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

February 27, 2020

CALL TO ORDER

The regular meeting of the Minnehaha Creek Watershed District was called to order by President Sherry White at 7:00 p.m. on February 27, 2020, at the District offices, 15320 Minnetonka Boulevard, Minnetonka, Minnesota.

MANAGERS PRESENT

Sherry White, William Olson, Richard Miller, Kurt Rogness, Jessica Loftus, Arun Hejmadi and Eugene Maxwell.

MANAGERS ABSENT

None.

DISTRICT STAFF AND CONSULTANTS PRESENT

James Wisker, Administrator; Tiffany Schaufler, Project and Land Manager; Anna Brown, Planner - Project Manager; Laura Domyancich, Planner - Project Manager; Chris Meehan, Consulting Engineer; Chuck Holtman, Counsel.

REAPPOINTMENT OF MANAGERS

Mr. Holtman administered the oath of office to Managers Miller and Loftus, who were appointed to additional terms by the Hennepin County Board of Commissioners.

MATTERS FROM THE FLOOR

None.

APPROVAL OF AGENDA

Staff requested that item 12.3, Approval of Maple Plain Local Surface Water Management Plan, be removed from the agenda pending completion of plan review by the Metropolitan Council. Manager Olson moved, Manager Maxwell seconded to approve the agenda with the requested deletion. Upon vote, the motion carried 7-0.

CONSENT AGENDA

Manager Miller moved, Manager Rogness seconded approval of the Consent Agenda consisting of approval of the February 13, 2020 Board Minutes; the General Checking
Minutes of the Regular Meeting
Minnehaha Creek Watershed District
Board of Managers
2-27-20

Account consisting of checks 41039 through 41072 in the amount of $283,431.41; electronic funds withdrawals in the amount of $32,554.66; manager per diems and reimbursement direct deposits in the amount of $1,756.57; employee reimbursements - direct deposits in the amount of $617.67; and payroll direct deposits in the amount of $229,527.20, for a total of $547,887.51; the security checking account indicating no transactions; Resolution 20-011, Authorization to Award Contract for 325 Blake Road Buckthorn Removal, as follows:

NOW, THEREFORE, BE IT RESOLVED that the Minnehaha Creek Watershed District Board of Managers authorize the District Administrator to enter into a contract with Minnesota Native Landscapes in the amount of $10,800 for 325 Blake Road buckthorn removal and that the Board establishes a project maintenance budget in the not-to exceed amount of $11,880 and authorizes the District Administrator, in his judgement, to authorize change orders obligating the District up to that amount;

Resolution 20-012, Authorization to Purchase Water Monitoring Equipment, as follows:

NOW, THEREFORE, BE IT RESOLVED that the Minnehaha Creek Watershed District Board of Managers: that the MCWD Board of Managers authorize MCWD district administrator to purchase an Aqua Troll 600 system from In-situ in an amount not to exceed $7,698;

and Resolution 20-013, 2020 National American Planning Association (APA) Conference Attendance, as follows:

NOW, THEREFORE, BE IT RESOLVED that the Minnehaha Creek Watershed District Board of Managers authorize three (3) staff to attend the 2020 National American Planning Association conference for a cost not to exceed $7,000 for registration, travel and accommodations.

Upon vote, the motion carried, 7-0. Manager Miller asked that the APA attendees provide a report on their return.

BOARD, COMMITTEE AND TASK FORCE REPORTS

President’s Report: President White reported that she, along with Managers Rogness and Maxwell, participated in a planning session for the District’s summer tour event. Today, she, Manager Maxwell and District staff met with Hopkins staff to plan for 325 Blake Road redevelopment.

Policy and Planning Committee Report: Manager Miller reported that the committee met just before the present meeting and received updates on Minnehaha Creek subwatershed planning and work with agencies; a potential land acquisition in Carver County; and potential District boundary adjustments.

Upcoming Meeting and Event Schedule: President White directed the managers to the meetings listed on the agenda. She noted that Manager Miller will attend the March 3 Citizens Advisory
Committee meeting, and that the indicated March 25 date for the Policy and Planning Committee and full Board meetings should be March 26.

**ACTION ITEMS**

**Resolution 20-014: Award of Contract for Wassermann Lake Preserve Project Construction**

Ms. Brown reviewed the project development milestones to date, as presented in the request for Board action. After publication of the request for bids, six bids were received and opened on February 11, 2020. The bids range from $1.84 million to $2.38 million. LinnCo, Inc., submitted the low bid. Staff and the District engineer find the bid to be responsive, and consider LinnCo to be a responsible bidder. Ms. Brown noted that the company was established only in 2019, but that its leadership all have experience of some 25 years in Minnesota construction operations. She further related that LinnCo would be responsible for demolition, grading, utilities and other general contractor work, while other work would be performed by subcontractors. In particular, Landbridge, which is doing the winter oak work at the site for the District, would be responsible for the ecological restoration work.

Ms. Brown presented the engineer’s estimate and actual bid prices for the entire project (boardwalk, winter oak, park) as follows: Estimated at $2,671,369 ($2,375,970 City of Victoria cost; $295,399 District cost); bid at $2,219,457 ($1,983,799 City cost; $235,658 District cost). She noted that the bid structure assumes an upward price adjustment for boardwalk helical pier installations, additional trail paving, signage and retaining a consultant for certain independent testing. The signage cost would fall to the District, and the others to the City. The project still will be under budget.

