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

**May 28, 2020**

**CALL TO ORDER**

The regular meeting of the Minnehaha Creek Watershed District was called to order by President Sherry White at 7:05 p.m. on April 23, 2020. 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 For this reason, until this determination is withdrawn by the District's presiding officer, chief legal counsel or chief administrative officer, the meetings of the Board and its committees will be convened by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.

President White called the roll to note attendance:

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

**DISTRICT STAFF AND CONSULTANTS PRESENT**

James Wisker, Administrator; Michael Hayman, Project Planning Manager; Janna Jonely, Project and Land Management Technician; Tom Langer, Aquatic Ecologist; Anna Brown, Planner – Project Manager; Laura Domyancich, Planner – Project Manager; Becky Christopher, Policy Planning Manager; Kate Moran, Policy Planning Coordinator; Chris Meehan, Consulting Engineer; and Louis Smith, District Counsel.

**MATTERS FROM THE FLOOR**

None.

47 **APPROVAL OF AGENDA**

48  
49 *It was moved by Manager Rogness, seconded by Manager Hejmadi to approve the Agenda as*  
50 *distributed. Upon roll call vote, the motion carried 7-0 as follows:*

51  
52 Hejmadi: Aye  
53 Loftus: Aye  
54 Rogness: Aye  
55 Miller: Aye  
56 Olson: Aye  
57 Maxwell: Aye  
58 White: Aye

59  
60 **CONSENT AGENDA**

61  
62 President White noted a correction on line 108 of the May 14, 2020 Board Minutes, to change  
63 the reference to Mr. Woodruff. *It was moved by Manager Maxwell, seconded by Manager*  
64 *Rogness to adopt the items on the Consent Agenda, consisting of the approval of the May 14,*  
65 *2020 Board Minutes (with the correction noted by President White); the General Checking*  
66 *Account consisting of checks 41142 through 41175 in the amount of \$275,683.26; electronic*  
67 *funds withdrawals in the amount of \$26,598.43; manager per diems and reimbursement direct*  
68 *deposits in the amount of \$2,027.60; employee reimbursements - direct deposits in the amount*  
69 *of \$897.26; and payroll direct deposits in the amount of \$142,322.98; the surety checking*  
70 *account consisting of checks 41176 and 41177, and EFT for service charge for a total of*  
71 *\$12,530.00; and the wire transfer of \$154,134.38 in payment to Hennepin County for bond*  
72 *payments; and adoption of the following resolution:*

73 **Resolution 20-042: Authorization to Release RFO for Legal Services**

74 *NOW, THEREFORE, BE IT RESOLVED that the Minnehaha Creek*  
75 *Watershed District Board of Managers hereby authorizes the District*  
76 *Administrator to issue a request for qualifications for legal services.*

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

78  
79 Hejmadi: Aye  
80 Loftus: Aye  
81 Rogness: Aye  
82 Miller: Aye  
83 Olson: Aye  
84 Maxwell: Aye  
85 White: Aye  
86

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

88  
89 President's Report: President White reported that she and Manager Maxwell met with  
90 the Hopkins City Council liaisons to discuss 325 Blake Road, which will be reported in  
91 further detail in the Administrator's Report.

92  
93 Policy and Planning Committee Report: Manager Miller reported that the Policy and  
94 Planning Committee met and received further briefing on the 2021 budget; the budget  
95 process is now three months ahead of the normal schedule. The committee also received  
96 a briefing on the discussions about possible acquisition of 2301 Brunswick in St. Louis  
97 Park; the sense of the committee is that this would not be a cost-beneficial undertaking  
98 and further discussion will occur at a June board meeting.

99  
100 Upcoming Meeting and Event Schedule: President White directed the managers to the  
101 meetings listed on the agenda; all of the meetings to be noticed and held via WebEx.

102  
103 **ACTION ITEMS**

104  
105 Resolution 20-043: Box-Netting in Parley Lake

106  
107 Mr. Tom Langer appeared before the Board of Managers to review the request for board  
108 action. He traced the background of the District's carp management efforts with the  
109 support of funding from the Lessard Sams Outdoor Heritage Council. These efforts have  
110 led to identifying Parley Lake as a key location for further carp removal. *It was moved*  
111 *by Manager Miller, seconded by Manager Rogness to adopt Resolution 20-043 as*  
112 *follows:*

113  
114 ***NOW, THEREFORE, BE IT RESOLVED that on the basis of the specific***  
115 ***experience of Carp Solutions, LLC, 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 Carp Solutions, LLC, for services***  
122 ***to 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 \$47,920.***

125  
126 In response to questions from Manager Hejmadi, Mr. Langer and Ms. Brown described  
127 the cost effectiveness of carp removal as the population decreases, and the general goal of  
128 ultimately relying on District resources for maintenance and rapid response, once the carp  
129 population is under control.

