

47
48 Hejmadi: Aye
49 Loftus: Aye
50 Rogness: Aye
51 Miller: Aye
52 Olson: Aye
53 Maxwell: Aye
54 White: Aye

55

56 **CONSENT AGENDA**

57

58 *It was moved by Manager Miller, seconded by Manager Maxwell, to approve the Consent*
59 *Agenda consisting of approval of the March 26, 2020 Board Minutes; and the following*
60 *resolutions:*

61 *Resolution 20-022: Authorization to Execute a Contract with Wenck for Laketown 9th*
62 *Wetland ACOE Monitoring and Reporting*

63 *NOW, THEREFORE, BE IT RESOLVED that the Minnehaha Creek*
64 *Watershed District Board of Managers authorizes the District Administrator to*
65 *execute a contract with Wenck for the 2020-21 Laketown 9th Wetland*
66 *monitoring and reporting for \$12,000, and authorizes the District*
67 *Administrator, in his judgement, to authorize change orders as necessary up to*
68 *a not-to-exceed amount of \$13,200;*

69 *Resolution 20-023: Authorization to Execute a Contract with Wenck for 2020 Stormwater*
70 *Pond Annual Survey and Maintenance*

71 *NOW, THEREFORE, BE IT RESOLVED that the Minnehaha Creek*
72 *Watershed District Board of Managers authorizes the District Administrator, on*
73 *advice of counsel, to execute a contract with Wenck for the annual survey,*
74 *technical memo, and maintenance recommendation of seven ponds, and*
75 *sediment sampling and analysis, design and bid documents, and construction*
76 *oversight for the maintenance of one pond for 40,650, and authorizes the*
77 *Administrator to execute change orders as necessary in the not-to-exceed*
78 *amount of \$44,715; and*

79 *Resolution 20-024: Approval of Contract with SafeAssure*

80 *NOW, THEREFORE, BE IT RESOLVED that the Minnehaha Creek Watershe*
81 *d District Board of Managers: hereby approves the contract with SafeAssure in*
82 *the amount of \$5,232.93 to provide mandatory staff training and OSHA compli*
83 *ance consulting for the period of April 1, 2020 to March 31, 2021.*

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

85
86 Hejmadi: Aye
87 Loftus: Aye
88 Rogness: Aye
89 Miller: Aye
90 Olson: Aye
91 Maxwell: Aye
92 White: Aye

93
94

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

96

97 President's Report: President White noted that she has discussed with Mr. Wisker a
98 succession plan in the event that he is incapacitated due to illness, etc.; Becky
99 Christopher is the first designated replacement, and Michael Hayman is the next
100 designated replacement.

101

102 Operations and Programs Committee Report: Manager Loftus reported that the
103 Committee reviewed planning for the interpretive signage at Wasserman Park; plans for
104 improvements to the District office campus; and an update on due diligence and
105 discussions with the land owner regarding the potential donation of the property located
106 at 2301 Brunswick Avenue S., St. Louis Park.

107

108 Upcoming Meeting and Event Schedule: President White directed the managers to the
109 meetings listed on the agenda; all of the meetings to be noticed and held via WebEx. She
110 noted that the Citizens Advisory Committee executive team met with staff and the CAC
111 will be organizing to work in small work groups during this time of COVID-19.

112

113 **ACTION ITEMS**

114

115 Permit 20-088: Wassermann West Park, Victoria- Phase II

116

117 Ms. Grace Barlow appeared before the Board of Managers and reviewed the request for
118 board action. She presented an overview of the site and described the two phases of
119 work. She noted that the Board had requested that this second phase of the work come
120 back to the Board for review. She noted compliance with the erosion control rule.

121

122 Ms. Barlow noted that with the scope of Phase II construction, restoration of wetland
123 vegetation and temporary wetland disturbances are proposed on the site, triggering
124 review under the Wetland Conservation Act. She explained staff's determination that the
125 project met the requirements for a No-Loss Exemption under WCA. She further noted
126 that the District noticed the opportunity for the Technical Evaluation Panel to comment.

127

128 The only comment to date was from the Board of Water and Soil Resources agreeing
with the No-loss Exemption. The period for comments extends to April 22, hence the

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129 staff recommends a further condition on permit approval that no TEP comments raising
130 substantive issues are brought forth by April 22.

