282.81, payroll electronic funds withdrawals and disbursements of \$220,484.58 for a total of \$588,670.14; the Surety Check Register for check numbers 2139 through 2146 in the amount of \$18,250.00 and a bank service charge of \$50.00; and the Wire Check Register in the amount of \$13,865.00 for payment to the City of Richfield for financing the Taft Legion Project; and the following resolution:*

***Resolution 22-043: Authorization to Execute Summer Carp Removal Contracts with WSB***

***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 for hoop-net removals;***

***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 and Pierson Lake within the Six Mile Creek Halsted Bay Subwatershed, consistent with the Lessard-Sams Outdoor Heritage Council Grant Accomplishment Plan, in the amount of \$22,989.00;***

***BE IT FINALLY RESOLVED that the Minnehaha Creek Watershed District Board of Managers establishes a not to exceed budget of \$26,000 for this work, and authorizes the District administrator to issue change orders up to that amount.***

*Upon vote, the motion carried 7-0.*

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

President's Report: President White reported that she attended the most recent meeting of the Metro Chapter of the Minnesota Association of Watershed Districts, along with Managers Hejmadi and Maxwell. There were agency presentations, including from the Minnesota Pollution Control Agency on the Clean Water Fund and Clean Water Council recommendations; report on a survey concerning 1 Watershed 1 Plan; and discussion of MAWD resolutions, including one concerning wake boats.

Citizens Advisory Committee Report: Manager Loftus reported that she attended the CAC meeting on July 20. The CAC provided helpful feedback on the annual budget and capital improvement program. There were questions about alum dosing and other program elements.

Upcoming Meeting and Event Schedule: President White directed the managers to the meetings listed on the agenda. Manager Miller asked if it would be possible when permit

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applications are noticed to include the staff recommendation; Mr. Wisker stated that this would be an example of more information that can be included with the updated website.

### **ACTION ITEMS**

#### **Resolution 22-045: Approval of Specifications for Wassermann Alum Treatment and Authorization to Solicit Quotes**

Ms. Kailey Cermak appeared before the Board of Managers to review the request for board action. She noted that the second alum treatment of Wassermann Lake this fall is intended to conclude this phase of focused restoration work in this area. She noted the plan is to award a contract for the alum treatment at the August 22 meeting.

*It was moved by Manager Olson, seconded by Manager Maxwell to approve Resolution 22-045 as follows:*

***NOW, THEREFORE, BE IT RESOLVED that the Minnehaha Creek Watershed District Board of Managers hereby approves the specifications for the Wassermann Lake Alum Treatment and authorizes the release of a request for quotes.***

Upon a question from Manager Olson, Ms. Cermak explained that the pond located to the northeast of the lake is hydrologically connected to the lake but has low flow. Manager Miller asked whether the alum dosing recommendation is constrained by the grant funding. Ms. Cermak and Mr. Brian Beck explained that a detailed core analysis will guide the dosing; the plan is to use grant funds first and supplement as necessary with MCWD funds. In response to a question from Manager Hejmadi, Ms. Cermak explained that the shallow zones did not respond as much to the first alum dose; the deeper zones have the highest phosphorus loading, and it is also possible that the alum slides to deeper areas of the lake. Staff will continue to evaluate this issue. Ms. Cermak responded to a question from Manager Maxwell and explained that the fall application is planned for a set temperature range of the lake. In response to a question from Manager Olson, Mr. Chris Meehan stated that liquid alum is more effective than a granular application.

*There being no further discussion, upon vote, the motion carried, 7-0.*

#### **Resolution 22-046: Authorization to Execute a Contract to Analyze MCWD Stormwater Pond Survey Data and Develop Maintenance Recommendations**

Ms. Tiffany Schaufler appeared before the Board of Managers to review the request for board action. She noted the plan for maintenance of the MCWD's 25 stormwater ponds and reviewed the Stantec scope of work. She stated that with further discussion with Stantec, staff determined that no contingency is needed and therefor recommends that the amount to be approved for this work be \$44,200.

