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

March 25, 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 7:06 p.m. on March 25, 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 For this reason, until this determination is withdrawn by the District's presiding officer, chief legal counsel or chief administrative officer, the meetings of the Board and its committees will be convened by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:

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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; Abigail Ernst,
36 Permitting Technician; Brian Beck, Research & Monitoring Program Manager; Laura
37 Domyancich-Lee, Planner-Project Manager; Michael Hayman, Project Planning Manager; Chris
38 Meehan, Consulting Engineer; Louis Smith, Counsel.

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MATTERS FROM THE FLOOR

None.

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APPROVAL OF AGENDA

It was moved by Manager Miller, seconded by Manager Hejmadi to approve the agenda as distributed. Upon vote, 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. Tom Dietrich appeared before the Board of Managers and introduced Ms. Abigail Ernst as a new permitting technician with the District. The managers welcomed Ms. Ernst to the District.

CONSENT AGENDA

It was moved by Manager Loftus, seconded by Manager Miller, to approve the consent agenda, consisting of approval of the March 11, 2021 board meeting minutes; the General Checking Account consisting of checks 41489 through 41511 in the amount of \$173,101.74; electronic funds withdrawals in the amount of \$30,495.63; manager per diems and reimbursement direct deposits in the amount of \$1,500.00; employee reimbursements - direct deposits in the amount of \$111.18; and payroll direct deposits in the amount of \$145,787.77; for Total General Checking expenses of \$350,996.32; the surety checking account bank service charge of \$30.00; and electronic fund transfer of \$56,100.00 for Blake Road parcel refinance; and adoption of the following resolutions:

Resolution 21-021: Authorization to Execute Contract for 2021 Annual Stormwater Pond Maintenance

NOW, THEREFORE, BE IT RESOLVED that the Minnehaha Creek Watershed District Board of Managers authorizes the District Administrator, on advice of counsel, to execute a contract with Stantec Consulting Services, Inc. for the annual survey, technical memo, and maintenance recommendation of 10 ponds, and sediment sampling and analysis, design and bid documents, and construction oversight for the maintenance of one pond for \$51,150, and authorizes the Administrator to execute change orders as necessary in the not-to-exceed amount of \$56,265.

1 **Resolution 21-022: Adoption of a Revised Interim Maintenance Protocol**
2 **for the Minnehaha Preserve Boardwalk**

3
4 ***NOW, THEREFORE, BE IT RESOLVED that the Minnehaha Creek Watershed***
5 ***District Board of Managers adopts the revised interim maintenance protocol, as***
6 ***recommended by District staff, for the Minnehaha Preserve boardwalk system.***

7
8 **Resolution 21-023: Appointment of Manager Miller as Liaison to the 325**
9 **Blake Road Restoration and Redevelopment Design Process**

10
11 ***NOW, THEREFORE, BE IT RESOLVED that the Minnehaha Creek Watershed***
12 ***District Board of Managers hereby designates Manager Miller to serve as the third***
13 ***Board liaison to the 325 Blake Road Restoration and Redevelopment design***
14 ***Process.***

15
16 ***Upon roll call vote, the motion carried, 7-0 as follows:***

17
18 Hejmadi: Aye
19 Loftus: Aye
20 Sando: Aye
21 Miller: Aye
22 Olson: Aye
23 Maxwell: Aye
24 White: Aye

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26 **REGULAR AGENDA**

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

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30 **President's Report:** President White reported that she had attended a meeting with
31 Commissioner Angela Conley and several legislator briefings. She noted that along with
32 Managers Maxwell and Hejmadi she attended a consultant listening session for the
33 Hopkins City Council for the 325 Blake Road project. She found the Council to be
34 energetic and enthusiastic about the project. Managers Maxwell and Hejmadi agreed.

35
36 **Policy and Planning Committee Report:** Manager Miller reported that the Committee
37 heard a presentation from Mr. Wisker and Mr. Smith to initiate the strategic history
38 review. Manager Miller stated that he found the presentation informative and the
39 Committee had a good discussion.

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41 President White reviewed the upcoming schedule of meetings as noted in the agenda,
42 with Manager Miller attending the Citizens Advisory Committee meeting of April 14.

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Action Items

Resolution 21-024: Authorization to Submit LCCMR Grant for Updating Watershed Model

Mr. Brian Beck appeared before the Board of Managers to review the request for board action, authorizing staff to submit a \$790,500 proposal to the Legislative-Citizen Commission on Minnesota Resources (LCCMR), to develop an innovative 21st century planning tool that more effectively forecasts the impact of changing precipitation patterns on the watershed, and target public investments to protect water, homes, businesses, and infrastructure. Mr. Beck reviewed the proposal within the District’s strategic approach to climate change, to understand and predict impacts; to communicate, convene and plan with community partners; and to implement, measure and adapt.

It was moved by Manager Hejmadi, seconded by Manager Loftus to adopt Resolution 21-024 as follows:

NOW, THEREFORE, BE IT RESOLVED that the Minnehaha Creek Watershed District Board of Managers hereby authorizes District staff to finalize and submit a proposal for 2021 funding to the Legislative-Citizen Commission on Minnesota Resources in an amount of \$790,500, for the development of a 2D watershed modeling tool.