131 Ms. Barlow noted that the project as proposed meets the buffer requirements of the
132 wetland protection rule. She reviewed the plans for streambank stabilization, meeting the
133 requirements of that District rule. She noted that the stream restoration project was
134 reviewed by the District engineer to ensure that no change in flood stage will occur. She
135 reviewed the requirements of the waterbody crossings rule as they apply to the project.
136 Modeling has been submitted and reviewed by the District engineer to ensure that
137 hydraulic capacity will be maintained upstream and downstream and that there will be no
138 changes in the flood stage. The sizing of the culvert will allow for aquatic wildlife
139 passage and upland passage is maintained.

140

141 As to the stormwater management rule, Ms. Barlow noted that the new entry drive was
142 initially analyzed as meeting the rule's exception for linear transportation projects, as
143 noted in the report. After further review with legal counsel, the entrance drive is not
144 considered to be within the definition of a linear transportation project. As a result, this
145 portion of the entrance drive that was thought to be exempted under section 2(d), is now
146 being analyzed under the stormwater rule, and will need to meet the rule requirements.

147

148 Upon a question from President White, Ms. Barlow explained that the correction on the
149 designation of the entry drive as not a linear transportation project does not have an impact on
150 the project design, as all the impervious surface will be treated in accordance with the
151 stormwater rule. Upon a question from Manager Olson, Ms. Barlow explained the location of
152 the buffer monument signs.

153

154 There being no further discussion, ***it was moved by Manager Olson, seconded by Manager***
155 ***Hejmadi to approve the Wetland Conservation Act No Loss determination on the condition***
156 ***that no Technical Evaluation Panel comments raising substantive issues are submitted by the***
157 ***deadline of April 22. Upon roll call vote, the motion carried, 7-0 as follows:***

158

159 Hejmadi: Aye
160 Loftus: Aye
161 Rogness: Aye
162 Miller: Aye
163 Olson: Aye
164 Maxwell: Aye
165 White: Aye

166

167 ***It was moved by Manager Hejmadi, seconded by Manager Olson to approve the application***
168 ***for Permit 20-088 as recommended by staff, with the additional condition that a National***
169 ***Pollutant Discharge Elimination System permit be submitted. Upon roll call vote, the motion***
170 ***carried, 7-0 as follows:***

171

172 Hejmadi: Aye

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173 Loftus: Aye
174 Rogness: Aye
175 Miller: Aye
176 Olson: Aye
177 Maxwell: Aye
178 White: Aye

179

180 Resolution 20-025: Determination of Wassermann Lake Preserve as Critical Sector Work

181

182 Ms. Anna Brown appeared before the Board of Managers and reviewed three requests for board
183 action related to Wasserman Park. The first resolution related to the determination that
184 construction of the Wasserman Lake Preserve Project is Critical Sector work under the
185 Governor's stay at home order, Emergency Executive Order 20-20. Ms. Brown noted that the
186 City of Victoria has determined that these construction activities are exempt and meet the
187 definition of Critical Sector work. Upon a question from Manager Olson, Ms. Brown explained
188 that the contractor, LinnCo, has affirmed that they are ready and able to work within the relevant
189 safety guidelines. Mr. Wisker and Mr. Smith noted that this commitment has been documented
190 in an exchange of letters between the District and the contractor.

191

192 *It was moved by Manager Maxwell, seconded by Manager Hejmadi to adopt Resolution 20-*
193 *025 as follows:*

194

195 ***NOW, THEREFORE, BE IT RESOLVED that the Minnehaha Creek***
196 ***Watershed District Board of Managers finds, based on the District***
197 ***administrator's assessment in consultation with legal counsel, that the***
198 ***Wassermann Lake Preserve project constitutes Critical Sector public works or***
199 ***governmental functions necessary to ensure the health, safety, and welfare of***
200 ***the public, to preserve the essential elements of the financial system of***
201 ***government, and to continue priority services, as designated and described in***
202 ***EEO 20-20 and associated DEED guidance;***

203

204 ***BE IT FURTHER RESOLVED that the MCWD Board of Managers hereby***
205 ***authorizes the administrator to work with District partners and contractors to***
206 ***facilitate the orderly implementation of this work pursuant to Minnesota***
207 ***Department of Health Guidelines, including but not limited to social distancing,***
208 ***to the maximum extent practicable;***

