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3 **MINUTES OF THE REGULAR MEETING OF**
4 **THE MINNEHAHA CREEK WATERSHED DISTRICT**
5 **BOARD OF MANAGERS**
6

7 **December 18, 2014**
8

9 **CALL TO ORDER**

10
11 The regular meeting of the Minnehaha Creek Watershed District Board of Managers was called
12 to order by President Sherry White at 6:45 p.m. at the District offices, 15320 Minnetonka
13 Boulevard, Minnetonka, Minnesota 55345.
14

15 **MANAGERS PRESENT**

16
17 Sherry Davis White, James Calkins, Richard Miller, Pam Blixt, Jeffrey Casale, William Olson,
18 and Brian Shekleton.
19

20 **MANAGERS ABSENT**

21
22 None.
23

24 **OTHERS PRESENT**

25
26 Jeff Spartz, Interim District Administrator; Darren Lochner, District Education Program
27 Manager; Chris Meehan, Assistant District Consulting Engineer; Tiffany Schaufler, District
28 Project and Land Program Manager; Craig Dawson, District AIS Director; and Louis Smith,
29 District Counsel.
30

31 **MATTERS FROM THE FLOOR**

32
33 None.
34

35 **APPROVAL OF AGENDA**

36
37 President White noted the presence of Mr. Gabriel Jabbour to make a presentation on aquatic
38 invasive species and boat design; and Ms. Aimee Gourlay to discuss potential mediation for the
39 Board of Managers. She recommended that the agenda be amended to include both of these
40 presentations at the beginning of the meeting. Manager Blixt requested that item 4.2, Nokomis-
41 Hiawatha Master Plan Comments, be added to the Discussion agenda. Manager Shekleton asked
42 that item 4.3 Human Resources Audit Update, be added to the Discussion agenda. *It was moved*
43 *by Manager Miller, seconded by Manager Calkins, to approve the agenda with these changes.*
44 *Upon vote, the motion carried, 5 0 (Managers Olson and Casale absent).*
45
46

47 Aquatic Invasive Species and Boat Design

48
 49 Mr. Gabriel Jabbour appeared before the Board of Managers and reported on his efforts to
 50 organize a summit meeting on the design and construction of boats in consideration of aquatic
 51 invasive species. (Manager Olson arrived at this point in the meeting, 6:47 p.m.) Mr. Jabbour
 52 noted that a summit would be held in Los Vegas, Nevada on January 27-28, 2015, and this
 53 summit of the American Boat and Yacht Council would be co-sponsored by the United States
 54 Fish and Wildlife Service, the Minnesota Department of Natural Resources, the National Marine
 55 Manufacturers Association, and Tonka Bay Marina. The managers thanked Mr. Jabbour for his
 56 leadership and hard work in organizing this summit, and Mr. Jabbour thanked the Managers for
 57 their support as well.

58
 59 Board of Managers Mediation Process

60
 61 President White noted that at the meeting of December 11, the Board of Managers voted to
 62 approve the Administrator’s recommendation to interview Ms. Aimee Gourlay as a
 63 recommended mediator to address Board issues. Ms. Gourlay appeared before the Board of
 64 Managers and described her mediation experience and general approach to the mediation
 65 process. In response to a question from President White, she described how this process works
 66 within the confines of the open meeting law and the data practices act. She stated that the Office
 67 of Dispute Resolution would provide for the initial development of a scope of services.

68
 69 ***Following discussion, it was moved by Manager Shekleton, seconded by President White, to***
 70 ***approve the selection of Ms. Gourlay to begin the development of a scope of services for***
 71 ***mediation through the support of The Office of Dispute Resolution. Upon roll call vote, the***
 72 ***Managers voted as follows:***

73
 74

	<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
Pam Blixt	X			
James Calkins		X		
Jeffery Casale				X
Richard Miller	X			
William Olson		X		
Brian Shekleton	X			
Sherry Davis White	X			

75
 76 ***Upon vote, the motion carried, 4-2-1.***

77
 78 **CONSENT AGENDA**

79
 80 Manager Miller reported that he is working as Treasurer with the staff to consolidate the surety
 81 account into the general checking register, with a goal of all checks being signed by Board

82 members, not staff. Mr. Smith pointed out that there are escrow agreements and a general policy
83 of segregating surety deposits, and Manager Miller indicated that he and staff would continue to
84 work with legal counsel to address this process.
85

86 *It was moved by Manager Miller, seconded by Manager Blixt to approve the consent agenda,*
87 *consisting of approval of the December 11, 2014, minutes of the meeting of the Board of*
88 *Managers; approval of the check register for the surety account and the general checking*
89 *account, the latter including checks 35139 through 35230 for a total of \$376,646.98, payroll*
90 *direct deposits totaling \$195,127.17 and electronic fund withdrawals totaling \$140,394.63 for a*
91 *total expense amount for the period November 21 through December 18, 2014 of \$712,168.78;*
92 *acceptance of the 325 Blake Road checking account report; the acceptance of the cost share*
93 *low impact development 2015 work plan, and the adoption of the following resolutions:*
94

