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

April 22, 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 7:03 p.m. on April 22, 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 For this reason, until this determination is withdrawn by the District's presiding officer, chief legal counsel or chief administrative officer, the meetings of the Board and its committees will be convened by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 Sando: Present
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; Tom Dietrich, Permitting Program Manager; Grace Barlow,
36 Permitting Technician; Brian Beck, Research & Monitoring Program Manager; Elizabeth
37 Froden, Field Assistant; Laura Domyancich-Lee, Planner-Project Manager; Chris Meehan,
38 Consulting Engineer; Louis Smith, Counsel.

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MATTERS FROM THE FLOOR

42 None.
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APPROVAL OF AGENDA

President White noted that Manager Hejmadi will present the Metro MAWD Quarter Report at Item 8.1. *It was moved by Manager Miller, seconded by Manager Maxwell to approve the agenda with this revision. 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 INTRODUCTION

Mr. Brian Beck appeared before the Board of Managers and introduced Ms. Elizabeth Froden as a new field assistant with the District. The managers welcomed Ms. Froden to the District.

CONSENT AGENDA

It was moved by Manager Sando, seconded by Manager Hejmadi, to approve the consent agenda, consisting of approval of the April 8, 2021 board meeting minutes; the General Checking Account consisting of checks 41512 through 41537 in the amount of \$233,687.75; electronic funds withdrawals in the amount of \$28,607.88; manager per diems and reimbursement direct deposits in the amount of \$3,500.00; employee reimbursements - direct deposits in the amount of \$974.14; and payroll direct deposits in the amount of \$152,115.15; for Total General Checking expenses of \$418,884.92; the surety checking account bank service charge of \$30.00; and electronic fund transfer of \$52,461.58 for office building refinance; and adoption of the following resolution:

Resolution 21-029: Authorization to Submit Annual Report to the Board of Water and Soil Resources and Department of Natural Resources

NOW, THEREFORE, BE IT RESOLVED that the Minnehaha Creek Watershed District Board of Managers accepts the 2020 Annual Activity Report and authorizes its release to BWSR and DNR..

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

- Hejmadi: Aye
- Loftus: Aye
- Sando: Aye

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91 Miller: Aye
92 Olson: Aye
93 Maxwell: Aye
94 White: Aye

95

96 **REGULAR AGENDA**

97

98 **Board, Committee and Task Force Reports**

99

100 President's Report: President White reported that the liaison members and staff have been
101 preparing for the developer selection phase of the 325 Blake Road project.

102

103 Policy and Planning Committee Report: Manager Miller reported that the Committee
104 heard a presentation from Mr. Wisker concerning an overview of the 2022 budget.

105

106 Citizens Advisory Committee Report: Manager Miller reported that the CAC discussed at
107 its most recent meeting the CAC assessment process and noted that the Committee
108 desired to have the Board of Managers establish its scope in order to be useful in meeting
109 the needs of the District.

110

111 President White reviewed the upcoming schedule of meetings as noted in the agenda,
112 noting that she would be attending the Citizens Advisory Committee meeting of May 19.

113

114 **Permits Requiring a Variance or Discussion**

115

116 **Permit 20-591: City of Shorewood – Glen, Amlee, Manitou Road Reconstruction**

117

118 Ms. Grace Barlow appeared before the Board of Managers and reviewed the permit
119 report. She noted that the District had received a request from a member of the public for
120 Board review of the application. Ms. Barlow reviewed the scope of the proposed project,
121 and noted the staff assessment of compliance with each of the applicable rules. Upon a
122 question from Manager Maxwell, Ms. Barlow stated that a resident had contacted the
123 District to discuss the project, specifically the District's jurisdiction and scope of review
124 of the project.

125

126 Mr. Rich Eng appeared before the Board of Managers and expressed his concern that
127 Gideon Pond is already full and cannot accept more water. Ms. Cathy Anton appeared
128 before the Board of Managers and asked about the sizing of the culverts, specifically the
129 point at which the 48 inch culvert is connected to a 15 inch culvert. Mr. Chris Meehan
130 and Ms. Barlow noted that the stormwater management plan for the project provides
131 adequate stormwater treatment as required by the District rules, and that volume control
132 is not required for this project. Mr. Meehan explained that the 48 inch culvert provides a
133 basin equalizing function and the 15 inch culvert provides rate control.

134

135 ***It was moved by Manager Olson, seconded by Manager Maxwell to approve the permit***
136 ***application with the conditions recommended by staff in the permit report.*** Upon a
137 question from Manager Miller, Mr. Meehan explained the location of the Gideon Glen
138 pond and noted that it is not hydraulically connected to this project. Upon a question
139 from Manager Loftus, Mr. Meehan noted that the proposed project does not exacerbate
140 the freeboard condition of an existing structure, and provides a slight level lowering to
141 increase the freeboard. Mr. Andrew Budde, representative of the City of Shorewood
142 stated that the project includes installation of curb and gutter to city standards, though
143 narrowed at points.
144

145 ***There being no further discussion, Upon roll call vote, the motion carried 7-0 as follows:***
146

