

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

4
5 **July 22, 2021**

6
7 **CALL TO ORDER**

8
9 The regular meeting of the Minnehaha Creek Watershed District was called to order by
10 President Sherry White at 7:14 p.m. on July 22, 2021 at the MCWD Office, 15320
11 Minnetonka Boulevard, Minnetonka, Minnesota. .

12
13 **MANAGERS PRESENT**

14
15 Sherry White, William Olson, Richard Miller, Jessica Loftus, Eugene Maxwell, Arun
16 Hejmadi and Steve Sando.

17
18 **DISTRICT STAFF AND CONSULTANTS PRESENT**

19
20 James Wisker, Administrator; Tom Dietrich, Permitting Program Manager; Brian Beck,
21 Research & Monitoring Program Manager; Anna Brown, Planner – Project Manager;
22 Laura Domyancich-Lee, Planner – Project Manager; Becky Christopher, Policy Planning
23 Manager; Kate Moran, Policy Planning Coordinator; Michael Hayman, Project Planning
24 Manager; Janna Jonely, Project and Land Management Technician; Chris Meehan,
25 District Consulting Engineer; and Louis Smith, District Counsel.

26
27 **MATTERS FROM THE FLOOR**

28
29 None.

30
31 **APPROVAL OF AGENDA**

32
33 *It was moved by Manager Miller, seconded by Manager Maxwell to approve the*
34 *Agenda as distributed. Upon vote, the motion carried 7-0.*

35
36 **CONSENT AGENDA**

37
38 *It was moved by Manager Miller, seconded by Manager Hejmadi, to approve the*
39 *Consent Agenda consisting of approval of the July 8, 2021 Board minutes, the General*
40 *Checking Account consisting of checks 41590 through 41625 in the amount of*
41 *\$358,957.83; electronic funds withdrawals in the amount of \$34,518.86; manager per*
42 *diems and reimbursement direct deposits in the amount of \$6,226.30; employee*
43 *reimbursements - direct deposits in the amount of \$0.00; and payroll direct deposits in*
44 *the amount of \$148,340.67; for Total General Checking expenses of \$548,043.66; the*
45 *surety checking account return of Permit 21-129 shoreline stabilization surety and a*

46 **bank service charge totaling \$12,030.00; and electronic fund transfer of \$21,091.00;**
47 **and adoption of the following resolutions:**

48

49 **Resolution 21-048: Approval of Citizen Advisory Committee Bylaws as follows:**

50

51 **NOW, THEREFORE, BE IT RESOLVED that the Minnehaha Creek**
52 **Watershed District Board of Managers approves the updates to the Citizen**
53 **Advisory Committee bylaws; and**

54

55 **Resolution 21-049: Authorization to enter Local Trail Connection Agreement with**
56 **Three Rivers Park District for Six Mile Marsh Prairie trail as follows:**

57

58 **NOW, THEREFORE, BE IT RESOLVED that the Minnehaha Creek**
59 **Watershed District Board of Managers authorizes the Board President, on**
60 **advice of Counsel, to execute the Local Trail Agreement with Three Rivers Park**
61 **District for the construction of the Six Mile Marsh Prairie trail.**

62

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

64

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

66

67 President's Report: President White noted the recent summer presentation event of the
68 Minnesota Association of Watershed Districts. The MCWD's old, proposed resolution
69 concerning property tax recognition of conservation easements should be renewed if the
70 District wishes for MAWD to consider it again, and MAWD also welcomes any
71 suggestions for the 2022 review of its strategic plan.

72

73 Policy and Planning Committee: Manager Miller reported that the committee received a
74 thorough briefing on the design charette for 325 Blake Road, confirming the continued
75 feasibility of both the public stormwater infrastructure and private redevelopment tracks.
76 Manager Miller expressed his appreciation for the quality of the work performed by staff
77 and consultants. Manager Miller also noted that the committee received an introduction
78 to the Six Mile Marsh Prairie Trail and Interpretation design briefing, to be continued at
79 the August meeting.

80

81 Citizens Advisory Committee: Manager Sando reported that he attended the July 14
82 CAC meeting, which included a unanimous recommendation of the CAC bylaws
83 revisions, and a very good discussion of the 2022 budget as presented by Mr. Wisker.
84 Manager Sando noted that the CAC members had very good questions reflecting a high
85 level of engagement and helpful suggestions for the public budget presentation.

86

87 Metro Chapter of the Minnesota Association of Watershed Districts: Manager Maxwell
88 reported that the Metro MAWD meeting involved agency updates.

89

90 Upcoming Meeting and Event Schedule: President White directed the managers to the
91 meetings listed on the agenda, including the Board retreat on July 26.

