

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

August 11, 2022

CALL TO ORDER

The regular meeting of the Minnehaha Creek Watershed District was called to order by President Sherry White at 7:23 p.m. on August 11, 2022.

MANAGERS PRESENT

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

MANAGERS ABSENT

None.

DISTRICT STAFF AND CONSULTANTS PRESENT

James Wisker, Administrator; Kayla Westerlund, Permitting Program Manager; Becky Christopher, Policy Planning Manager; Gabe Sherman, Planner – Project Manager; Michael Hayman, Project Planning Manager; Chris Meehan, District Consulting Engineer; and Louis Smith, District Counsel.

APPROVAL OF AGENDA

Manager Miller noted that agenda item 13 should be worded as follows: “Board inquiries, issues and ideas will be gathered, not discussed at the meeting, and referred by the President to the appropriate committee. *It was moved by Manager Miller, seconded by Manager Maxwell to approve the Agenda with this change. Upon vote, the motion carried, 7-0.*

MATTERS FROM THE FLOOR

None.

CONSENT AGENDA

President White requested that the Minutes of July 28, 2022 be pulled from the Consent Agenda and placed at item 11.4. *It was moved by Manager Miller, seconded by Manager Hejmadi, to approve the remaining items on the Consent Agenda consisting of approval of the following resolutions:*

Resolution 22-048: Authorization to Renew ElementsXS Annual License:

NOW, THEREFORE, BE IT RESOLVED that the Minnehaha Creek Watershed District Board of Managers hereby authorizes the renewal of permitting software maintenance and licenses for an amount of \$10,000.00; and

Resolution 22-049: Authorization to Execute Contract for Legal Services:

NOW, THEREFORE, BE IT RESOLVED that the Minnehaha Creek Watershed District Board of Managers hereby authorizes the District Administrator to execute a legal services contract with Smith Partners for the period of September 1, 2022 through August 31, 2024.

Upon vote, the motion carried 7-0.

BOARD, COMMITTEE AND TASK FORCE REPORTS

President's Report: President White reported that she recently attended a briefing of the Carver County Board of Commissioners with Manager Olson, Mr. Wisker and Mr. Hayman. Manager Olson stated that they presented background and updates on current projects, as well as plans for projects in the next 5-10 years. He said the report was well received.

Operations and Programs Committee Report: Manager Loftus reported that the Committee received a briefing on the 90% design for the MCWD project at 325 Blake Road. The final design will come to the Board in September.

Upcoming Meeting and Event Schedule: President White directed the managers to the meetings listed on the agenda, including the special date for the next meeting on August 22.

ACTION ITEMS

Resolution 22-044: Authorization to Approve a Contract Amendment for Permitting Program Alignment Engineering and Legal Services

Ms. Kayla Westerlund appeared before the Board of Managers to present the request for board action. She reviewed the work completed under a 2019 contract and reasons for the amendment given the evolution in the scope and staff transition. ***It was moved by Manager Olson, seconded by Manager Miller to adopt Resolution 22-044 as follows:***

NOW, THEREFORE, BE IT RESOLVED that the Minnehaha Creek Watershed District Board of Managers hereby approves the permitting alignment contract amendment request in an amount not to exceed \$72,250.50.

NOW THEREFORE, BE IT FURTHER RESOLVED that the Minnehaha Creek Watershed District Board of Managers hereby amends the Rule Revision Budget (2007) by \$72,250.50 and authorizes the transfer of funds in the same amount from Operations (1002).

Upon a question from Manager Loftus, Ms. Westerlund reviewed further background on the need for further work and the contract amendment.

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

Resolution 22-050: Authorization to Proceed with Greenway to Cedar Trail Connection and Streambank Restoration Feasibility

Mr. Gabe Sherman appeared before the Board of Managers to review the request for board action. He reviewed the background, including initial feasibility work in 2015/2016, the opportunity to create a trail connection underneath the Southwest LRT line, and to explore streambank and creek restoration. The LRT construction resulted in placement of large boulders in the way of the trail, so there is a need to update the site investigation and schematic design. ***It was moved by Manager Olson, seconded by Manager Miller to adopt Resolution 22-050 as follows:***

NOW, THEREFORE, BE IT RESOLVED that the Minnehaha Creek Watershed District Board of Managers hereby authorizes the District Administrator, on advice of counsel, to enter into a contract with Stantec Consulting Services Inc. to conduct a feasibility study for the Greenway to Cedar Trail Connection and Streambank Restoration project, in an amount not to exceed \$24,800, and further authorizes the Administrator to execute change orders in his discretion up to an additional 10% of this fee.

