

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

4
5 **July 28, 2022**

6
7 **CALL TO ORDER**

8
9 The regular meeting of the Minnehaha Creek Watershed District was called to order by
10 Vice President William Olson at 7:00 p.m. on July 28, 2022.

11
12 **MANAGERS PRESENT**

13
14 Sherry White, William Olson, Jessica Loftus, Richard Miller, Arun Hejmadi, Eugene
15 Maxwell and Stephen Sando.

16
17 **MANAGERS ABSENT**

18
19 None.

20
21 **DISTRICT STAFF AND CONSULTANTS PRESENT**

22
23 James Wisker, Administrator; Brian Beck, Research & Monitoring Program Manager;
24 Kailey Cermak, Hydrologist; Tiffany Schaufler, Project and Land Manager; Michael
25 Hayman, Project Planning Manager; Chris Meehan, District Consulting Engineer; and
26 Louis Smith, District Counsel.

27
28 **APPROVAL OF AGENDA**

29
30 Manager Miller requested that a discussion item be added to discuss the standing agenda
31 of board meetings. Louis Smith requested that an attorney's report on the Circle Pines v.
32 Anoka County decision be added. *It was moved by Manager Miller, seconded by*
33 *Manager Loftus to approve the Agenda with these changes. Upon vote, the motion*
34 *carried 7-0.*

35
36 **MATTERS FROM THE FLOOR**

37
38 None.

39
40 **CONSENT AGENDA**

41
42 *It was moved by Manager Hejmadi, seconded by Manager Miller, to approve the items*
43 *on the Consent Agenda consisting of approval of the July 14, 2022, Board meeting*
44 *minutes, approval of the General Check Register, including check numbers 41962*
45 *through 42000 in the amount of \$321,410.17, electronic funds withdrawals of*
46 *\$42,208.91, Managers Per Diems and Reimbursements of \$4,283.67, employee*

47 *reimbursements of \$282.81, payroll electronic funds withdrawals and disbursements of*
48 *\$220,484.58 for a total of \$588,670.14; the Surety Check Register for check numbers*
49 *2139 through 2146 in the amount of \$18,250.00 and a bank service charge of \$50.00;*
50 *and the Wire Check Register in the amount of \$13,865.00 for payment to the City of*
51 *Richfield for financing the Taft Legion Project; and the following resolution:*

52
53 ***Resolution 22-043: Authorization to Execute Summer Carp Removal Contracts with***
54 ***WSB***

55 ***NOW, THEREFORE, BE IT RESOLVED that on the basis of the specific***
56 ***experience of WSB & Associates and the finding of District staff that the***
57 ***contract fee is competitive, the Minnehaha Creek Watershed District Board of***
58 ***Managers finds it appropriate to authorize a professional services contract with***
59 ***that firm without competitive process for hoop-net removals;***
60

61 ***BE IT FURTHER RESOLVED that the District Administrator is authorized, on***
62 ***advice of counsel, to execute a contract with WSB & Associates, for services to***
63 ***remove common carp in Auburn Lake and Pierson Lake within the Six Mile***
64 ***Creek Halsted Bay Subwatershed, consistent with the Lessard-Sams Outdoor***
65 ***Heritage Council Grant Accomplishment Plan, in the amount of \$22,989.00;***
66

67 ***BE IT FINALLY RESOLVED that the Minnehaha Creek Watershed District***
68 ***Board of Managers establishes a not to exceed budget of \$26,000 for this work,***
69 ***and authorizes the District administrator to issue change orders up to that***
70 ***amount.***
71

72 ***Upon vote, the motion carried 7-0.***
73

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

75

76 President's Report: President White reported that she attended the most recent meeting of
77 the Metro Chapter of the Minnesota Association of Watershed Districts, along with
78 Managers Hejmadi and Maxwell. There were agency presentations, including from the
79 Minnesota Pollution Control Agency on the Clean Water Fund and Clean Water Council
80 recommendations; report on a survey concerning 1 Watershed 1 Plan; and discussion of
81 MAWD resolutions, including one concerning wake boats.
82

83 Citizens Advisory Committee Report: Manager Loftus reported that she attended the
84 CAC meeting on July 20. The CAC provided helpful feedback on the annual budget and
85 capital improvement program. There were questions about alum dosing and other
86 program elements.
87

88 Upcoming Meeting and Event Schedule: President White directed the managers to the
89 meetings listed on the agenda. Manager Miller asked if it would be possible when permit

90 applications are noticed to include the staff recommendation; Mr. Wisker stated that this
91 would be an example of more information that can be included with the updated website.