147 Hejmadi: Aye
148 Loftus: Aye
149 Sando: Aye
150 Miller: Aye
151 Olson: Aye
152 Maxwell: Aye
153 White: Aye
154

155

156 **Action Items**

157

158 **Resolution 21-030: Review and Accept 2020 Financial Audit**

159

160 Mr. Andrew Hering of Redpath and Company appeared before the Board of Managers to
161 review the 2020 financial audit. He noted in summary that the audit opinion is that the
162 financial statements are fairly presented in all material respects, what he termed a clean
163 unmodified opinion. Mr. Hering noted that there were no material weaknesses in internal
164 controls, and that the legal compliance found no instances of noncompliance. Mr. Hering
165 further noted amounts in which financial assurances have been held for a lengthy time or
166 in which the permittee can no longer be identified. President White stated that the
167 Executive Committee had met to review the audit and recommends acceptance, and also
168 recommends that the staff develop a plan to address the aged sureties.
169

169

170 ***It was moved by Manager Miller, seconded by Manager Loftus to adopt Resolution 21-***
171 ***030 as follows:***
172

172

173 ***NOW, THEREFORE, BE IT RESOLVED that the Minnehaha Creek***
174 ***Watershed District Board of Managers hereby accepts the 2020 Annual***
175 ***Financial Report, and directs the District Administrator to transmit it to the***
176 ***Minnesota State Auditor, the Minnesota Board of Water and Soil Resources,***
177 ***Wells Fargo, and Hennepin and Carver County..***
178

178

179

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

181

182 Hejmadi: Aye

183 Loftus: Aye

184 Sando: Aye

185 Miller: Aye

186 Olson: Aye

187 Maxwell: Aye

188 White: Aye

189

190 Resolution 21-031: Authorization of 2020 End of Year Fund Transfers and Closures

191

192 Mr. James Wisker appeared before the Board of Managers and reviewed the request for
193 board action, noted that pursuant to the audit, the staff has identified a number of
194 transfers between sub-funds for the purposes of closing out sub-funds that are no longer
195 needed, or to remove negative balances, as summarized in the resolution.

196

197 *It was moved by Manager Miller, seconded by Manager Hejmadi to adopt Resolution*
198 *21-031 as follows:*

199

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

203

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

205

206 Hejmadi: Aye

207 Loftus: Aye

208 Sando: Aye

209 Miller: Aye

210 Olson: Aye

211 Maxwell: Aye

212 White: Aye

213

214 *It was moved by Manager Olson, seconded by Manager Maxwell to direct the*
215 *Administrator to review the aged financial assurances and recommend actions to*
216 *address or resolve them.*

217

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

219

220 Hejmadi: Aye

221 Loftus: Aye

222 Sando: Aye

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223 Miller: Aye
224 Olson: Aye
225 Maxwell: Aye
226 White: Aye

227

228 Resolution 021-032: Authorization to Amend Wassermann Alum Design Contract with Stantec

229

230 Ms. Laura Domyancich-Lee appeared before the Board of Managers to review the request for
231 board action. She noted that the original Stantec contracts for this project included the provision
232 of very limited construction oversight for the alum applications with the majority of the oversight
233 and administrative tasks to be managed by MCWD staff. Fortunately, the accepted quotes for the
234 alum applications are lower than what was estimated in the grant budgets. As such, MCWD staff
235 recommend that this available grant funding be allocated to additional construction oversight by
236 Stantec not to exceed \$15,600 as detailed in Attachment 3: Wassermann Alum Application
237 Construction Oversight Contract Amendment. The additional construction oversight is to include
238 supplementary monitoring of water chemistry during the treatments, verification of dosing across
239 the treatment areas, and compilation of treatment records to comply with reporting requirements.

240

241 *It was moved by Manager Olson, seconded by Manager Sando to adopt Resolution 21-032 as*
242 *follows:*

243

244 ***NOW, THEREFORE, BE IT RESOLVED that the MCWD Board of Managers***
245 ***authorizes the District Administrator to execute a contract amendment with Stantec to***
246 ***perform additional construction oversight of the Wassermann alum treatments.***

247

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

249

250 Hejmadi: Aye
251 Loftus: Aye
252 Sando: Aye
253 Miller: Aye
254 Olson: Aye
255 Maxwell: Aye
256 White: Aye

257

258 **Staff Updates**

259

260 Administrator's Report

261

262 Mr. Wisker reported on the following items:

263

- 264 1. Staff is continuing to work with Mr. Carlson on outreach to the Legislative Citizens
265 Commission on Minnesota Resources concerning the District's application for a 2D
266 model.

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- 267
268 2. Staff continues to work on the developer selection process for the 325 Blake Road
269 project. Staff is preparing answers to developers' questions and preparing for an
270 upcoming liaisons meeting. Partnership discussions with staff of Hennepin County,
271 Three Rivers Park District, and the Metropolitan Council continue.
272
- 273 3. Lake Minnetonka is at 929.2 and the Gray's Bay dam remains closed as this time.
274

275 **Adjournment**
276

277 There being no further business, the meeting of the Board of Managers adjourned at 8:33 p.m.
278

279 Respectfully submitted,
280

281
282
283 Eugene Maxwell
284 Secretary