95 **Resolution 14-102, Approval of Cynthia Krieg Watershed Stewardship Fund Grant**
96 **Applications for the 2015 Funding Cycle**
97

98 *THEREFORE, BE IT RESOLVED, that the Minnehaha Creek Watershed*
99 *District Board of Managers have considered the Citizen Advisory Committee*
100 *recommendations and hereby authorize funding ten applications, pending*
101 *compliance with district policies, for a total of \$125,000, from the Cynthia Krieg*
102 *Watershed Stewardship Fund Program as follows; and*
103

104 *BE IT FURTHER RESOLVED, that the District Administrator be authorized to*
105 *sign the appropriate agreements with each funding recipient; and*
106

107 *BE IT FINALLY RESOLVED that if Minnehaha Creek Watershed District*
108 *permits are required, that they be applied for and approved before the release of*
109 *funding.*
110

111 **Resolution 14-095, 2015 MCWD Meeting Schedule**
112

113 *BE IT RESOLVED that the Minnehaha Creek Watershed District Board of*
114 *Managers hereby approves the following 2015 meeting schedule. Unless*
115 *otherwise posted, Committee Meetings, Workshops, and Board Meetings will*
116 *start at 6:45 P.M. Executive meetings are held at 5:30 pm and are scheduled as*
117 *needed prior to Board meetings.*
118

January 8, 2015	Operations and Programs Committee
January 15, 2015	Executive Meeting/Board Workshop
January 22, 2015	Policy and Planning Committee
January 29, 2015	Board Meeting
February 5, 2015	Operations and Programs Committee

Minutes of the Regular Meeting
Minnehaha Creek Watershed District
Board of Managers
12-18-2014

February 12, 2015	Board Workshop
February 19, 2015	Policy and Planning Committee
February 26, 2015	Board Meeting
March 5, 2015	Operations and Programs Committee
March 12, 2015	Board Workshop
March 19, 2015	Policy and Planning Committee
March 26, 2015	Board Meeting
April 2, 2015	Operations and Programs Committee
April 9, 2015	Executive Meeting/Board Workshop
April 16, 2015	Policy and Planning Committee
April 23, 2015	Board Meeting
April 30, 2015	Board Retreat
May 7, 2015	Operations and Programs Committee
May 14, 2015	Board Workshop
May 21, 2015	Policy and Planning Committee
May 28, 2015	Board Meeting
June 4, 2015	Operations and Programs Committee
June 11, 2015	Board Workshop
June 18, 2015	Policy and Planning Committee
* June 25,	2015 Board Meeting
	<i>*May be rescheduled due to MAWD Annual Summer Tour</i>
July 2, 2015	Operations and Programs Committee
July 9, 2015	Executive Meeting/Board Workshop
July 16, 2015	Policy and Planning Committee
July 23, 2015	Board Meeting
July 30, 2015	Board Retreat
August 6, 2015	Operations and Programs Committee
August 13, 2015	Board Workshop
August 20, 2015	Policy and Planning Committee
August 27, 2015	Board Meeting
September 3, 2015	Operations and Programs Committee
September 10, 2015	Board Workshop
September 17, 2015	Policy and Planning Committee
September 24, 2015	Board Meeting
October 1, 2015	Operations and Programs Committee
October 8, 2015	Board Workshop
October 15, 2015	Policy and Planning Committee
October 22, 2015	Board Meeting
October 29, 2015	Board Retreat
November 5, 2015	Operations and Programs Committee
November 12, 2015	Executive Meeting/Board Workshop
November 19, 2015	Board Meeting

***Policy and Planning Committee Canceled due to Thanksgiving**

December 10, 2015

Board Workshop

***Operations and Programs Committee Canceled due to MAWD Annual Meeting**

December 17, 2015

Board Meeting

***Policy and Planning Committee canceled due to Christmas**

119

120 **Resolution 14-103, Approval to Amend the Agreement between Three Rivers Park District**
121 **and MCWD to Perform Analytical Laboratory Services of *Escherichia coli* (*E. coli*)**
122 **Analysis from April 2015 through October 2016**

123

124

125

126

127

128

129

NOW, THEREFORE, BE IT RESOLVED that the Minnehaha Creek Watershed District Board of Managers; hereby authorizes the District Administrator to amend the agreement with Three Rivers Park District's analytical laboratory to provide Escherichia coli sample analysis services from April 2015 through October 2016.

130

131

132

133

Resolution 14-104, Authorization to amend the Reach 20 Restoration construction contract with Blackstone Contractors to perform flood damage repair

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137

138

THEREFORE BE IT RESOLVED that the Minnehaha Creek Watershed District Board of Managers authorizes use of 2015 maintenance and repair funds for additional streambank stabilization as part of the Reach 19-21 Restoration Project; and

139

140

141

142

143

BE IT FURTHER RESOLVED that the Board hereby authorizes the MCWD administrator, on advice of counsel, to execute one or more change orders necessary to complete streambank stabilization work in an amount not to exceed budgeted 2015 maintenance and repair funds for the project.

