

47 **APPROVAL OF AGENDA**

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49 *It was moved by Manager Sando, seconded by Manager Hejmadi to approve the*
50 *Agenda as distributed. Upon roll call vote, the motion carried 7-0 as follows:*

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52 Hejmadi: Aye
53 Loftus: Aye
54 Sando: Aye
55 Miller: Aye
56 Olson: Aye
57 Maxwell: Aye
58 White: Aye

59

60 **CONSENT AGENDA**

61

62 *It was moved by Manager Hejmadi, seconded by Manager Sando, to approve the items*
63 *on the Consent Agenda consisting of approval of the December 2, 2021 Board meeting*
64 *minutes; the General Checking Account consisting of checks 41754 through 41774 in*
65 *the amount of \$57,833.83; electronic funds withdrawals in the amount of \$29,488.16;*
66 *manager per diems and reimbursement direct deposits in the amount of \$4,168.68;*
67 *employee reimbursements - direct deposits in the amount of \$184.33; and payroll direct*
68 *deposits in the amount of \$142,333.69; for Total General Checking expenses of*
69 *\$234,008.69; the surety checking account bank service charge totaling \$30.00, and*
70 *checks 2127 through 2131 for a total of \$74,700.00; and electronic fund transfer of*
71 *\$42,075.00 to Wells Fargo for the 325 Blake Road Note; and adoption of the following*
72 *resolution:*

73

74 *Resolution 21-082: Authorization to Execute a Contract for Government Relations*
75 *Services:*

76

77 *NOW, THEREFORE, BE IT RESOLVED that the Minnehaha Creek*
78 *Watershed District Board of Managers hereby selects Joel Carlson as the*
79 *government relations consultant and authorizes the District Administrator to*
80 *execute a contract with a termination date of December 31, 2024, on advice of*
81 *counsel and with any non-material changes, for government relations services*
82 *on retainer for an annual amount not to exceed \$28,000 or \$56,000 for the term*
83 *of the contract;*

84

85 *Resolution 21-083: Selection and Authorization to Contract for Engineering Services:*

86

87 *NOW, THEREFORE, BE IT RESOLVED that the Minnehaha Creek*
88 *Watershed District Board of Managers hereby selects Stantec as the District*
89 *engineer; and be it further resolved the Minnehaha Creek Watershed District*

90 *Board of Managers hereby authorizes the District Administrator to execute a*
91 *contract, on advice of counsel and with any non-material changes, with Stantec*
92 *to provide engineering services on retainer for a monthly rate not to exceed*
93 *\$5,500 in 2022 and \$5,800 in 2023 with additional services provided based on*
94 *an hourly fee structure;*

95
96 *Resolution 21-084: Selection and Authorization to Contract for Water Quality Lab*
97 *Analysis Services:*

98
99 *NOW, THEREFORE, BE IT RESOLVED that the MCWD Board of Managers*
100 *authorize MCWD district administrator to contract with RMB Environmental*
101 *Laboratories, Inc. for water quality lab analysis from January 1, 2022 through*
102 *December 31, 2023 in which the total cost not to exceed \$76,100 per year;*

103
104 *Resolution 21-085: Authorization to Purchase Monitoring Equipment:*

105
106 *NOW, THEREFORE, BE IT RESOLVED that the Minnehaha Creek*
107 *Watershed District Board of Managers authorize the District Administrator to*
108 *purchase reserve and replacement equipment from In-situ Inc. and OTT*
109 *Hydromet in a total not to exceed \$21,700;*

110
111 *Resolution 21-086: Approval of Winter Commercial Seines in Six Mile Creek Halstead*
112 *Bay Subwatershed:*

113
114 *NOW, THEREFORE, BE IT RESOLVED that on the basis of the specific*
115 *experience of WSB & Associates and the finding of District staff that the*
116 *contract fee is competitive, the Minnehaha Creek Watershed District Board of*
117 *Managers finds it appropriate to authorize a professional services contract with*
118 *that firm without competitive process;*

