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CONSENT AGENDA

It was moved by Manager Miller, seconded by Manager Hejmadi, to approve the items on the Consent Agenda consisting of approval of the October 20, 2022, Board meeting minutes and adoption of the following resolutions:

Resolution 22-062: Authorization to Approve First Amendment to the Temporary Easement for SWLRT Construction

NOW, THEREFORE, BE IT RESOLVED that the Minnehaha Creek Watershed District Board of Managers hereby approves the first amendment to the temporary easement agreement between MCWD and Metropolitan Council and authorizes the Administrator to execute the amendment with any non-substantive changes in consultation with legal counsel;

Resolution 22-066: Recognition of John Salditt’s Service on the MCWD Citizens Advisory Committee

NOW, THEREFORE, BE IT RESOLVED that the Minnehaha Creek Watershed District Board of Managers hereby formally acknowledges John Salditt’s contribution to the organization and expresses its deep gratitude and thanks for his service; and

Resolution 22-067: Recognition of Peter Rechelbacher’s Service on the MCWD Citizen’s Advisory Committee

NOW, THEREFORE, BE IT RESOLVED that the Minnehaha Creek Watershed District Board of Managers hereby formally acknowledges Peter Rechelbacher’s contribution to the organization and expresses its deep gratitude and thanks for his service.

Upon vote, the motion carried 7-0.

BOARD, COMMITTEE AND TASK FORCE REPORTS

President’s Report: President White noted the calendar of upcoming events, and also recommended that she and Manager Loftus again serve as the Board liaisons in the mediation of the Minnehaha Preserve Boardwalk litigation. ***It was moved by Manager Miller, seconded by Manager Hejmadi to confirm President White and Manager Loftus as the liaisons for the Minnehaha Preserve Boardwalk litigation. Upon vote, the motion carried, 7-0.***

90 Operations and Programs Committee Report: Manager Loftus reported that the
91 Committee met earlier in the evening and received a staff presentation on the applications
92 to the Citizens Advisory Committee. The staff also provided a presentation on the
93 MCWD 2003 Functional Assessment of Wetlands, including the rationale for the
94 assessment, how it has been used in MCWD water resource management, current
95 questions and strategic considerations for wetland management in the future.

96
97 Upcoming Meetings: President White noted the upcoming meeting schedule as noted in
98 the Agenda.

99

100 **PUBLIC HEARINGS & PRESENTATIONS AND ACTION ITEMS**

101

102 Permit 22-436: Marco McLane LLC, Victoria

103

104 Resolution 22-068: Approval of Downtown West Victoria Regional Stormwater
105 Agreement

106

107 Mr. Will Roach appeared before the Board of Managers and reviewed the permit
108 application, noting that it was before the Board for consideration of both approval of a
109 regional stormwater management agreement for the Downtown West Victoria
110 Development, and approval of Permit 22-436 for the Marco McLane development.

111

112 Mr. Roach noted that the City of Victoria owns the 13.5 acre site and is proposing
113 redevelopment over multiple phases. He reviewed the proposed stormwater management
114 plan for the site, which will involve several filtration ponds constructed by the City of
115 Victoria. Mr. Roach reviewed the proposed project construction schedule and the timing
116 of the construction of the filtration ponds. He reviewed the key terms of the proposed
117 regional stormwater management agreement.

118

119 ***It was moved by Manager Miller, seconded by Manager Olson to adopt Resolution 22-***
120 ***068: Approving Regional Stormwater Management Plan for Downtown West Victoria***
121 ***Development as follows:***

122

123 ***NOW, THEREFORE, BE IT RESOLVED that the Minnehaha Creek***
124 ***Watershed District Board of Managers authorizes the District administrator to***
125 ***execute the proposed Regional Stormwater Management Agreement between***
126 ***the City of Victoria and the Minnehaha Creek Watershed District, with any***
127 ***further non-substantive changes and on advice of counsel.***

128

129 In response to a question from Manager Olson, Mr. Roach stated that the agreement is
130 scheduled for final city council approval on the recommendation of the city engineer.