Manager Miller asked whether there is a need to obtain appraisal of possible easements, and Mr. Sherman stated that the feasibility study would guide the answer to this question. Upon further questions from managers, Mr. Sherman and Mr. Michael Hayman reviewed the current conditions, past discussions with landowners, and cooperation with the City of St. Louis Park. ***There being no further discussion, upon vote the motion carried, 7-0.***

Resolution 22-051: Appointment of Technical Advisory Committee for Land & Water Partnership Initiative

Ms. Becky Christopher appeared before the Board of Managers to review the request for board action. She reviewed the process of inviting stakeholders to serve on the Technical Advisory Committee for the program, and the goal of having broad representation across the watershed. The focus has been on technical staff; several policy makers reached out about the TAC and staff recommends individual meetings with these policy makers in lieu of their service on the TAC.

It was moved by Manager Maxwell, seconded by Manager Hejmadi to adopt Resolution 22-051 as follows:

NOW, THEREFORE, BE IT RESOLVED that the MCWD Board of Managers appoints the following individuals to serve on the Technical Advisory Committee for the Land & Water Partnership Initiative.

Organization	Primary Representative	Alternate
City of Edina	Jessica Vanderwerff Wilson	
City of Hopkins	Ryan Krzos	
City of Maple Plain	Dylan Hoflock	
City of Medina	Dusty Finke	
City of Minneapolis	Elizabeth Stout	Shahram Missaghi
City of Minnetonka	Sarah Schweiger	Leslie Yetka
City of Plymouth	Chris LaBounty	Ben Scharenbroich
City of Richfield	Chad Donnelly	
City of St. Louis Park	Erick Francis	Phil Elkin; Mike Bahe
City of Victoria	Cara Geheren	
City of Wayzata	Mike Kelly	Emily Goellner
WSB, representing Deephaven	Rebecca Haug	
Bolton and Menk, representing Greenwood, Maple Plain, Mound, Orono, St. Bonifacius, Shorewood, Woodland	Bob Bean	
Carver SWCD	Mike Wanous	
Hennepin County	Drew McGovern	Karen Galles; Kris Guentzel
Three Rivers Park District	Kelly Grissman	Jami Markle
Metropolitan Council	Jen Kostrzewski	

In response to a question from Manager Hejmadi, Ms. Christopher and Mr. Wisker reviewed the considerations for technical staff vs. policy maker participation, and ongoing outreach and communications plans. ***There being no further discussion, upon vote, the motion carried 7-0.***

Approval of Minutes of July 28, 2022

It was moved by Manager Miller, seconded by Manager Loftus to approve the minutes of the July 28, 2022 board meeting. Manager Miller noted a correction at Lines 188-89 to clarify that Manager suggestions would be referred by the President to the appropriate committee. President White noted corrections at Lines 1 and 236 to note that she convened and adjourned the meeting rather than Manager Olson. Louis Smith asked that lines 203-04 be revised to state that nominations must be received at least 60 days before the term expires. ***It was moved by Manager Maxwell, seconded by Manager Miller to amend the motion to approve the minutes to reflect these changes and corrections. Upon vote, the motion to amend carried, 7-0. Upon vote the motion to approve the minutes as amended carried, 7-0.***

STAFF UPDATES

Administrator's Report

Mr. Wisker reported on the following items:

1. Water levels are declining and will likely continue to do so due to below normal precipitation. Lake Minnetonka is at 928.4, and the control structure is closed, with no flow in the Creek.
2. Board members should be expecting communications from staff to arrange photos for the new web site.
3. The next meeting of the Board will be August 22, to accommodate the summer tour of the Minnesota Association of Watershed Districts.
4. MCWD recently received an Environmental Response Fund grant of \$278,000 from Hennepin County for the 325 Blake Road project, and Alatus received a grant of \$275,000 for transit-oriented development for the 325 Blake Road project.
5. MCWD and Edina are making progress in identifying potential project to enhance treatment capacity for the ponds near Bde Mka Ska.
6. Staff and Manager Sando provided an update briefing to the Edina City Council on August 16 which was well received.
7. Staff presented the 2D Model application to the Legislative Citizens Commission on Minnesota Resources, which again was well received.

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Manager Olson noted driveway patching by the Westdale neighbor and asked if this could relate to an opportunity to repair the MCWD driveway. Mr. Wisker noted that based on previous Board discussions, campus improvements are on hold, but pothole patching may be an interim measure.

Adjournment

There being no further business, President White declared the meeting of the Board of Managers adjourned at 8:50 p.m.

Respectfully submitted,

Eugene Maxwell, Secretary