Upon a question from Manager Maxwell, Mr. Beck explained that based on recent experience, the proposal to the LCCMR will be likely one of about 100 proposals, of which approximately 70 may be funded. Upon questions from Manager Hejmadi and President White, Mr. Wisker noted that the understanding and support of various partners for this project is quite significant.

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

Resolution 21-025: Authorization to Award Contracts for Wassermann Alum Treatments

Ms. Laura Domyancich-Lee appeared before the Board of Managers to review the request for board action. She noted that the proposed alum treatments would be for

1 Wassermann Lake and West Wassermann pond. The alum treatments of the pond and
2 lake collectively are projected to reduce internal loading to Wassermann Lake by
3 an estimated 90%, for a reduction of 336 pounds per year. If successful, this reduction
4 positions Wassermann Lake to be removed from the State of Minnesota's Impaired
5 Waters List. Ms. Domyancich-Lee reviewed the three quotes obtained for the work and
6 noted that due diligence inquiries confirmed that Clarke Aquatic Services, the company
7 providing the low quote, is experienced and capable to perform the work to standard.
8

9 ***It was moved by Manager Olson, seconded by Manager Maxwell to adopt Resolution***
10 ***21-025 as follows:***

11
12 ***NOW, THEREFORE, BE IT RESOLVED, that the Minnehaha Creek***
13 ***Watershed District Board of Managers hereby authorizes the District***
14 ***Administrator, on advice of counsel, to execute a contract with Clarke Aquatic***
15 ***Services for \$23,020 for the Wassermann West pond alum treatment, and***
16 ***authorizes the Administrator to execute change orders in his discretion up***
17 ***to an additional 10% of the proposal fee for a not-to-exceed of \$25,322.***
18

19 ***BE IT FURTHER RESOLVED that the Minnehaha Creek Watershed District***
20 ***Board of Managers hereby authorizes the District Administrator, on advice of***
21 ***counsel, to execute a contract with Clarke Aquatic Services for \$107,714 for the***
22 ***Wassermann Lake alum treatment, and authorizes the Administrator to execute***
23 ***change orders in his discretion up to an additional 10% of the proposal fee for a***
24 ***not-to-exceed of \$118,485.***
25

26
27 Upon a question from Manager Olson, Ms. Domyancich-Lee confirmed that the District
28 consulting engineer from Stantec would be on site to monitor the work. In response to a question
29 from Manager Maxwell, she noted that the water temperature must be above 45 degrees for the
30 work. Upon a question from Manager Hejmadi, Ms. Domyancich-Lee stated that the public
31 response to the proposed project has been very positive; there were some questions about short-
32 term impact to vegetation, but also appreciation for the long-term benefits of the treatment for
33 lake health.
34

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

36
37 Hejmadi: Aye
38 Loftus: Aye
39 Sando: Aye
40 Miller: Aye
41 Olson: Aye
42 Maxwell: Aye
43 White: Aye
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Committee Assignment and Election of Secretary

President White appointed Manager Sando to the Policy and Planning Committee and requested the Board of Managers to confirm the appointment. ***It was moved by Manager Maxwell, seconded by Manager Miller to confirm Manager Sando's appointment to the Policy and Planning Committee.***

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

President White noted that Manager Maxwell has been serving as Secretary Pro Tem and it would be appropriate to elect a Board Secretary. ***It was moved by Manager Miller, seconded by Manager Olson that Manager Maxwell be elected Board Secretary.***

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 Updates

Administrator's Report

Mr. Wisker reported on the following items:

1. Notwithstanding a recent rain of approximately 1-1.5 inches, overall conditions are abnormally dry. Gray's Bay dam operations will begin next week, but no discharge from the dam is anticipated.

Minutes of the Regular Meeting
Minnehaha Creek Watershed District
Board of Managers
03-25-21

- 1 2. President White, Manager Olson and Mr. Wisker recently met with Hennepin County
2 Commissioners Angela Conley and Irene Fernando, as well as State Representatives
3 Emma Greenman and Patty Acomb.
- 4 3. The MCWD will be meeting with FEMA and the Department of Natural Resources staff
5 to discuss flood risk review and an updated flood insurance study.
- 6 4. As noted by President White, HDR representatives held a very productive listening
7 session on the 325 Blake Road project the Hopkins City Council on March 16. The
8 discussion reflected a deep interest in creating a great place for people, not just buildings.
9 A community listening session is planned for March 31, and a community survey has
10 received 50 responses so far. Staff also held a productive meeting with representatives
11 from the Metropolitan Council, Three Rivers Park District, and Hennepin County to
12 provide an update on project planning. Manager Miller inquired how the potential
13 developers could have access to the information generated in these discussions. Mr.
14 Wisker and Mr. Hayman stated that they will develop a process to share such information
15 in the proposal process.

16
17 **Adjournment**

18
19 There being no further business, the meeting of the Board of Managers adjourned at 8:22 p.m.

20
21 Respectfully submitted,

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23
24
25 Eugene Maxwell
26 Secretary