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

May 27, 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 7:10 p.m. on May 27, 2021. President White noted that this meeting was convened electronically through Zoom, 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 For this reason, until this determination is withdrawn by the District's presiding officer, chief legal counsel or chief administrative officer, the meetings of the Board and its committees will be convened by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:

24
25 Hejmadi: Present
26 Loftus: Absent
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; Alex Steele, GIS Coordinator; Tom Langer, Aquatic Ecologist;
36 Anna Brown, Planner – Project Manager; Kate Moran, Policy Planning Coordinator; Becky
37 Christopher, Policy Planning Manager; Chris Meehan, Consulting Engineer; Louis Smith,
38 Counsel.

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MATTERS FROM THE FLOOR

42 None.
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APPROVAL OF AGENDA

It was moved by Manager Miller, seconded by Manager Sando to approve the agenda as distributed. Upon roll call vote, the motion carried 6-0 as follows:

- Hejmadi: Aye
- Loftus: Absent
- Sando: Aye
- Miller: Aye
- Olson: Aye
- Maxwell: Aye
- White: Aye

CONSENT AGENDA

It was moved by Manager Miller, seconded by Manager Hejmadi, to approve the consent agenda, consisting of approval of the May 13, 2021 board meeting minutes; the General Checking Account consisting of checks 41538 through 41561 in the amount of \$332,694.74; electronic funds withdrawals in the amount of \$36,159.62; manager per diems and reimbursement direct deposits in the amount of \$3,662.73; employee reimbursements - direct deposits in the amount of \$440.80; and payroll direct deposits in the amount of \$158,623.83; for Total General Checking expenses of \$531,581.72; the surety checking account bank service charge of \$30.00; and electronic fund transfer of \$190,012.50 for land conservation finance; and adoption of the following resolution:

Resolution 21-037: Authorization to Trade in One Vehicle and Purchase a New Vehicle

NOW, THEREFORE, BE IT RESOLVED that the Minnehaha Creek Watershed District Board of Managers approves the trade-in of one District vehicle towards the purchase of a new vehicle of similar make and model, and authorizes the District Administrator to sign the dealership purchase order reflecting same with a not to exceed price of \$17,171.42.

Upon roll call vote, the motion carried, 6-0 as follows:

- Hejmadi: Aye
- Loftus: Absent
- Sando: Aye
- Miller: Aye
- Olson: Aye
- Maxwell: Aye
- White: Aye

91 **REGULAR AGENDA**

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

94

95 President's Report: President White reported that five developers were interviewed for
96 the 325 Blake Road project, and three will be recommended for the joint meeting of the
97 Hopkins City Council and the Board of Managers for consideration. President White also
98 noted her participation in legislative outreach meetings to support the District's
99 application to the Legislative Citizens Commission on Minnesota Resources.

100

101 Citizens Advisory Committee Report: President White reported that she attended the
102 most recent CAC meeting and the focus of discussion was the report of recommendations
103 for the CAC's scope of work. She noted that some CAC members were concerned that
104 the changes could mean that the CAC provides less value and that members of the CAC
105 could see a decline in their working relationships with each other.

106

107 Policy and Planning Committee Report: Manager Miller reported that the Committee
108 heard a presentation from Mr. Wisker concerning an overview of the 2022 budget, noting
109 that the proposal is for a zero increase in the annual tax levy and that the process is on a
110 comfortable schedule.

111

112 President White reviewed the upcoming schedule of meetings as noted in the agenda.

113

114 **Action Items**

115

116 **Resolution 21-038: Authorization of Microsoft 365 Migration and**
117 **Implementation Services**

118

119 Mr. Alex Steele appeared before the Board of Managers and reviewed the request for
120 board action. He explained the purpose and benefits of migrating from a server to
121 Microsoft 365. He discussed the general security precautions, and that there is not a
122 concern for compatibility with other District software which will be maintained on the
123 server.

124

125 ***It was moved by Manager Miller, seconded by Manager Olson to adopt Resolution 21-***
126 ***038 as follows:***

127

128 ***NOW, THEREFORE, BE IT RESOLVED that the Minnehaha Creek***
129 ***Watershed District Board of Managers hereby authorizes vendor services for***
130 ***the migration and implementation of Microsoft 365 for an amount not to***
131 ***exceed \$17,385.00.***

132

133 ***Upon roll call vote, the motion carried, 6-0 as follows:***

134

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135 Hejmadi: Aye
136 Loftus: Absent
137 Sando: Aye
138 Miller: Aye
139 Olson: Aye
140 Maxwell: Aye
141 White: Aye

142

143 Resolution 21-039: Authorization to Contract for 2021 Box Netting in
144 Parley Lake

145

146 Mr. Tom Langer and Ms. Anna Brown appeared before the Board of Managers to review
147 the request for board action.

148

149 *It was moved by Manager Olson, seconded by Manager Miller to adopt Resolution 21-*
150 *039 as follows:*

151

152 *NOW, THEREFORE, BE IT RESOLVED that on the basis of the specific*
153 *experience of Carp Solutions, LLC, and the finding of District staff that the*
154 *contract fee is competitive, the Minnehaha Creek Watershed District Board of*
155 *Managers finds it appropriate to authorize a professional services contract with*
156 *that firm without competitive process;*