119
120 *BE IT FURTHER RESOLVED that the District Administrator is authorized, on*
121 *advice of counsel, to execute a contract with WSB & Associates, for services to*
122 *remove common carp in Parley Lake within the Six Mile Creek-Halsted Bay*
123 *Subwatershed, consistent with the Lessard-Sams Outdoor Heritage Council*
124 *Grant Accomplishment Plan, in an amount not to exceed \$19,430.00;*

125
126 *BE IT FINALLY FURTHER RESOLVED that the District Administrator is*
127 *authorized, on advice of counsel, to execute a contract with WSB & Associates,*
128 *for services to remove common carp in East Auburn Lake in an amount not to*
129 *exceed \$23,882.00;*

130
131 *Resolution 21-087: Authorization to Amend Six Mile Marsh Prairie Trail Design*
132 *Contract with Damon Farber Landscape Architects*

133 ***NOW, THEREFORE, BE IT RESOLVED that the MCWD Board of Managers***
 134 ***authorizes the District Administrator to execute a contract amendment with***
 135 ***Damon Farber Landscape Architects to complete additional design for the Six***
 136 ***Mile Marsh Prairie trail and interpretation project;***
 137

138 ***Resolution 21-088: Approval of the 2022 Board Committee and Board Meeting***
 139 ***Schedule:***
 140

141 ***NOW, THEREFORE, BE IT RESOLVED that the Minnehaha Creek***
 142 ***Watershed District Board of Managers hereby approves the following 2022***
 143 ***meeting schedule. Unless otherwise posted Committee Meetings will start at***
 144 ***5:15 PM, and Board meetings will start at 7:00 PM. Executive Committee***
 145 ***meetings are scheduled as needed and will be held prior to Board meetings:***
 146
 147

1/13/2022	Operations & Programs Committee Meeting Board Meeting	7/14/2022	Operations & Programs Committee Meeting Board Meeting
1/27/2022	Policy & Planning Committee Meeting Board Meeting	7/28/2022	Policy & Planning Committee Meeting Board Meeting
2/10/2022	Operations & Programs Committee Meeting Board Meeting	8/11/2022	Operations & Programs Committee Meeting Board Meeting
2/24/2022	Policy & Planning Committee Meeting Board Meeting	8/25/2022	Policy & Planning Committee Meeting Board Meeting
3/10/2022	Operations & Programs Committee Meeting Board Meeting	9/8/2022	Operations & Programs Committee Meeting Board Meeting
3/24/2022	Policy & Planning Committee Meeting Board Meeting	9/22/2022	Policy & Planning Committee Meeting Board Meeting
4/14/2022	Operations & Programs Committee Meeting Board Meeting	10/6/2022*	Operations & Programs Committee Meeting Board Meeting
4/28/2022	Policy & Planning Committee Meeting Board Meeting	10/20/2022*	Policy & Planning Committee Meeting Board Meeting
5/12/2022	Operations & Programs Committee Meeting Board Meeting	11/3/2022*	Operations & Programs Committee Meeting Board Meeting
5/26/2022	Policy & Planning Committee Meeting Board Meeting	11/17/2022*	Policy & Planning Committee Meeting Board Meeting

Minutes of the Regular Meeting
Minnehaha Creek Watershed District
Board of Managers
12-16-21

6/9/2022	Operations & Programs Committee Meeting Board Meeting	12/1/2022*	Operations & Programs Committee Meeting Board Meeting
6/30/2022*	Policy & Planning Committee Meeting Board Meeting	12/15/2022*	Policy & Planning Committee Meeting Board Meeting

*deviates from 2nd and 4th Thursday schedule

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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

Policy and Planning Committee: Manager Miller reported that the committee received a presentation from Ms. Anna Brown on the Multi-year Project Planning Framework.

Citizens Advisory Committee: Manager Miller reported that he attended the most recent CAC meeting, where the committee honored a parting member. Manager Miller stated that he was impressed with the quality of discussions at the CAC.

Minnesota Association of Watershed Districts Annual Meeting: President White provided a summary of the recent MAWD annual meeting. She noted that the Bylaw amendment, annual budget and proposed resolutions were adopted. Manager Olson noted the extended collaborative work on the resolutions and expressed his appreciation for the process.

Upcoming Meeting and Event Schedule: President White directed the managers to the meetings listed on the agenda.