Manager Olson moved, Manager Miller seconded to adopt Resolution 20-014 as follows:

> **NOW, THEREFORE, BE IT RESOLVED** that the Minnehaha Creek Watershed District Board of Managers finds that the bid submitted by LinnCo, Inc., is the low bid, and is responsive, and that LinnCo, Inc., is a responsible contractor; awards the contract to LinnCo, Inc. in the contract amount of $1,839,825; and directs the District Administrator to return and otherwise administer bid bonds in accordance with the terms of the request for bids; and

> **BE IT FURTHER RESOLVED** that the MCWD Board of Managers establishes a contract budget in the not-to-exceed amount of $2,023,810 and authorizes the Administrator, in his judgment and on the recommendation of the construction manager, to authorize change orders obligating the MCWD up to that amount, subject to City concurrence as applicable; and

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

Responding to Manager Miller, Ms. Brown explained that the District’s designer recommended independent testing of concrete, compaction, and possibly other items. Manager Loftus asked about the testing of the boardwalk planking. Ms. Brown replied that planking submittals are received and carefully reviewed.

Upon vote, the motion carried, 7-0.

Resolution 20-015: Authorization to Execute Agreements with the MN DNR and Wenck for Improved Floodplain Modeling and Mapping Updates

Ms. Schaufler explained that the work is to model flood hazard maps throughout the District using Atlas 14 precipitation data. With the finished work, the DNR intends to update maps by October 2020; to convene, with the District, meetings with communities; and to update maps by June 2021.

Manager Miller moved, Manager Rogness seconded to adopt Resolution 20-015, as follows:

NOW, THEREFORE BE IT RESOLVED that the District Administrator is hereby authorized to execute the amended September 28, 2018 grant agreement, with any final changes on advice of counsel; NOW,

THEREFORE BE IT ALSO RESOLVED that the District Administrator is authorized to execute a contract with Wenck to update the floodplain modeling and mapping for the Minnehaha Creek Watershed District for an amount not to exceed $63,400.

Upon vote, the motion carried, 7-0.

Resolution 20-017: Authorization to Execute a Contract for MCWD Campus Improvements Design Services

Ms. Domyancich reviewed the needs identified for the District’s office site and the concept plan developed by the District engineer, encompassing parking expansion, drainage improvement, stormwater management redesign to enhance function and amenity, Americans with Disabilities Act accessibility improvements, trash/recycling enclosure and landscaping. The project budget is $400,000.

Ms. Domyancich then reviewed the designer selection process, in which 12 teams received proposals, and eight teams submitted proposals, which were reviewed by a staff team. Three firms were interviewed: Emmons & Olivier Resources, Inc.; Wenck Associates; and LHB, Inc. The review team unanimously recommends LHB for reasons including its practical but creative approach, its thorough use of data, a cost-effective and maintainable stormwater management
concept, and the firm’s experience in design of commercial site retrofits. At LHB’s suggestion, the scope would add survey work.

Ms. Domyancich reviewed the intended schedule toward a June 2020 bid and a July 2020 construction start. Construction is expected to last six to eight weeks.

Manager Rogness moved, Manager Miller seconded to adopt Resolution 20-017, as follows:

BE IT RESOLVED that the MCWD Board of Managers authorizes the District Administrator, on advice of counsel, to execute a contract with LHB, Inc. for design and construction oversight services in the amount of $44,494;

BE IT FINALLY RESOLVED that the MCWD Board of Managers establishes a MCWD Campus Improvements Project design services budget in the not-to-exceed amount of $48,943.40 and authorizes the Administrator, in his judgment, to authorize change orders obligating the District up to that amount.

Manager Miller urged that the design remain within commercial specifications and not allow for criticism that a government agency is engaging in overly experimental or superfluous design. Ms. Domyancich replied that the concept design falls within these boundaries. There is a cistern that would be appropriate for District use, but that is not essential. The concept includes converting an existing infiltration basin to a filtration design, which will be commercially appropriate.

Upon vote, the motion carried, 7-0.

Resolution 20-018: Approve Strategic Direction for MCWD Outreach

Mr. Wisker presented the final strategic direction document, which results from more than a year’s work involving the managers and the Citizens Advisory Committee. The document follows from the Board’s 2014 adoption of the District’s Balanced Urban Ecology vision and the 2017 alignment plan. The Board adopted Resolution 19-059 to initiate the process to develop the strategic outreach.

Mr. Wisker reviewed the steps to develop the strategic direction and noted that the document was reviewed by the Operations and Programs Committee on February 13. The proposed resolution adopts the outreach plan and authorizes the Administrator to implement the associated staffing. Related staffing would be reduced from four to three FTEs for the time being: a manager, a graphic design specialist, and an engagement planner. The manager would be hired first, and would be involved in hiring for the other two positions. All would be competitively filled. Mr. Wisker intends to proceed as soon as possible, but flexibly. He envisions posting the manager position by the end of March, filling it by May, and posting the graphic designer and engagement planner positions in early July. The District also would be supported by consultant services for the year, which is expected to be quite busy.
Mr. Wisker closed by thanking all those who helped to bring the strategy together, including District staff Kim Labo and Trevor Born; Managers White, Loftus and Miller; the Citizens Advisory Committee; John Himle and Tom Horner; all managers, especially Manager Hejmadi; and the citizens who participated in focus group activities.

Manager Miller moved, Manager Maxwell seconded to adopt Resolution 20-018, as follows:

NOW, THEREFORE, BE IT RESOLVED that the Minnehaha Creek Watershed District Board of Managers hereby adopts the attached report as the strategic direction for MCWD’s outreach program and directs the District Administrator to take the actions necessary to staff the department consistent with the report.

Manager Miller remarked that the strategic document is exceptional, and he expects to see a major change in understanding and acceptance of, and support for, the District. Manager Hejmadi commented on the extraordinary work of District staff.

Upon vote, the motion carried, 7-0.

Administrator’s Report

None.

Adjournment

There being no further business, President White declared the meeting of the Board of Managers adjourned at 7:40 p.m.

Respectfully submitted,

Kurt Rogness, Secretary