92

93 **ACTION ITEMS**

94

95 **Resolution 22-045: Approval of Specifications for Wassermann Alum Treatment and**
96 **Authorization to Solicit Quotes**

97

98 Ms. Kailey Cermak appeared before the Board of Managers to review the request for
99 board action. She noted that the second alum treatment of Wassermann Lake this fall is
100 intended to conclude this phase of focused restoration work in this area. She noted the
101 plan is to award a contract for the alum treatment at the August 22 meeting.

102

103 ***It was moved by Manager Olson, seconded by Manager Maxwell to approve Resolution***
104 ***22-045 as follows:***

105

106 ***NOW, THEREFORE, BE IT RESOLVED that the Minnehaha Creek Watershed***
107 ***District Board of Managers hereby approves the specifications for the Wassermann***
108 ***Lake Alum Treatment and authorizes the release of a request for quotes.***

109

110 Upon a question from Manager Olson, Ms. Cermak explained that the pond located to the
111 northeast of the lake is hydrologically connected to the lake but has low flow. Manager
112 Miller asked whether the alum dosing recommendation is constrained by the grant
113 funding. Ms. Cermak and Mr. Brian Beck explained that a detailed core analysis will
114 guide the dosing; the plan is to use grant funds first and supplement as necessary with
115 MCWD funds. In response to a question from Manager Hejmadi, Ms. Cermak explained
116 that the shallow zones did not respond as much to the first alum dose; the deeper zones
117 have the highest phosphorus loading, and it is also possible that the alum slides to deeper
118 areas of the lake. Staff will continue to evaluate this issue. Ms. Cermak responded to a
119 question from Manager Maxwell and explained that the fall application is planned for a
120 set temperature range of the lake. In response to a question from Manager Olson, Mr.
121 Chris Meehan stated that liquid alum is more effective than a granular application.

122

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

124

125 **Resolution 22-046: Authorization to Execute a Contract to Analyze MCWD Stormwater**
126 **Pond Survey Data and Develop Maintenance Recommendations**

127

128 Ms. Tiffany Schaufler appeared before the Board of Managers to review the request for
129 board action. She noted the plan for maintenance of the MCWD's 25 stormwater ponds
130 and reviewed the Stantec scope of work. She stated that with further discussion with
131 Stantec, staff determined that no contingency is needed and therefor recommends that the
132 amount to be approved for this work be \$44,200.

133 ***It was moved by Manager Miller, seconded by Manager Maxwell to adopt Resolution***
134 ***22-046 as follows:***

135
136 ***NOW, THEREFORE, BE IT RESOLVED that the Minnehaha Creek***
137 ***Watershed District Board of Managers authorizes the District Administrator, on***
138 ***advice of counsel, to execute a contract with Stantec Consulting Services Inc. to***
139 ***review MCWD's stormwater pond data and develop maintenance***
140 ***recommendations in the amount of \$44,200.***

141
142 In response to a question from Manager Maxwell, Ms. Schaufler noted that generally
143 there is not a need to expand pond sites and maintenance can occur within existing land
144 rights. Following a question from Manager Hejmadi, Ms. Schaufler reviewed the pond
145 monitoring program and noted that with the drought this year no surveys have been done,
146 and maintenance work is planned to occur during the winter. Manager Loftus stated that
147 she appreciated this work, which seems appropriate as part of adapting to climate change
148 and the need for resilience. She asked about best practices in pond maintenance and what
149 large entities like MnDOT do in their maintenance programs as a possible guide. Ms.
150 Schaufler noted that staff will investigate this further. Manager Miller noted the wetland
151 inventory and extensive role wetlands play in storing stormwater. Ms. Cermak noted that
152 the east Auburn wetland is a source of phosphorus; Mr. Meehan and Mr. Wisker noted
153 that future modeling will enable addressing these questions at a systems scale, while this
154 project is focused specifically on maintenance of the MCWD's ponds.