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*It was moved by Manager Miller, seconded by Manager Maxwell to adopt Resolution 22-046 as follows:*

***NOW, THEREFORE, BE IT RESOLVED that the Minnehaha Creek Watershed District Board of Managers authorizes the District Administrator, on advice of counsel, to execute a contract with Stantec Consulting Services Inc. to review MCWD's stormwater pond data and develop maintenance recommendations in the amount of \$44,200.***

In response to a question from Manager Maxwell, Ms. Schaufler noted that generally there is not a need to expand pond sites and maintenance can occur within existing land rights. Following a question from Manager Hejmadi, Ms. Schaufler reviewed the pond monitoring program and noted that with the drought this year no surveys have been done, and maintenance work is planned to occur during the winter. Manager Loftus stated that she appreciated this work, which seems appropriate as part of adapting to climate change and the need for resilience. She asked about best practices in pond maintenance and what large entities like MnDOT do in their maintenance programs as a possible guide. Ms. Schaufler noted that staff will investigate this further. Manager Miller noted the wetland inventory and extensive role wetlands play in storing stormwater. Ms. Cermak noted that the east Auburn wetland is a source of phosphorus; Mr. Meehan and Mr. Wisker noted that future modeling will enable addressing these questions at a systems scale, while this project is focused specifically on maintenance of the MCWD's ponds.

*There being no further discussion, upon vote the motion carried, 7-0.*

Resolution 22-047: Approval of 100% Design Plans for the Minnehaha Preserve Boardwalk Reconstruction Project and Authorization to Solicit Bids

Ms. Schaufler reviewed the request for board action and introduced Mr. Casey Black and Mr. Kevin Bigalke from SRF. She noted that there is no change in the boardwalk designed proposed, other than eliminating one overlook. She reviewed the materials use categories and treatment. She noted the erosion by the creek and the need for repair and noted construction access will be from Excelsior Boulevard. The proposed project budget of \$1,680,864 includes a 10% contingency.

*It was moved by Manager Miller, seconded by Manager Loftus to adopt Resolution 22-047 as follows:*

***NOW, THEREFORE, BE IT RESOLVED that the Minnehaha Creek Watershed District Board of Managers approves the 100% design plans for the Minnehaha Creek Preserve Boardwalk Reconstruction and authorizes the District Administrator to solicit bids for construction.***

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In response to questions from Manager Olson and Miller about the stringers and cross-braces, Mr. Michael Hayman explained that a sway test had requested the braces. In response to a question from Manager Hejmadi, Ms. Schaufler noted that both litigation and District counsel had reviewed the proposed plans. ***There being no further discussion, upon vote, the motion carried 7-0.***

## **DISCUSSION ITEMS**

### **Standing Meeting Agenda Discussion**

Manager Miller stated that he felt it would be helpful to have “Managers’ Reports” as a standing agenda item at board meetings to promote manager communications and engagement in policy direction. The President would then refer these matters reported by managers to the appropriate committee for further study. ***It was moved by Manager Miller, seconded by Manager Maxwell to have “Managers’ Reports” as a standing agenda item at board meetings.*** Manager Maxwell clarified that a manager is not obligated to bring a report to every meeting. Manager Miller affirmed that the focus is on policy-driven concerns. In response to a comment from Manager Loftus, Manager Miller agreed that committees will continue to manage their agendas. Manager Olson stated that he liked this idea so that the entire Board hears these comments. ***Upon vote, the motion carried 7-0.***

### **Attorney’s Report**

Mr. Smith reviewed the recent decision of the Minnesota Supreme Court in *Circle Pines v. Anoka County*. Generally, anyone wishing to be appointed or reappointed to a watershed district board in the metropolitan area is well-advised to seek a nomination from a city, either their city of residence or another city within the watershed at least sixty (60) days before the expiration of the term. Counties are also to consider fair representation of hydrologic areas when making appointments.

## **STAFF UPDATES**

### **Administrator’s Report**

Mr. Wisker reported on the following items:

1. Water levels have continued to decrease with moderate drought conditions, a dry hot month of June, and precipitation year to date is approximately 4.4 inches below normal. Lake Minnetonka is at 928.4, and the control structure was closed on July 21. Minnehaha Creek is flowing at Hiawatha at 1 cubic foot per second.

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2. Discussion continues about a proposed study of wake boats. Staff will continue to monitor this discussion.
3. The Minneapolis Park & Recreation Board recently passed a procedural vote to hold a public hearing on the Hiawatha Master Plan. Staff will continue to monitor.
4. The City of Minneapolis and the MPRB staff are working on a process to build a new partnership with the MCWD. A proposed process should be coming in the next couple of months.
5. MCWD recently posted an open position in the project maintenance and land management staff, and recently a permit program staff member left the MCWD. Mr. Wisker is taking time for the posting of an operations manager. New staff are onboarding and the history strategic review is helpful with key principles.

**Adjournment**

There being no further business, President White declared the meeting of the Board of Managers adjourned at 8:26 p.m.

Respectfully submitted,



Eugene Maxwell, Secretary