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

132

133 *It was moved by Manager Olson, seconded by Manager Maxwell to approve Permit 22-*
134 *436 with the conditions recommended by staff. Upon vote, the motion carried 7-0.*

135

136 **BOARD DISCUSSION ITEMS**

137

138 Minnehaha Preserve Boardwalk Update

139

140 *It was moved by Manager Olson, seconded by Manager Maxwell to move to closed*
141 *session for the purpose of receiving confidential legal advice concerning litigation*
142 *strategy in the Minnehaha Preserve Boardwalk litigation. Upon vote, the motion*
143 *carried 7-0.*

144

145 The Board of Managers went into closed session. The Board of Managers returned to
146 open session.

147

148 **ACTION ITEMS, CONTINUED**

149

150 Resolution 22-069: Authorize Seasonal Closure of the Minnehaha Preserve Boardwalk

151

152 Ms. Tiffany Schaufler appeared before the Board of Managers to review the request for
153 board action. She noted that with winter weather approaching, staff is again requesting
154 authorization of the seasonal closure of the Minnehaha Preserve boardwalk to ensure user
155 safety in accordance with MCWD's inspection and repair policy. She noted that the
156 same barriers would be used as last winter, and closure would be authorized until the
157 reconstruction of the boardwalk commences, at which time the area would be fully
158 fenced by the contractor.

159

160 *It was moved by Manager Sando, seconded by Manager Hejmadi to adopt Resolution*
161 *22-069: Authorize Seasonal Closure of the Minnehaha Preserve Boardwalk, as*
162 *follows:*

163

164 ***NOW, THEREFORE, BE IT RESOLVED that the Minnehaha Creek***
165 ***Watershed District Board of Managers authorizes the seasonal closure of the***
166 ***Minnehaha Preserve boardwalk system for the winter of 2022-2023, with wood***
167 ***barriers and signage, to limit safety and liability concerns.***

168

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

170

171 Resolution 22-070: Award of Construction Contract for the Minnehaha Preserve
172 Boardwalk Reconstruction

173

174 Ms. Schaufler reviewed the bidding results for the reconstruction of the boardwalk,
175 noting that JTS Construction was the low bidder and staff recommends awarding the

176 contract to JTS Construction for the Minnehaha Preserve Boardwalk Reconstruction
177 project in the amount of \$1,858,182 and that the Board of Managers authorize the District
178 Administrator to execute change orders in an aggregate amount not to exceed 10 percent
179 of the bid price, for a total not-to-exceed construction amount of \$2,044,000.

180

181 *It was moved by Manager Sando, seconded by Manager Hejmadi to adopt Resolution*
182 *22-070: Award of Construction Contract for the Minnehaha Preserve Boardwalk*
183 *Reconstruction, as follows:*

184

185 *NOW, THEREFORE, BE IT RESOLVED that the Minnehaha Creek*
186 *Watershed District Board of Managers finds the bid submitted by JTS*
187 *Construction is the low bid, and is responsive, and JTS Construction is a*
188 *responsible contractor; and awards the construction contract to JTS*
189 *Construction for a contract price of \$1,858,182, and directs the District*
190 *Administrator to issue the notice of award, and administer the bid bonds of*
191 *other bidders in accordance with the terms of the request for bids;*

192

193 *BE IT FURTHER RESOLVED that the MCWD Board of Managers establishes*
194 *a contract budget in the not-to-exceed amount of \$2,044,000 and authorizes the*
195 *District Administrator, in his judgment and on the recommendation of the*
196 *construction manager, to authorize change orders obligating the MCWD up to*
197 *that amount;*

198

199 *BE IT FINALLY RESOLVED that the District Administrator is authorized to*
200 *issue a notice to proceed to JTS Construction in accordance with the terms of*
201 *this resolution, on advice of counsel and after receipt of a signed contract and*
202 *required bonds and insurance documentation.*

203

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

205

206 **BOARD INQUIRIES, ISSUES AND IDEAS**

207

208 None.

209

210 **STAFF UPDATES**

211

212 Administrator's Report

213

214 Mr. Wisker reported on the following items:

215

- 216 1. Precipitation year to date has been 10.25 inches below normal and Lake
217 Minnetonka is at 927.4, 14 inches below the runout elevation.

218

Minutes of the Regular Meeting
Minnehaha Creek Watershed District
Board of Managers
11-3-22

- 219 2. President White and Mr. Wisker are scheduling briefings of county
220 commissioners in the coming months.
221
- 222 3. Several Personnel changes are underway. Interviews are scheduled for filling the
223 Project Maintenance and Land Manager position; Helen Schnoes has been
224 supporting a transition on the Education and Outreach team as she will be
225 completing her service with the MCWD on November 4. The Operations
226 Manager position will be posted soon, and Mr. Wisker is evaluating the timing of
227 posting for a new Outreach Manager.
228
- 229 4. The Long Lake Creek roadmap will be presented to the Board of Managers on
230 November 17. It will identify potential project priorities which may complement
231 work in the Six Mile Creek subwatershed.
232

233 **Adjournment**

234
235 There being no further business, President White declared the meeting of the Board of
236 Managers adjourned at 8:15 p.m.

237
238 Respectfully submitted,

239
240
241
242 Eugene Maxwell, Secretary
243