209

210 Mr. Smith note that on April 8, Governor Walz issued EEO 20-33, which supersedes his earlier
211 order and extends the stay at home to midnight on May 3. He recommended a slight adjustment
212 to the text of the resolution to recognize the new order, as follows:

213

214 ***NOW, THEREFORE, BE IT RESOLVED that the Minnehaha Creek***
215 ***Watershed District Board of Managers finds, based on the District***
216 ***administrator's assessment in consultation with legal counsel, that the***

217 ***Wassermann Lake Preserve project constitutes Critical Sector public works or***
218 ***governmental functions necessary to ensure the health, safety, and welfare of***
219 ***the public, to preserve the essential elements of the financial system of***
220 ***government, and to continue priority services, as designated and described in***
221 ***EEO 20-2033 and associated DEED guidance;***
222

223 ***It was moved by Manager Miller, seconded by Manager Maxwell to amend the resolution as***
224 ***recommended by counsel.***
225

226

227 ***Upon roll call vote, the motion carried, 7-0 as follows:***
228

229 Hejmadi: Aye
230 Loftus: Aye
231 Rogness: Aye
232 Miller: Aye
233 Olson: Aye
234 Maxwell: Aye
235 White: Aye
236

237 Upon a question from Manager Maxwell, Mr. Smith confirmed that there is no need to revise the
238 letters sent to contractors about their ability to work. ***There being no further discussion,***
239 ***President White called for a roll call vote on the motion to adopt Resolution 20-025 as***
240 ***amended. Upon roll call vote, the motion carried, 7-0 as follows:***
241

242 Hejmadi: Aye
243 Loftus: Aye
244 Rogness: Aye
245 Miller: Aye
246 Olson: Aye
247 Maxwell: Aye
248 White: Aye
249

250 Resolution 20-026: Authorization to Enter Contract for Construction Testing for the
251 Wassermann Lake Preserve Project
252

253 Ms. Brown reviewed the request for board action. ***It was moved by Manager Miller, seconded***
254 ***by Manager Olson to adopt Resolution 20-026 as follows:***
255

256 ***NOW, THEREFORE, BE IT RESOLVED that the Minnehaha Creek***
257 ***Watershed District Board of Managers authorizes the District Administrator, on***
258 ***advice from District Counsel, to enter into a contract with Haugo GeoTechncial***
259 ***Services for the amount of \$12,840.00, and establishes a not to exceed budget***
260 ***for construction testing of \$18,840.00.***

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

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

Resolution 20-027: Authorization to Enter Contract for Interpretive Signage Design for the Wassermann Lake Preserve Project

Ms. Brown reviewed the request for board action. *It was moved by Manager Miller, seconded by Manager Hejmadi to adopt Resolution 20-027 as follows:*

NOW, THEREFORE, BE IT RESOLVED that the Minnehaha Creek Watershed District Board of Managers authorizes the District Administrator, on advice from District Counsel, to enter into a contract with Aune Fernandez Landscape Architects for interpretive signage design and installation oversight in the amount of \$12,500.00.

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

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

Resolution 20-033: Authorizing Certain Work Outside the Home as Determined by the District Administrator Pursuant to Executive Order 20-02

Mr. Wisker reviewed the request for board action, noting that he continues to work with President White and counsel to determine District work priorities in compliance with the Governor's stay at home order. Mr. Smith noted again the new superseding order EEO 20-33 and recommended the Resolution be revised by updating this reference. *It was moved by Manager Hejmadi, seconded by Manager Loftus to adopt Resolution 20-033 with this revision, as follows:*

304 ***NOW, THEREFORE, BE IT RESOLVED that the Minnehaha Creek***
305 ***Watershed District Board of Managers: that the District administrator, in***
306 ***consultation with District counsel and the Board President, may authorize other***
307 ***work to occur outside the home when there is a sound basis to determine that***
308 ***such work constitutes Critical Sectors work, and that the work cannot feasibly***
309 ***be performed within the home, and the administrator will inform the Board of***
310 ***such determinations made;***

311
312 ***BE IT FURTHER RESOLVED that all such work is to be conducted, to the***
313 ***maximum extent possible, in a manner that conforms to the Minnesota***
314 ***Department of Health Guidelines related to COVID-19, including standards for***
315 ***social distancing.***