144

145

146

Resolution 14-105, Authorization to execute a Memorandum of Understanding with Great River Greening

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150

NOW, THEREFORE, BE IT RESOLVED that the MCWD Board of Managers hereby authorizes the District Administrator to execute the attached MOU with Great River Greening, on advice of legal counsel; and

151

152

153

BE IT FURTHER RESOLVED that the MCWD Board of Managers hereby authorizes non-substantive revisions to the MOU on advice of legal counsel.

154 *Upon vote, the motion carried, 7-0.*

155

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

157

158 President White noted the upcoming meeting and events schedule as set forth in the agenda.

159

160 Nokomis-Hiawatha Master Plan Comment

161

162 Manager Blixt noted that the Nokomis-Hiawatha Park is in her neighborhood, and that in the past
163 advisory comments had not always been representative of concerns in the neighborhood.

164 (Manager Casale arrived at this point in the meeting, 7:16 p.m.) Manager Blixt noted the

165 importance of continuing to seek comments from the Latino community and others with various

166 perspectives on park and beach issues. ***It was moved by Manager Blixt, seconded by Manager***

167 ***Shekleton, to approve the proposed staff comments with this understanding. Upon vote, the***

168 ***motion carried, 7-0.***

169

170 Human Resources Audit Update

171

172 Manager Shekleton thanked the staff for impressive work in improving human resources policies

173 and procedures. Mr. Spartz and Mr. David Mandt appeared before the Board of Managers and

174 provided a brief review of these activities. In response to a question from Manager Olson, Mr.

175 Mandt explained how the compensation and class study, previously approved by the Board of

176 Managers and retroactive to April 1, related to these issues.

177

178 Manager Blixt asked about the process for updating the employee handbook, and Mr. Mandt

179 described the process of updating the draft and reviewing all related policies. He indicated that

180 the staff has a goal of presenting the updated documents to the Board of Managers in the first

181 quarter of 2015. The managers thanked Mr. Mandt for this work.

182

183 Revisions to Citizens Advisory Committee Bylaws

184

185 Mr. Darren Lochner appeared before the Board of Managers and noted that the Citizens

186 Advisory Committee had voted on November 12 to adopt revisions to its bylaws, now presented

187 to the Board of Managers for acceptance.

188

189 President White noted that Article 4 Sections 7 and 8 seemed to be inconsistent with the role of

190 the Board of Managers in appointing CAC members. She noted further that Article 5, Section 2

191 appears to provide a role in expend approvals that also is inconsistent with the fact that the CAC

192 does not have authority to expense funds. ***Following discussion, it was moved by Manager***

193 ***Shekleton, seconded by President White, to refer the bylaws back to the Citizens Advisory***

194 ***Committee with these comments, requesting that legal counsel work with staff so that the***

195 ***bylaws conform to statutory requirements. Upon vote, the motion carried, 7-0.***

196

197 Interim Administrator Contract

198
199 Manager Miller stated that he had requested this extension to Mr. Spartz' contract serving as
200 Interim Administrator, so that Mr. Spartz could continue to serve for the first six weeks of 2015.
201 *Following discussion, it was moved by Manager Miller, seconded by Manager Shekleton to*
202 *approve the contract extension for an amount not to exceed \$10,000.*

203
204 Manager Blixt suggested that this item be addressed at the next meeting, as she had not received
205 notice of this item. *Upon vote, the motion carried, 6-1 (Blixt).*

206
207 **BOARD DISCUSSION ITEMS**

208
209 2014 Flood Reports Status Update

210
211 Ms. Tiffany Schaufler appeared before the Board of Managers and provided a status report on
212 the District's development of a response plan to the flooding in 2014. Manager Miller thanked
213 Ms. Schaufler for her report and stated that the overall response was very impressive. Manager
214 Shekleton asked whether these flooding events are being calibrated to the District's models, and
215 Mr. Meehan replied that that is the case. The managers thanked Ms. Schaufler for her report.

216
217 Administrator's Report

218
219 Mr. Spartz introduced Mr. Craig Dawson to provide an update on the remediation of zebra
220 mussels at Christmas Lake. The managers discussed monitoring these remediation activities,
221 ongoing public access issues, and restoration of vegetation. The managers thanked Mr. Dawson
222 for this report.

223
224 Mr. Spartz noted that the vacancy in the Regulatory Department is likely to be filled by an
225 internal candidate. He also noted the preview of the 2015 routine administrative items.

226
227 **ADJOURNMENT**

228
229 There being no further business, the regular meeting of the Board of Managers was adjourned at
230 8:02 p.m.

231
232 Respectfully submitted,

233
234
235
236 Jeffery Casale
237 Secretary