

47 Hejmadi: Aye
48 Loftus: Aye
49 Sando: Aye
50 Miller: Aye
51 Olson: Aye
52 Maxwell: Aye
53 White: Aye

54

55 **CONSENT AGENDA**

56

57 *It was moved by Manager Miller, seconded by Manager Hejmadi, to approve the*
58 *Consent Agenda consisting of approval of the October 21, 2021 Board minutes and*
59 *adoption of the following Resolutions:*

60

61 ***Resolution 21-071: Authorization to Solicit Quotes for Water Quality Lab Analysis***

62

63 ***NOW, THEREFORE, BE IT RESOLVED that the Minnehaha Creek***
64 ***Watershed District Board of Managers authorize the District Administrator to***
65 ***solicit quotes for water quality lab analysis for 2022 and 2023;***

66

67 ***Resolution 21-072: Approval to Continue Joint Funding Agreement with the USGS for***
68 ***Gauging Stations and Technical Assistance in 2022 and 2023***

69

70 ***NOW, THEREFORE, BE IT RESOLVED that the Minnehaha Creek***
71 ***Watershed District Board of Managers authorize the Administrator to extend a***
72 ***joint funding agreement with the USGS for services from October 1, 2021***
73 ***through September 30, 2023 with a total cost not to exceed \$46,000 annually;***
74 ***and***

75

76 ***Resolution 21-073: Authorization to Execute a Contract for Accounting Services***

77

78 ***NOW, THEREFORE, BE IT RESOLVED that the Minnehaha Creek***
79 ***Watershed District Board of Managers hereby selects AEM Financial Services***
80 ***as the accounting firm for the District; and hereby authorizes the District***
81 ***Administrator, on advice of counsel, to execute a contract with AEM Financial***
82 ***Services to provide accounting services not to exceed \$6,500 per month in***
83 ***November and December of 2021, \$6,700 in 2022 and \$6,895 in 2023.***

84

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

86

87 Hejmadi: Aye
88 Loftus: Aye
89 Sando: Aye

90

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91 Miller: Aye
92 Olson: Aye
93 Maxwell: Aye
94 White: Aye
95

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

97
98 President's Report: President White reported on the following items:
99

- 100 1. The Minnesota Association of Watershed Districts (MAWD) Board of Directors
101 took an active interest in the October 27 meeting of the Board of Water and Soil
102 Resources concerning the Watershed-Based Implementation Funding. BWSR
103 Board members and watershed district managers Jill Crafton and Joe Collins
104 spoke forcefully for metro watershed concerns. MAWD will continue to follow
105 ongoing developments;
106
107 2. Managers should register for the MAWD annual conference by contacting Deb
108 Johnson, and delegates to the annual meeting will be selected at the November 18
109 board meeting; and
110
111 3. President White is working with Mr. Wisker and staff to prepare for participation
112 in a Water Focused Town Hall meeting hosted by Representative Kelly Morris on
113 November 20.
114

115 Operations and Programs Committee Report: Manager Loftus reported that the
116 Committee met earlier in the evening and reviewed the applicants to the Citizens
117 Advisory Committee. Appointments are planned for December. The Committee also
118 heard a presentation from Mr. Smith on the District's history from 1993-99.
119

120 Manager Olson shared that he recently participated in a special districts government tech
121 conference, with valuable information on technical innovations on promoting citizen
122 access and cyber security.
123

124 Upcoming Meeting and Event Schedule: President White directed the managers to the
125 meetings listed on the agenda.
126

127 **ACTION ITEMS**

128
129 Resolution 21-074: Approval of the Preliminary Development Agreement
130 for 325 Blake Road and Approval of Alatus Development's Concept Plan
131 for Public Realm Improvements and Connection to MCWD's Regional
132 Stormwater Project
133
134

135 Mr. Michael Hayman appeared before the Board of Managers to review the request for
136 board action. He noted the key considerations in the developer selection process and
137 noted that they are also included in the preliminary development agreement and
138 forthcoming purchase and sale agreement. Upon questions from Managers Miller and
139 Hejmadi, Mr. Hayman described the status of the concept plan, plat, and public realm
140 improvements, all tracking with the understanding developed through the design charette.
141 Upon a question from Manager Loftus, Mr. Hayman described the current plans for
142 phasing the project.

143
144 ***It was moved by Manager Miller, seconded by Manager Hejmadi to adopt Resolution***
145 ***21-074 as follows:***

146
147 ***NOW, THEREFORE, BE IT RESOLVED that the Minnehaha Creek***
148 ***Watershed District Board of Managers hereby approves the preliminary***
149 ***development agreement between MCWD, the City of Hopkins and Alatus***
150 ***Development, LLC, and authorizes the President to execute the agreement with***
151 ***any non-substantive changes in consultation with legal counsel;***

152
153 ***BE IT FURTHER RESOLVED that the Board of Managers approves the***
154 ***concept design of the development Public Realm and its connection to MCWD's***
155 ***regional project as submitted in Alatus Development, LLC's planned unit***
156 ***development application to the City of Hopkins.***

157
158 Upon a question from Manager Olson, Mr. Hayman explained the use of the term
159 "midrise" in lieu of the previous term "tower." In response to a question from Manager
160 Sando, Mr. Hayman reviewed the general stormwater management facilities plans in
161 relation to the Creek.

