

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

April 27, 2017

CALL TO ORDER

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

MANAGERS PRESENT

Sherry White, Brian Shekleton, Richard Miller, William Olson, Kurt Rogness, William Becker and Jessica Loftus.

MANAGERS ABSENT

None.

DISTRICT STAFF AND CONSULTANTS PRESENT

Lars Erdahl, Administrator; James Wisker, Planning and Projects Director; Michael Hayman, Planner-Project Manager; Anna Brown, Planner-Project Manager; Becky Christopher, Lead Planner-Project Manager; Louis Smith, Counsel.

MATTERS FROM THE FLOOR

Ms. Sara Sutherland of Drew Avenue South in Minneapolis appeared before the Board of Managers to express her concern with the problem of waste tires. She distributed information and expressed concerns about the hazardous qualities from the various uses of waste tires. The managers thanked Ms. Sutherland for her presentation. *It was moved by Manager Miller, seconded by Manager Rogness to direct the staff and legal counsel to develop a recommendation on the appropriate response for the District concerning this issue. Upon vote, the motion carried, 7-0.*

APPROVAL OF THE AGENDA

Manager Shekleton requested that an additional item be added to Item 8.1 on the agenda, Board Updates, for a report on the Hiawatha Golf Course meetings. *It was moved by Manager Becker, seconded by Manager Miller, to approve the agenda with this addition. Upon vote, the motion carried, 7-0.*

CONSENT AGENDA

It was moved by Manager Shekleton, seconded by Manager Olson, to approve the items in the Consent Agenda, which included the following items: approval of April 13, 2017 Board meeting minutes; approval of the general checking account, checks numbered 38138 to 38205 for a total of \$313,539.17; payroll direct deposits of \$230,637.10; and electronic fund withdrawals totaling \$98,448.18 for total expenses of \$642,624.45; surety account check registers; acceptance of the 325 Blake Road checking account; and the following resolutions:

Resolution 17-060, Authorization to Execute the Development of Schutz Lake Phosphorus Budget as Revised and Distributed on April 27:

NOW, THEREFORE, BE IT RESOLVED that the Minnehaha Creek Watershed District Board of Managers hereby authorize the District Administrator to execute the development of the Schutz Lake phosphorus budget for the cost not-to-exceed \$11,802.

Resolution 17-032, Authorization to Accept Tort Liability Limits:

NOW, THEREFORE, BE IT RESOLVED, that the District does not waive the monetary limits on tort liability established by Minnesota Statutes 466.04 and authorizes the Administrator to advise the LMCIT accordingly.

Upon vote, the motion carried, 7-0.

REGULAR AGENDA

Board, Committee, and Task Force Reports

Board Updates

President's Report:

President White noted possible dates for an upcoming tour of the watershed on May 31 or June 1; she noted plans for the update for policy makers on May 4 in cooperation with the Freshwater Society. She invited Manager Olson to report on the recent meeting of the Metropolitan Chapter of Minnesota Association of Watershed Districts. Manager Olson noted discussion of MAWD organizational issues that will be addressed at the summer tour and the importance of appointing delegates to that meeting. He noted that that the Metropolitan Chapter also received updates from the Department of Natural Resources and the Board of Water and Soil Resources.

Manager Shekleton reported that he and Mr. Wisker and Mr. Hayman recently attended another community meeting about the planning for the Hiawatha Golf Course. He described the meeting as a very successful exercise in community engagement in concept planning for future uses of the golf course site and important progress in this effort.

ACTION ITEMS

Resolution 17-031: Carver County Water Management Organization Boundary Change

Ms. Anna Brown appeared before the Board of Managers and reviewed the request for board action. She described discussions with the Carver County Water Management Organization to consider boundary adjustments that more closely aligned legal and hydrological boundaries of the two organizations, as well as the Riley Purgatory Bluff Creek Watershed District. Ms. Brown reviewed the general nature of the changes. She noted that the net budget impact of these changes would be less than 0.1 percent, reflecting net transfer of area to the Carver County Water Management Organization.

