



Title: Authorize Seasonal Closure of the Minnehaha Preserve Boardwalk

Resolution number: 22-069

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Reviewed by: Name/Title: Chuck Holtman, Legal Counsel

Recommended action: Authorize the seasonal closure of the Minnehaha Preserve boardwalk system to ensure safety is upheld during the winter months when ice and snow create a more difficult environment for potential users to traverse and for MCWD to inspect and maintain. This closure is recommended in accordance with MCWD's inspection and repair policy.

Schedule: November/December 2022: At each boardwalk entry point, install 2x4 wood barriers shaped as an "X" and signage identifying the closure.

Budget considerations: No specific funding request at this time.

Past Board action:

Res # 17-028	Approval of Minnehaha Preserve Operations and Maintenance Plan
Res # 20-089	Authorize Seasonal Closure of the Minnehaha Preserve Boardwalk
Res # 21-022	Adoption of a Revised Interim Maintenance Protocol for the Minnehaha Preserve Boardwalk
Res # 21-079	Authorize Seasonal Closure of the Minnehaha Preserve Boardwalk
Res # 22-031	Adoption of a Revised Interim Maintenance Protocol for the Minnehaha Preserve Boardwalk

Summary:

The Minnehaha Preserve Boardwalk was constructed in 2014 as part of the Minnehaha Preserve (Reach 20 Stream Restoration) capital project. In April of 2017, the Minnehaha Preserve Operations and Maintenance Plan (Plan) was approved by the Board to fulfill conditions of the Second Cooperative Agreement between Minnehaha Creek Watershed District (MCWD) and the City of St. Louis Park. The Plan outlines specific roles and responsibilities for the periodic and long-term maintenance of project elements associated with the project. Maintenance of the boardwalk is solely the responsibility of MCWD, as owner, and provides MCWD discretion in elements such as seasonal maintenance and public access.

On April 28, 2022, the Board of Managers adopted a revised interim maintenance protocol (Res # 22-031) which consisted of bi-weekly inspections of the surface structures, marking boards with signs of deterioration with fluorescent orange spray paint, patching holes with plywood, and posting signage. Staff employed these measures as it determined appropriate based on the setting to alert users to deteriorating decking material. To assist staff with implementation of the maintenance protocol, a contract with Stantec was executed for inspection and maintenance services.

Spring through fall 2022, the revised interim maintenance protocol has allowed MCWD to limit public safety risk, while preserving public use of the boardwalk and efficiently using public funds. To date, staff has performed periodic inspections of the boardwalk in addition to the regular execution of the interim maintenance protocol contracted to Stantec. However, as the 2022-2023 winter season approaches, staff is again recommending closure of the system for user safety during the winter months. Over the winter months, ice and snow create a challenging surface to traverse

when accumulation occurs on top of safety markings (fluorescent paint) and decking boards which have been patched with plywood, making it difficult for potential users to know what the condition of the surface is below their feet. These measures have been protective to date during the winter season, when there is less demand for public use during the winter.

Staff recommends authorizing the seasonal closure of the Minnehaha Preserve boardwalk system for the winter of 2022-2023 to limit safety and liability concerns while the MCWD works towards reconstruction of the boardwalk system. Similar to the closures over the 2021-2022 winter, each boardwalk entrance will have a wood barrier constructed with 2x4s shaped in an "X" and signage affixed to each of the seven boardwalk trail entry points. These closures and signs will remain in place until reconstruction of the boardwalk begins. Reconstruction of the boardwalk system is anticipated to occur from December 2022 through March 2023; and boardwalk system will remain closed during the entire period of the reconstruction.



RESOLUTION

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- WHEREAS the Minnehaha Creek Watershed District (MCWD) engages in regional capital improvement projects as described in its Water Resources Management Plan and in 2013-2014 constructed the Minnehaha Preserve project ("Project") on the Minnehaha Greenway in St. Louis Park;
- WHEREAS these facilities require routine inspection and regular maintenance to continue functioning as designed, to limit loss of public use and to prevent safety hazard in areas with public access;
- WHEREAS MCWD entered into a cooperative agreement with the City of St. Louis Park to maintain the Project, and the cooperative agreement as well as the 2017 Operations and Maintenance Plan assign specific maintenance responsibility and frequency of inspection and maintenance to each entity;
- WHEREAS the Project Maintenance and Land Management (PMLM) Program annually budgets for, inspects, and maintains MCWD projects, infrastructure, and lands;
- WHEREAS through the PMLM Manual, regular maintenance is guided by inspection of specific project elements and annualized cost associated with this maintenance is budgeted through the annual PMLM budget process;
- WHEREAS On April 22, 2022, the Board of Managers adopted a revised interim maintenance protocol that consists of bi-weekly inspections of surface structures, marking boards with signs of deterioration with fluorescent orange spray paint, patching holes with plywood, posting signage, and other similar measures as staff may determine appropriate, on the basis of the setting, to alert users to deteriorating decking material;
- WHEREAS the interim maintenance protocol protects public safety while giving consideration to MCWD interests including the nature and extent of materials deterioration, the benefit of maintaining public use of the boardwalk, cost, and MCWD's upcoming reconstruction of the facility's wood materials;
- WHEREAS seasonal closure of the boardwalk system, with physical barriers and signage to warn of uneven surface, and otherwise in accordance with the prior-year winter closure protocol, is an appropriate decision at this time based on limited winter use and the importance of protecting user safety during winter months, when ice and snow may accumulate over safety markings and decking board patching, rendering it difficult for potential users to know the condition of the surface below their feet;

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

Resolution Number 22-069 was moved by Manager _____, seconded by Manager _____. Motion to adopt the resolution ___ ayes, ___ nays, ___ abstentions. Date: 11/3/2022

Secretary Date: November 3, 2022

DRAFT