92

93 **ACTION ITEMS**

94

95 **Resolution 21-050: Authorization to Approve a Contract Amendment for**
96 **Permitting Program Alignment Engineering Services**

97

98 Mr. Tom Dietrich appeared before the Board of Managers to review the request for board
99 action. He reviewed the initial contract for engineering services related to the permitting
100 program alignment. Due to the pandemic, unanticipated work has been required, and
101 further wetland buffer analysis. To complete this work, Stantec has developed the
102 proposed contract amendment which is within budget. *Following discussion, it was*
103 *moved by Manager Hejmadi, seconded by Manager Miller to adopt the following*
104 *resolution:*

105

106 ***NOW, THEREFORE, BE IT RESOLVED that the Minnehaha Creek***
107 ***Watershed District Board of Managers authorizes the District Administrator to***
108 ***execute an amendment to the Wenck Associates, Inc. (now a part of Stantec)***
109 ***contract in an amount not to exceed \$7,863.10, for a total contract value of***
110 ***\$27,537.60.***

111

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

113

114 **Resolution 21-052: Authorization to Execute Contract for Assessment for the East**
115 **Auburn Wetland Monitoring and Feasibility Support**

116

117 Mr. Brian Beck appeared before the Board of Managers to review the request for board
118 action. *It was moved by Manager Olson, seconded by Manager Hejmadi to adopt*
119 *Resolution 21-052 as follows:*

120

121 ***NOW, THEREFORE, BE IT RESOLVED that the Minnehaha Creek***
122 ***Watershed District Board of Managers authorizes the District Administrator, on***
123 ***advice of counsel, to execute a contract with Stantec for an amount not to***
124 ***exceed \$48,550.***

125

126 Upon a question from Manager Loftus, Mr. Beck reviewed the dynamics of phosphorus
127 loading in the wetland. Manager Olson asked whether it could be feasible to have an
128 alum treatment of the creek bottom, and Mr. Meehan explained the phosphorus treatment
129 options and the purpose of the feasibility work. *Upon vote, the motion carried, 7-0.*
130 President White thanked Mr. Beck, Ms. Anna Brown and Ms. Laura Domyancich-Lee for
131 their work.

132

133

134 **Resolution 21-053: Concurrence with Staff’s Recommendation for Project**
135 **Opportunities Reviewed Through the Pilot Responsive Program**

136
137 Ms. Becky Christopher and Ms. Kate Moran appeared before the Board of Managers to
138 review the request for board action. *It was moved by Manager Miller, seconded by*
139 *Manager Olson to adopt Resolution 21-053 as follows:*

140
141 *NOW, THEREFORE, BE IT RESOLVED that the Minnehaha Creek*
142 *Watershed District Board of Managers concurs in the recommendations of*
143 *District staff as stated above (not committing pilot Responsive Program*
144 *resources to the private brewery rain garden project in the City of Spring Park,*
145 *or the reuse system to be associated with the City of Edina Morningside flood*
146 *management infrastructure project, and further information gathering before*
147 *providing a recommendation on City of Plymouth Maple Creek drainage*
148 *improvements).*

149
150 *Upon vote, the motion carried, 7-0.*

151
152 **BOARD DISCUSSION ITEMS**

153
154 **Responsive Program Implementation Guidance**

155
156 Ms. Moran provided a detailed briefing on the implementation guidance for the
157 Responsive Program. She noted the draft guidance included in the materials is intended
158 for adoption in early 2022. She reviewed the purpose and goals of the program, and the
159 background of key program decisions. Ms. Moran reviewed with the Board of Managers
160 the staff recommendations for the program scope and eligibility, 2017 Water
161 Management Plan connection and funding mechanism, the range of District services to
162 support the program, process and schedule, staff and board roles, opportunity
163 identification, criteria and evaluation process, program funding, and next steps. The
164 managers expressed concurrence with the staff recommendations.

165
166 **Permitting Program Alignment**

167
168 Mr. Tom Dietrich appeared before the Board of Managers to continue discussion of the
169 permitting program alignment effort from the June 10, 2021 meeting. Mr. Dietrich
170 reviewed the components of the compliance and partnership frameworks. The managers
171 expressed concurrence with the staff recommendations.

172
173 **STAFF UPDATES**

174
175 **Closed Session: Minnehaha Preserve Boardwalk Update**

176

177 Mr. Michael Hayman and Mr. Smith recommended going into closed session for the
178 purpose of receiving confidential legal advice concerning the legal strategy in the
179 upcoming mediation on the Minnehaha Preserve Boardwalk matter. ***It was moved by***
180 ***Manager Maxwell, seconded by Manager Olson to move into closed session for the***
181 ***purpose described by Mr. Hayman and Mr. Smith. Upon vote, the motion carried, 7-0.***
182

183 The Board of Managers went into closed session. The Board of Managers returned to
184 open session.

185

186 **STAFF UPDATES**

187

188 Administrator's Report

189

190 Mr. Wisker reported on the following items:

191

192 1. The MCWD received a letter from the City of Greenwood as a follow up to
193 the 2020 request from the city for MCWD funding of aquatic invasive species
194 prevention, monitoring and control. Mr. Wisker recommended responding to
195 the city outlining the reasons why the MCWD has moved away from funding
196 these activities and the Board of Managers concurred with this
197 recommendation;

198

199 2. Drought conditions are persisting across Minnesota, with now 72% of the
200 state declared by the Department of Natural Resources to be in severe drought
201 and 19% of the state in extreme drought. The Grays Bay dam is closed and
202 Minnehaha Creek is flowing at 3 cubic feet per second;

203

204 3. The Board of Managers will hold a retreat on July 26 to review what we have
205 accomplished since adoption of the strategic plan, where we sit right now in
206 terms of progress towards our vision of strategic alignment, and the near-term
207 priorities and needs that will assure our ongoing success.

208

209 **Adjournment**

210

211 There being no further business, President White declared the meeting of the Board of
212 Managers adjourned at 10:51p.m.

213

214 Respectfully submitted,

215

216

217

218 Eugene Maxwell, Secretary