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

131

132 Hejmadi: Aye

133 Loftus: Aye

134 Rogness: Aye

135 Miller: Aye

136 Olson: Aye

137 Maxwell: Aye

138 White: Aye

139

140 Resolution 20-044: Approval of MCWD Campus Improvements 90% Design Plans and  
141 Authorization to Solicit Bids

142

143 Ms. Laura Domyancich appeared before the Board of Managers to review the request for board  
144 action. Ms. Domyancich reviewed the updated design and cost estimates, including bid  
145 alternates for enhanced improvements to the parking lot. She noted agreements with the two  
146 neighboring property owners and discussions with the City of Minnetonka.

147

148 ***It was moved by Manager Miller, seconded by Manager Rogness, to adopt Resolution 20-044***  
149 ***as follows:***

150

151 ***NOW, THEREFORE, BE IT RESOLVED that the MCWD Board of Managers***  
152 ***approves the 90% design plans for MCWD campus improvements and***  
153 ***authorizes the District Administrator to solicit bids for construction.***

154

155 Manager Miller noted his safety concerns with the lower level and the need for strong  
156 barricades at the edge of the parking lot. Ms. Domyancich noted that this issue had been  
157 considered and costs were a concern, but she would investigate further options. In  
158 response to a question from Manager Maxwell, Ms. Domyancich stated that there would  
159 be a permanent easement with Westdale.

160

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

162

163 Hejmadi: Aye

164 Loftus: Aye

165 Rogness: Aye

166 Miller: Aye

167 Olson: Aye

168 Maxwell: Aye

169 White: Aye

170

171

172

173 Minnehaha Preserve Decking Issues

174

175 Mr. Michael Hayman and Ms. Janna Jonely appeared before the Board of Managers to provide a  
176 status report on the most recent repairs of the boardwalk. Ms. Jonely noted that 157 boards were  
177 replaced, consisting of 149 deck boards and 8 rails; all of the work was documented by Wenck.  
178 At the June 11 meeting, staff will present proposed revisions to the interim maintenance protocol  
179 in light of accelerated decay in the boardwalk this Spring.

180

181 Mr. Smith noted that the next discussion of legal remedies with responsible parties for the  
182 boardwalk failure required the need for absolute confidentiality in discussions with legal counsel,  
183 including construction litigation counsel Mr. Thomas Radio. *It was moved by Manager Miller,*  
184 *seconded by Manager Maxwell, to take up this discussion in closed session for the reasons*  
185 *stated by Mr. Smith.*

186

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

188

189 Hejmadi: Aye  
190 Loftus: Aye  
191 Rogness: Aye  
192 Miller: Aye  
193 Olson: Aye  
194 Maxwell: Aye  
195 White: Aye

196

197 The Board of Managers went into closed session. The Board of Managers returned to open  
198 session.

199

200 **BOARD DISCUSSION ITEMS**

201

202 Long Lake Creek Subwatershed Partnership Update

203

204 Ms. Becky Christopher and Ms. Kate Moran appeared before the Board of Managers to provide  
205 an update on work in the Long Lake Creek Subwatershed. They traced the background of the  
206 Partnership initiative; findings from the District's monitoring and analysis of water quality issues  
207 in the subwatershed; and potential projects to address nutrient loading issues. Upon a question  
208 from Manager Hejmadi, Ms. Christopher stated that no memorandum of understanding among  
209 the parties is planned for the next stage of work, but the plan is for the Long Lake City Council  
210 to adopt the proposed road map. The managers thanked Ms. Christopher and Ms. Moran for the  
211 presentation.

212

213

214

215

216 Administrator's Report

217

218 Mr. Wisker provided a further update on working arrangements in light of the Board's direction  
219 through Resolution 20-033. Mr. Wisker continues to review District needs, the ability to  
220 perform work from home and necessity for work to be performed at the District office or in the  
221 field. Pursuant to Resolution 20-033, he is reviewing those steps with President White and legal  
222 counsel Smith. Mr. Wisker has prepared a draft guidance plan for when staff return to working  
223 in the office.

224

225 Mr. Wisker noted his report in the previous week on algae blooms at Cedar Lake, as well as Lake  
226 Nokomis and Lake of the Isles. The Minneapolis Park and Recreation Board is taking the lead,  
227 and the District will consider making spot checks on other lakes in the District with similar  
228 conditions.

229

230 Mr. Wisker will present the District's work as it relates to Lake Minnetonka to the Lake  
231 Minnetonka Association on June 15.

232

233 The meeting of the liaisons from the Board of Managers and the Hopkins City Council met today  
234 to discuss 325 Blake Road. They discussed an approach to the redevelopment process, and the  
235 liaisons expressed a strong interest in being involved in the process through to completion. They  
236 acknowledged the value of technical expertise, and pledged to transparent, open and frequent  
237 communication. The liaisons agreed that this framework and the related commitments should be  
238 memorialized in a cooperative agreement.

239

240 Manager Maxwell stated that he felt the meeting went well, and that ongoing meetings of the  
241 liaisons would be key. President White stated that she was impressed with the dedication of the  
242 City's liaisons. Manager Maxwell stated that the liaisons will need to keep the Board of  
243 Managers and City Council fully informed as the process continues.

244

245 Adjournment

246

247 There being no further business, President White declared the meeting of the Board of Managers  
248 adjourned at 9:50 p.m.

249

250 Respectfully submitted,

251

252

253

254 Kurt Rogness, Secretary

255