162
163 ***Upon roll call vote, the motion carried 7-0 as follows:***

164
165 Hejmadi: Aye
166 Loftus: Aye
167 Sando: Aye
168 Miller: Aye
169 Olson: Aye
170 Maxwell: Aye
171 White: Aye

172
173 **Resolution 21-075: Approval of Phase II Design Contract for 325 Blake Road**
174 **Restoration and Redevelopment**

175
176 Mr. Gabriel Sherman appeared before the Board of Managers to review the request for
177 board action. He explained the scope for Phase II to advance the schematic design

178 through final design, including a series of optional tasks. In response to a question from
179 Manager Miller, Mr. Wisker reviewed District expenditures on the Blake Road project
180 and adjacent projects.

181
182 *Following discussion, it was moved by Manager Sando, seconded by Manager Hejmadi*
183 *to adopt Resolution 21-075 as follows:*

184
185 ***NOW, THEREFORE, BE IT RESOLVED that the Minnehaha Creek***
186 ***Watershed District Board of Managers authorizes the District Administrator, on***
187 ***advice of Counsel, to amend the Agreement between Minnehaha Creek***
188 ***Watershed District and HDR Engineering, Inc. (entitled “325 Blake Road***
189 ***Regional Stormwater and Greenway / Cottageville Park Phase II Riparian***
190 ***Restoration Schematic Design”) to include a second phase of design and***
191 ***engineering services for the final design and optional construction***
192 ***administration of the 325 Blake Road Restoration and Redevelopment project,***
193 ***in an amount of \$707,154 for the base contract, and authorizes the***
194 ***Administrator to execute change orders in his discretion up to an additional***
195 ***10% of the fee for an amount not to exceed \$777,869.***

196
197 *Upon roll call vote, the motion carried 7-0 as follows:*

198
199 Hejmadi: Aye
200 Loftus: Aye
201 Sando: Aye
202 Miller: Aye
203 Olson: Aye
204 Maxwell: Aye
205 White: Aye

206
207 **BOARD DISCUSSION ITEMS**

208
209 **Six Mile Marsh Prairie Trail and Interpretation Construction Bid Outcome**

210
211 Ms. Laura Domyancich-Lee appeared before the Board of Managers to review the bid
212 results for this project and seek input from the Board on next steps. She noted that two
213 bids were received and both bids greatly exceeded the project budget and the cost
214 estimate provided by Damon Farber. She noted the various possible reasons for the high
215 bids, including commodity and labor cost trends and the general current bidding climate.
216 Ms. Domyancich-Lee noted three options for next steps: 1) reject the bids and rebid the
217 project in late winter/early spring; 2) reject the bids, redesign the project to lower costs,
218 and rebid; or 3) reconsider the project plans and accept the low bid. Ms. Domyancich-
219 Lee noted the benefits and risks of each option. The managers discussed the options, the
220 merits of deferring work on the interpretation elements, factors that may have contributed
221

222 to uncertainty and higher bid prices, and whether the bidding climate would be more
223 desirable in the winter. ***It was moved by Manager Miller to accept the low bid for the***
224 ***trail construction base element only.*** The motion died for lack of a second. Mr.
225 Hayman noted several variables contributing to uncertainty that could be addressed. ***It***
226 ***was moved by Manager Miller, seconded by Manager Hejmadi to table the matter and***
227 ***request staff to bring back further information and recommendation for the Board.***
228 ***Upon roll call vote, the motion carried 6-1 as follows:***

229
230 Hejmadi: Aye
231 Loftus: Aye
232 Sando: Aye
233 Miller: Aye
234 Olson: Aye
235 Maxwell: Nay
236 White: Aye

237
238 **STAFF UPDATES**

239
240 **Administrator's Report**

241
242 Mr. Wisker reported on the following items:

- 243
244 1. Drought conditions are moderating somewhat, but year to date precipitation is still
245 about six inches below normal; Lake Minnetonka is at an elevation of 928.07; the
246 dam has been closed since July and was winterized on November 3. Minnehaha
247 Creek is flowing at Hiawatha at 3 cfs.
248
249 2. With the results of municipal elections, including three new council members at
250 the City of Hopkins, staff is planning for outreach to new officials within the
251 watershed.
252
253 3. At the Board's request, staff have considered the merits of designating Board
254 liaisons to the 2D modeling project and feel that liaisons could play a valuable
255 role for both the pilot and the longer term effort. ***President White designated***
256 ***Managers Miller and Hejmadi to serve as liaisons to the 2D modeling project.***
257 ***It was moved by Manager Maxwell, seconded by Manager Loftus to confirm***
258 ***these appointments.***

259
260 ***Upon roll call vote, the motion carried 7-0 as follows:***

261
262 Hejmadi: Aye
263 Loftus: Aye
264 Sando: Aye

265

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266 Miller: Aye
267 Olson: Aye
268 Maxwell: Aye
269 White: Aye
270

271 **Adjournment**

272
273 There being no further business, President White declared the meeting of the Board of
274 Managers adjourned at 9:21 p.m.
275

276 Respectfully submitted,
277

278
279 Eugene Maxwell, Secretary
280

DRAFT