316
317
318 ***Upon roll call vote, the motion carried, 7-0 as follows:***

319
320 Hejmadi: Aye
321 Loftus: Aye
322 Rogness: Aye
323 Miller: Aye
324 Olson: Aye
325 Maxwell: Aye
326 White: Aye

327
328 Resolution 20-028: Authorization to Renew GIS Software Licenses and Maintenance
329 Resolution 20-029: Authorization to Purchase and Renew Kisters WISKI Software Licenses and
330 Maintenance

331
332 Mr. Brian Beck and Mr. Alex Steele appeared before the Board of Managers to review these two
333 requests for board action in combination. They provided an update on the implementation of the
334 District's information technology plan to advance the District's strategic vision. Mr. Steele
335 explained how the GIS software forms the foundation of the District's new system and provided
336 some illustrative examples. Mr. Beck reviewed the need and use of updated monitoring
337 software.

338
339 ***It was moved by Manager Olson, seconded by Manager Hejmadi to adopt Resolution 20-028***
340 ***as follows:***

341
342 ***NOW, THEREFORE, BE IT RESOLVED that the Minnehaha Creek***
343 ***Watershed District Board of Managers hereby approves the renewal of GIS***
344 ***software maintenance and licenses for an amount of \$9,010.62.***

345

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

347

348 Hejmadi: Aye

349 Loftus: Aye

350 Rogness: Aye

351 Miller: Aye

352 Olson: Aye

353 Maxwell: Aye

354 White: Aye

355

356 *It was moved by Manager Maxwell, seconded by Manager Miller to adopt Resolution 20-029*
357 *as follows:*

358

359 ***NOW, THEREFORE, BE IT RESOLVED that the Minnehaha Creek***
360 ***Watershed District Board of Managers hereby approves the purchase, renewal,***
361 ***and training of Kisters WISKI software maintenance and licenses for an***
362 ***amount of \$30,020.00.***

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

364

365 Hejmadi: Aye

366 Loftus: Aye

367 Rogness: Aye

368 Miller: Aye

369 Olson: Aye

370 Maxwell: Aye

371 White: Aye

372

373 Mr. Steele further provided an update on the IT budget and plans to refine the 2021 budget. The
374 managers thanked Mr. Steele and Mr. Beck for their outstanding work and expressed their
375 enthusiasm for the significant potential of these developments in the District's IT capacity.

376

377 Resolution 20-030: Authorization to Submit proposal to LCCMR for development of 2D
378 watershed model and dam optimization

379

380 Mr. Beck reviewed the request for board action and explained that this proposal originates in a
381 concern that watershed organizations and other agencies lack the necessary tools to assess the
382 impending impacts of climate change. Staff has been working on the proposed use of machine
383 learning to develop a more robust, high-resolution watershed model that could constantly
384 calibrate with updated use of real-time data. Mr. Beck reviewed the process for seeking funding
385 from the Legislative Citizens Commission on Minnesota Resources. In response to a question
386 from Manager Hejmadi, Mr. Beck explained the level of diligence to date and the transparent
387 acknowledgment that the initial phases of this work will involve continued discovery and
388 adjustment.

389

390 *It was moved by Manager Miller, seconded by Manager Hejmadi to adopt Resolution 20-030*
391 *as follows:*

392

393 ***NOW, THEREFORE, BE IT RESOLVED that the Minnehaha Creek***
394 ***Watershed District Board of Managers hereby authorizes District staff to***
395 ***finalize and submit a proposal for 2021 funding to the Legislative-Citizen***
396 ***Commission on Minnesota Resources in an amount of \$883,000, for the***
397 ***development of machine learning an 2D modeling tools.***

398

399 Manager Miller expressed his compliments on the excellent work to develop this proposal.
400 Manager Rogness stated that he felt this proposal demonstrated significant value in developing
401 the District's capacity to analyze and solve serious problems posed by climate change. Mr.
402 Wisker noted the extensive number of letters of support for this proposal from municipalities and
403 other agencies.