She also stated that continual coordination and cooperation efforts in the Six Mile Creek Subwatershed will be assured through ongoing coordination with Carver County WMO regardless of these boundary changes. Manager Shekleton noted the development pressures in this general area and asked whether boundary of the two watersheds should be revisited on a more frequent basis. Manager Olson asked for further detail which Ms. Brown provided concerning the nature of storm sewer alignment and service drainage. Manager Becker requested that the boundary transfer included a review of any liability or property interest which may be impacted. *It was moved by Manager Shekleton, seconded by Manager Olson to adopt Resolution 17-031 as follows:*

NOW, THEREFORE, BE IT RESOLVED that the Board of Managers supports a boundary adjustment as described in Exhibit A, and authorizes the Board President, on advice of counsel, to sign a petition to BWSR in accordance with Minnesota Statutes to adjust the common boundary of the CCWMO and MCWD.

BE IT FURTHER RESOLVED that the MCWD Administrator is authorized to fulfill all responsibilities of the MCWD to implement the boundary adjustment as approved by BWSR.

Upon vote, the motion carried, 7-0.

BOARD DISCUSSION ITEMS

MAWD Update-Strategic Plan, Transition, Summer Tour and Meeting

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Mr. Perry Forester, President of the Riley Purgatory Bluff Creek Watershed District Board of Managers appeared before the Board and reviewed the Strategic Planning process for MAWD. He noted the upcoming retirement of the MAWD Executive Director Ray Bohn, and the general transition plan for the hiring of a new executive director, as well as lobbying assistance. The managers discussed with Mr. Forester the range of alternatives, including contracting with a firm for management of the association and legislative representation; the various advantages of a full time administrator to attend to needs of MAWD throughout the year; and budgetary issues. Mr. Forester explained that the transition plan would be considered at the MAWD summer tour in June. The managers thanked Mr. Forester for his presentation and his efforts with this strategic planning process.

445 Brown Road Agreement

Ms. Renae Clark appeared before the Board of Managers and clarified that this matter is presented for information only, with action at an upcoming Board meeting in May. Ms. Clark reviewed the environmental site assessment and exploration of easement terms at this site to achieve District objectives. She explained that in the past, District objectives had not been achievable due to a lack of available land, but new availability of this site presents a good opportunity for the District. The managers thanked Ms. Clark for her presentation.

Comprehensive Plan Update

Ms. Becky Christopher appeared before the Board of Managers and reviewed the status of the process to update the District's Comprehensive Plan. She reviewed the upcoming schedule for the next few months, with a goal of a draft to be released on or about June 8.

Election of MAWD Delegates

President White invited the Board to elect delegates to the MAWD meeting at the summer tour in June. ***It was moved by Manager Shekleton, seconded by Manager Miller, to select President White and Manager Olson as delegates, and Manager Rogness as an alternate. Upon vote, the motion carried, 7-0.***

STAFF UPDATES

Administrator's Report

Mr. Erdahl reported on press coverage of 50th anniversary events and noted the upcoming events in the series. He said the *StarTribune* ran a story on Methodist Hospital flood wall project in response to efforts by MCWD staff, and the Mound Laker is doing a profile on MCWD's work there and a separate story on the Six Mile Creek subwatershed carp assessment results. The *South Lake Neighbors* magazine will run quarterly articles

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prepared by MCWD. The magazine serves Shorewood, Excelsior, Greenwood, Deephaven and Tonka Bay. MCWD's new communications coordinator, Sarah Bihmani, starts Monday.

Mr. Erdahl reported that hydroseeding of vertical vegetated walls took place today at the Bushaway Road project, which should be completed soon. Public notice has been issued for an Edina meeting, and the Board of Water and Soil Resources has issued information on performance based grant funding. Riley-Purgatory-Bluff Creek Watershed District is taking the lead in pursuing a corrective boundary change with MCWD and other watersheds.

The managers thanked Mr. Erdahl for his report.

The regular meeting of the Board of Managers was adjourned at 8:31 p.m.

Closed Session/Executive Committee Meeting/Administrator Performance Evaluation

President White noted that the Executive Committee had convened briefly at 6:00 p.m. and continued its meeting until after the Board of Managers meeting for the purpose of discussing the Administrator's performance review. Following the closed session of the Executive Committee, the Executive Committee adjourned at 8:59 p.m.

Respectfully submitted,



Kurt Rogness, Secretary