ACTION ITEMS

Resolution 21-089: Authorization to Execute a Contract with Stantec to Complete a Feasibility Study for Lamplighter Pond Filtration System for the LifeTime Project

182

183 Ms. Erin Manlick appeared before the Board of Managers to review the request for board
184 action. She noted the background for this project pursuant to an agreement with
185 LifeTime Fitness. She noted that LifeTime has been apprised of the developments to
186 date and is supportive of the process continuing as provided in the agreement. The next
187 step is to engage Stantec to prepare a feasibility report, which will include engagement
188 with the City of St. Louis Park.

189

190 ***Following discussion, it was moved by Manager Loftus, seconded by Manager Maxwell***
191 ***to adopt Resolution 21-098: Authorization to Execute a Contract with Stantec to***
192 ***develop a Feasibility Study of a Filtration System at Lamplighter Pond as follows:***

193

194 ***NOW, THEREFORE, BE IT RESOLVED that the Minnehaha Creek***
195 ***Watershed District Board of Managers hereby authorizes the District***
196 ***Administrator, on advice of counsel, to execute a task order with Stantec***
197 ***Engineering in an amount not to exceed \$27,800 to perform the feasibility study***
198 ***scope of services to assess the Lamplighter Pond underground filtration***
199 ***system.***

200

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

202

203 Hejmadi: Aye
204 Loftus: Aye
205 Sando: Aye
206 Miller: Aye
207 Olson: Aye
208 Maxwell: Aye
209 White: Aye

210

211 **Resolution 21-090: Authorization to Initiate Stakeholder Engagement Process for**
212 **Permitting Alignment and Responsive Program**

213

214 Ms. Becky Christopher appeared before the Board of Managers to review the request for
215 board action. She noted that the plan for this process is to pick up from the 2017 Plan
216 process. She reviewed short-term and long-term engagement goals, the role of the
217 Technical Advisory Committee and related elements of the process. She noted initial
218 discussions about an alternative name for the Responsive Program, such as Minnehaha
219 Land and Water Partnership Program. Managers discussed name options and agreed this
220 was worth further deliberation in the future.

221

222 ***It was moved by Manager Sando, seconded by Manager Hejmadi to adopt Resolution***
223 ***21-090: Authorization to Initiate Stakeholder Engagement Process for Permitting***
224 ***Alignment and Responsive Program, as follows:***

225

226 ***NOW, THEREFORE, BE IT RESOLVED that the Minnehaha Creek***
227 ***Watershed District Board of Managers hereby authorizes staff to initiate the***
228 ***stakeholder engagement process for the Responsive Program and Permitting***
229 ***Alignment.***

230
231 ***Upon roll call vote, the motion carried 7-0 as follows:***

232
233 Hejmadi: Aye
234 Loftus: Aye
235 Sando: Aye
236 Miller: Aye
237 Olson: Aye
238 Maxwell: Aye
239 White: Aye

240
241 Resolution 21-091: Authorization to Execute Contract for the 2D Pilot Model Build

242
243 Ms. Kailey Cermak appeared before the Board of Managers to review the request for
244 board action. She reviewed the context for the project within the MCWD’s climate
245 action framework and reviewed the process of solicitation and evaluation of proposals.
246 The review of the four responses resulted in the recommendation to retain Kimley Horn.
247 ***It was moved by Manager Miller, seconded by Manager Hejmadi to adopt Resolution***
248 ***21-091: Authorization to Execute Contract for the 2D Pilot Model Build as follows:***

249
250 ***NOW, THEREFORE, BE IT RESOLVED that the Minnehaha Creek***
251 ***Watershed District Board of Managers authorizes the District Administrator, on***
252 ***advice of counsel, to execute a contract with Kimley-Horn for consultant***
253 ***services for the 2D model pilot build, in accordance with the developed scope of***
254 ***work and in an amount not to exceed the amount set forth in the proposal, and***
255 ***authorizes the Administrator to execute contract amendments in his***
256 ***discretion up to an additional 10 percent, in aggregate, of the contract amount.***