404

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

406

407 Hejmadi: Aye
408 Loftus: Aye
409 Rogness: Aye
410 Miller: Aye
411 Olson: Aye
412 Maxwell: Aye
413 White: Aye

414

415 Resolution 20-031: Authorization to Execute Agreements for 2020 AIS Cost Share Partnerships

416

417 Mr. Tom Langer appeared before the Board of Managers to review the request for board action.
418 He noted the District's general direction to reduce cost share funding in this area, to be phased
419 out in 2021. He noted that the outreach to District partners to explain this direction began in
420 2019.

421

422 *It was moved by Manager Olson, seconded by Manager Hejmadi to adopt Resolution 20-031*
423 *as follows:*

424

425 ***NOW, THEREFORE, BE IT RESOLVED that the Minnehaha Creek***
426 ***Watershed District Board of Managers: authorize the execution of an***
427 ***agreement with Carver County, Minneapolis Park and Recreation Board, City***
428 ***of Shorewood, Three Rivers Park District to provide funding support for its***
429 ***watercraft inspection program at a cost not to exceed \$13,000, \$45,000,***
430 ***\$16,000, and \$5,355, respectively; and***

431

432 ***BE IT FURTHER RESOLVED that the Board of Managers authorize the***
433 ***District Administrator, upon advice of counsel and with such further minor***

434 *revisions as may be necessary to effect the intent of the parties, to enter into*
435 *these agreements.*

436

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

438

439 Hejmadi: Aye

440 Loftus: Aye

441 Rogness: Aye

442 Miller: Nay

443 Olson: Aye

444 Maxwell: Aye

445 White: Aye

446

447 Resolution 20-032: Authorization to issue a letter of interest for 8577 Tellers Road, Victoria

448

449 Ms. Laura Domyancich appeared before the Board of Managers to review the request for board
450 action. She noted that the potential acquisition of this property from a willing seller has grown
451 out of planning discussions with the City of Victoria. The approval from the board would
452 initiate a due diligence period to perform valuation, natural resources assessment and
453 coordination with the property owners and the city.

454

455 ***It was moved by Manager Miller, seconded by Manager Hejmadi to adopt Resolution 20-032***
456 ***as follows:***

457

458 ***NOW, THEREFORE, BE IT RESOLVED that the Minnehaha Creek***
459 ***Watershed District Board of Managers authorizes staff to issue a letter of***
460 ***interest to Daniel and Trudy Schelitzche regarding their property at 8577***
461 ***Tellers Road, Victoria.***

462

463 Upon a question from Manager Miller, Ms. Domyancich located the subject property and
464 explained that it is not directly connected to Halsted Bay. Manager Olson noted that this
465 property is in an area that is an integral part of the greenway trail system. Manager Miller noted
466 that his key concern is public benefit.

467

468 There being no further discussion, President White called for a roll call vote. ***Upon roll call***
469 ***vote, the motion carried, 7-0 as follows:***

470

471 Hejmadi: Aye

472 Loftus: Aye

473 Rogness: Aye

474 Miller: Aye

475 Olson: Aye

476 Maxwell: Aye

477 White: Aye

478

479

480

481 **BOARD DISCUSSION ITEMS**

482

483 **Arden Park Construction Update**

484

485 Ms. Domyancich provided a detailed update on construction of the Arden Park project. She
486 reviewed efforts to address swale sedimentation issues. In response to questions from Manager
487 Hejmadi, Ms. Domyancich stated that there had been no delay in the construction due to
488 COVID-19, and that there are discussions underway with city staff to explore the interpretive
489 signage at the site. She also presented photos illustrating the state of construction completion at
490 the site. The managers thanked Ms. Domyancich for her presentation.

491

492 **STAFF UPDATES**

493

494 **Administrator's Report**

495

496 Mr. Wisker noted that there has overall been little change to the District staff's workload. The
497 permitting department is processing permits on schedule; the research and monitoring
498 department is preparing for spring data collection; and projects are proceeding on schedule. The
499 posting of a new outreach position has been delayed.

500

501 Mr. Wisker also noted the likely delay of the Hennepin County property tax payment deadline to
502 July 15, and his proactive effort to anticipate any cash flow impacts to the District. He thanked
503 the Board of Managers and staff for continuing to make forward progress in these challenging
504 times. The managers noted appreciation for the impactful work.

505

506 **Adjournment**

507

508 There being no further business, President White declared the meeting of the Board of Managers
509 adjourned at 9:49 p.m.

510

511 Respectfully submitted,

512

513

514

515 Kurt Rogness, Secretary

516