157

158 *BE IT FURTHER RESOLVED that the District Administrator is authorized, on*
159 *advice of counsel, to execute a contract with Carp Solutions, LLC, for services*
160 *to remove common carp in Parley Lake within the Six Mile Creek-Halsted Bay*
161 *Subwatershed, consistent with the Lessard-Sams Outdoor Heritage Council*
162 *Grant Accomplishment Plan, in an amount not to exceed \$44,900.*

163

164 Upon a question from Manager Maxwell, Ms. Brown described communications planning for the
165 project so that the public may learn about its success. Upon a question from Manager Sando,
166 Mr. Langer noted the market for carp, and the role of aeration and barriers to prevent a
167 resurgence in the carp population. Upon a question from Manager Miller, Mr. Langer reviewed
168 the data collection process and multiple surveys to develop confidence in the data about the carp
169 population. *Upon roll call vote, the motion carried, 6-0 as follows:*

170

171 Hejmadi: Aye
172 Loftus: Absent
173 Sando: Aye
174 Miller: Aye
175 Olson: Aye
176 Maxwell: Aye
177 White: Aye

178

179 Resolution 021-035: Authorization to Execute a Contract for 54th Street Streambank
180 Investigation

181
182 Ms. Kate Moran appeared before the Board of Managers to review the request for board action.
183 She noted that the City of Edina has requested technical assistance from the District to
184 investigate concerns with streambank stability and the formation of a sandbar within Minnehaha
185 Creek located downstream of the West 54th Street bridge. She noted from the earlier committee
186 discussion that the managers felt this project is best positioned as a pilot demonstration of the
187 District’s responsive model, developing potential projects in response to partner requests.
188 Discussions to date have affirmed that any future requests for MCWD funding relating to this
189 project would be evaluated separately.

190
191 *It was moved by Manager Miller, seconded by Manager Hejmadi to adopt Resolution 21-035*
192 *as follows:*

193
194 ***NOW, THEREFORE, BE IT RESOLVED that the MCWD Board of Managers hereby***
195 ***authorizes the District Administrator, on the advice of counsel, to enter into an***
196 ***agreement with the City as necessary to formalize the City's \$7,000 contribution to the***
197 ***study cost, and to enter into a contract with Inter-Fluve for the 54th Street Streambank***
198 ***Investigation for an amount not to exceed \$38,600.***

199
200 *Upon roll call vote, the motion carried, 6-0 as follows:*

201
202 Hejmadi: Aye
203 Loftus: Absent
204 Sando: Aye
205 Miller: Aye
206 Olson: Aye
207 Maxwell: Aye
208 White: Aye

209
210 **Board Discussion Items**

211
212 MAWD Recommendations for Watershed-Based Implementation Funding

213
214 Ms. Becky Christopher appeared before the Board of Managers and reviewed policy discussions
215 that the Minnesota Association of Watershed Districts has had with the Minnesota Board of
216 Water and Soil Resources concerning watershed-based allocation of Clean Water funds. Ms.
217 Christopher noted that MAWD recommends that funding be distributed to organizations with
218 state approved comprehensive multiyear 103B watershed management plans that deliver on
219 multijurisdictional priorities at a watershed scale. In response to a question from Manager
220 Miller, Ms. Christopher stated that MAWD’s recommendation would result in funding being
221 more stable and predictable. Mr. Wisker stated that he felt MAWD’s recommendation reflected a
222 strong position, especially in contrast to the past approach of BWSR.

223 ***Following discussion, it as moved by Manager Maxwell, seconded by Manager Olson that the***
224 ***staff prepare a letter supporting the MAWD recommendation for review by legal counsel and***
225 ***signature by President White. Upon roll call vote, the motion carried, 6-0 as follows:***

226
227 Hejmadi: Aye
228 Loftus: Absent
229 Sando: Aye
230 Miller: Aye
231 Olson: Aye
232 Maxwell: Aye
233 White: Aye

234

235 COVID-19 Return to Work Discussion

236

237 Mr. Wisker reviewed his memo providing a framework for returning to work in a phased
238 approach. Following discussion, the managers expressed support for Mr. Wisker's approach for
239 staff and also stated that managers would be ready to return to in-person meetings after July 1. ***It***
240 ***was moved by Manager Maxwell, seconded by Manager Sando to express the Board's support***
241 ***for Mr. Wisker's return to work framework as set forth in his memorandum. Upon roll call***
242 ***vote, the motion carried, 6-0 as follows:***

243

244 Hejmadi: Aye
245 Loftus: Absent
246 Sando: Aye
247 Miller: Aye
248 Olson: Aye
249 Maxwell: Aye
250 White: Aye

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252

253 Staff Updates

254

255 Administrator's Report

256

257 Mr. Wisker reported on the following items:

258

- 259 1. Staff is continuing to work with Mr. Carlson on outreach to the Legislative Citizens
260 Commission on Minnesota Resources concerning the District's application for a 2D
261 model.
262
- 263 2. Staff continues to work on the developer selection process for the 325 Blake Road
264 project, and as President White noted, three developers were selected for presentation to a
265 joint meeting of the Hopkins City Council and the Board of Managers. Mr. Wisker
266 expressed his appreciation to the managers for their engagement in this process.

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268 3. Lake Minnetonka is at 929.28 and the Gray's Bay dam was opened on May 14, though
269 discharge is minimal, and the Creek is flowing about 115 cubic feet per second at
270 Hiawatha.

271

272 **Adjournment**

273

274 There being no further business, the meeting of the Board of Managers adjourned at 9:38 p.m.

275

276 Respectfully submitted,

277

278

279

280 Eugene Maxwell

281 Secretary

DRAFT