155
156 ***There being no further discussion, upon vote the motion carried, 7-0.***

157 Resolution 22-047: Approval of 100% Design Plans for the Minnehaha Preserve
158 Boardwalk Reconstruction Project and Authorization to Solicit Bids

159
160
161 Ms. Schaufler reviewed the request for board action and introduced Mr. Casey Black and
162 Mr. Kevin Bigalke from SRF. She noted that there is no change in the boardwalk
163 designed proposed, other than eliminating one overlook. She reviewed the materials use
164 categories and treatment. She noted the erosion by the creek and the need for repair and
165 noted construction access will be from Excelsior Boulevard. The proposed project
166 budget of \$1,680,864 includes a 10% contingency.

167
168 ***It was moved by Manager Miller, seconded by Manager Loftus to adopt Resolution 22-***
169 ***047 as follows:***

170
171 ***NOW, THEREFORE, BE IT RESOLVED that the Minnehaha Creek***
172 ***Watershed District Board of Managers approves the 100% design plans for the***
173 ***Minnehaha Creek Preserve Boardwalk Reconstruction and authorizes the***
174 ***District Administrator to solicit bids for construction.***

175

176 In response to questions from Manager Olson and Miller about the stringers and cross-
177 braces, Mr. Michael Hayman explained that a sway test had requested the braces. In
178 response to a question from Manager Hejmadi, Ms. Schaufler noted that both litigation
179 and District counsel had reviewed the proposed plans. ***There being no further***
180 ***discussion, upon vote, the motion carried 7-0.***

181

182 **DISCUSSION ITEMS**

183

184 **Standing Meeting Agenda Discussion**

185

186 Manager Miller stated that he felt it would be helpful to have “Managers’ Reports” as a
187 standing agenda item at board meetings to promote manager communications and
188 engagement in policy direction. President White suggested that some items reported by
189 managers may be referred to the appropriate committee for further study. ***It was moved***
190 ***by Manager Miller, seconded by Manager Maxwell to have “Managers’ Reports” as a***
191 ***standing agenda item at board meetings.*** Manager Maxwell clarified that a manager is
192 not obligated to bring a report to every meeting. Manager Miller affirmed that the focus
193 is on policy-driven concerns. In response to a comment from Manager Loftus, Manager
194 Miller agreed that committees will continue to manage their agendas. Manager Olson
195 stated that he liked this idea so that the entire Board hears these comments. ***Upon vote,***
196 ***the motion carried 7-0.***

197

198 **Attorney’s Report**

199

200 Mr. Smith reviewed the recent decision of the Minnesota Supreme Court in *Circle Pines*
201 *v. Anoka County*. Generally, anyone wishing to be appointed or reappointed to a
202 watershed district board in the metropolitan area is well-advised to seek a nomination
203 from a city, either their city of residence or another city within the watershed. Counties
204 are also to consider fair representation of hydrologic areas when making appointments.

205

206 **STAFF UPDATES**

207

208 **Administrator’s Report**

209

210 Mr. Wisker reported on the following items:

211

- 212 1. Water levels have continued to decrease with moderate drought conditions, a dry
213 hot month of June, and precipitation year to date is approximately 4.4 inches
214 below normal. Lake Minnetonka is at 928.4, and the control structure was closed
215 on July 21. Minnehaha Creek is flowing at Hiawatha at 1 cubic foot per second.
216
- 217 2. Discussion continues about a proposed study of wake boats. Staff will continue to
218 monitor this discussion.

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- 219
220 3. The Minneapolis Park & Recreation Board recently passed a procedural vote to
221 hold a public hearing on the Hiawatha Master Plan. Staff will continue to
222 monitor.
223
224 4. The City of Minneapolis and the MPRB staff are working on a process to build a
225 new partnership with the MCWD. A proposed process should be coming in the
226 next couple of months.
227
228 5. MCWD recently posted an open position in the project maintenance and land
229 management staff, and recently a permit program staff member left the MCWD.
230 Mr. Wisker is taking time for the posting of an operations manager. New staff are
231 onboarding and the history strategic review is helpful with key principles.
232

233 **Adjournment**

234
235 There being no further business, Vice President Olson declared the meeting of the Board
236 of Managers adjourned at 8:26 p.m.

237
238 Respectfully submitted,

239
240
241
242 Eugene Maxwell, Secretary