257
258 Manager Miller stated that he was very impressed with the quality of staff work on this
259 solicitation and evaluation process. Manager Hejmadi concurred, saying that the process
260 was excellent and carefully considered area-wide implications to take this initial model
261 pilot to scale. ***Upon roll call vote, the motion carried 7-0 as follows:***

262
263 Hejmadi: Aye
264 Loftus: Aye
265 Sando: Aye
266 Miller: Aye
267 Olson: Aye
268 Maxwell: Aye

269 White: Aye

270

271 Resolution 21-092: Appointment of the 2022 Citizen Advisory Committee

272

273 Ms. Helen Schnoes appeared before the Board of Managers to review the request for
274 board action. She noted that there was a total of 19 applications to the Committee, ten
275 from current members and nine from prospective new members.

276

277 ***Following discussion, it was moved by Manager Maxwell, seconded by Manager Sando***
278 ***to adopt Resolution 21-092: Appointment of the 2022 Citizen Advisory Committee as***
279 ***follows:***

280

281 ***NOW, THEREFORE, BE IT RESOLVED that the Minnehaha Creek***
282 ***Watershed District Board of Managers hereby appoints***
283 ***the following individuals to the 2022 Citizen Advisory Committee***

284

285 ***Serving 2022***

286 ***John Salditt***

287 ***Peter Rechelbacher***

288 ***Rich Nyquist***

289 ***Marc Rosenberg***

290 ***Bill Bushnell***

291 ***Dan Flo***

292 ***Dave Oltmans***

293

Serving 2022-2023

John Iverson

Shannon Martin

Laurie Goldsmith

Cassy Ordway

Drew McGovern

Emily Blough

Lisa Fowler

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

295

296 Hejmadi: Aye

297 Loftus: Aye

298 Sando: Aye

299 Miller: Aye

300 Olson: Aye

301 Maxwell: Aye

302 White: Aye

303

304 Resolution 21-093: Authorization to Release Request for Proposals for Phase II Website
305 Design/Build

306

307 Ms. Helen Schnoes appeared before the Board of Managers to review the request for
308 Board action. She reviewed the major tasks, noting that they build on the work of Phase
309 I. ***It was moved by Manager Hejmadi, seconded by Manager Sando to adopt***
310 ***Resolution 21-093: Authorization to Release Request for Proposals for Phase II***
311 ***Website Design/Build as follows:***

312 ***NOW, THEREFORE, BE IT RESOLVED that the Minnehaha Creek***
313 ***Watershed District Board of Managers authorizes the District administrator to***
314 ***distribute an RFP, with any final modifications to that RFP on advice of***
315 ***counsel, for Phase II website design and build services.***
316

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

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

327
328 **BOARD DISCUSSION ITEMS**
329

330 **Minnehaha Preserve Boardwalk**
331

332 Mr. Michael Hayman and Ms. Jonely appeared before the Board of Managers and noted
333 that this agenda item is appropriate for closed session. Mr. Smith recommended that the
334 Board of Managers adopt a motion to move into closed session for the purpose of
335 receiving confidential legal advice concerning litigation strategy from Mr. Radio
336 concerning the Minnehaha Preserve Boardwalk litigation. ***It was so moved by Manager***
337 ***Maxwell, seconded by Manager Loftus to move into closed session for this purpose.***
338 ***Upon roll call vote, the motion carried 7-0 as follows:***
339

340 Hejmadi: Aye
341 Loftus: Aye
342 Sando: Aye
343 Miller: Aye
344 Olson: Aye
345 Maxwell: Aye
346 White: Aye
347

348 Whereupon the Board of Managers went into closed session.
349

350 The Board of Managers returned to open session.
351

352 **STAFF UPDATES**
353

354 **Administrator's Report**

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Mr. Wisker reported on the following items:

1. The Legislative Citizens Commission on Minnesota Resources met this week, but there was no action to approve funding (MCWD is designated to receive \$794,000 in the latest proposal);
2. The sale of the Schaper property will close on December 17, and the MCWD is to receive all delinquent amounts due and owing to the District; and
3. The Gray's Bay dam continues to be closed for the winter season.

Adjournment

There being no further business, President White declared the meeting of the Board of Managers adjourned at 9:03 p.m.

Respectfully submitted,

Eugene Maxwell, Secretary