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2
3 **MINUTES OF THE REGULAR MEETING OF**
4 **THE MINNEHAHA CREEK WATERSHED DISTRICT**
5 **BOARD OF MANAGERS**
6

7 **October 23, 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; James Wisker, District Director of Planning, Project
27 and Land Conservation Programs; Renae Clark, Projects Manager; Michael Hayman, District
28 Planning Specialist; Brandon Wisner, District Technician/Compliance Officer; Craig Dawson,
29 District AIS Director; Telly Mamayek, District Communications Director; Darren Lochner,
30 District Education Manager; Courtney Hall, District Technician/Wetland Specialist; Kelly
31 Dooley, District Water Quality Specialist; Tom Dietrich, District Representative; Michael
32 Panzer, District Consulting Engineer, Chris Meehan, Assistant District Consulting Engineer and
33 Louis Smith, District Counsel.
34

35 **MATTERS FROM THE FLOOR**

36
37 Mr. Bob Carney appeared before the Board of Managers and presented a written statement
38 expressing concern about the lack of detail in minutes of the meeting of May 8, 2014. Mr.
39 Carney noted that the discussion of the District's purchase of land at 325 Blake Road was
40 summarized very briefly, and that it is fortunate that an audio recording is available.
41

42 Mr. Captain Jack Sparrow appeared before the Board of Managers and stated that he is a
43 candidate for Hennepin County Commissioner. He provided a written statement and expressed
44 his concern about Manager Shekleton's relationship as a Policy Aide to County Commissioner
45 Peter McLaughlin, as well as a concern about how and why the District purchased this land and
46 its relationship to the proposed Southwest Light Rail Transit Project. Mr. Sparrow asked that

47 open session tape recordings of the Watershed District Board of Managers be made available
 48 online back to at least January of 2010. President White thanked Mr. Carney and Mr. Sparrow
 49 for their comments.

50
 51 (Manager Casale arrived at this point in the meeting, 6:48 p.m.)

52
 53 **APPROVAL OF AGENDA**

54
 55 *It was moved by Manager Miller, seconded by Manager Shekleton, to approve the agenda as*
 56 *distributed. Upon vote further discussion, it was moved by Manager Miller, seconded by*
 57 *Manager Shekleton, to amend this motion by adding item 12.1, Governance discussion. A roll*
 58 *call vote was requested, and Managers voted as follows on the amendment:*

59
 60

	<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			

61
 62 *Upon vote, the amendment carried, 7-0.*

63
 64 Mr. Smith requested that the agenda be amended to add item 11.7, Comments on Proposed
 65 Revisions to Minnesota Rule Chapter 8410. *It was moved by Manager Miller, seconded by*
 66 *Manager Shekleton, to amend the motion by adding this item as 11.7 to the agenda. Upon roll*
 67 *call vote, the managers voted as follows on the amendment:*

68
 69

	<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			

70
 71 *Upon vote, the amendment carried, 7-0.*

72
 73 The Managers voted on the motion to approve the agenda as amended, and upon roll call voted
 74 as follows:

75

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

77
 78 *Upon vote, the motion as amended carried, 7-0.*

79
 80 **CONSENT AGENDA**

81
 82 Manager Shekleton requested that the check register be pulled. Manager Casale requested that
 83 the minutes of October 9 be pulled, and that item 7.1, recommendations to approve posting the
 84 District Administrator position, be pulled. Manager Calkins requested that item 7.2,
 85 recommendation to approve the District Administrator job description, be pulled. *It was moved*
 86 *by Manager Olson, seconded by Manager Calkins to approve the remaining item on the*
 87 *consent agenda, the reconsideration and revision of the minutes of June 26, 2014. Upon roll*
 88 *call vote, the Managers voted as follows:*

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

91
 92 *Upon vote, the motion carried, 7-0.*

93
 94 **REGULAR AGENDA**

95
 96 Board Committee and Task Force Reports

97
 98 President White suggested that a report on the Citizens Advisory Committee (CAC) meeting be
 99 added to the agenda, and managers agreed to this change by unanimous consent.

100
 101 President White noted that the Watershed Heroes event had been a tremendous success, and she
 102 thanked the staff for their hard work on this event.

103
 104

105 Metro MAWD:

106

107 Manager Blixt reported that she attended the meeting of the Metropolitan Chapter of the
108 Minnesota Association of Watershed District (MAWD) at the new offices of the Riley Purgatory
109 Bluff Creek Watershed District (RPBCWD). The Minnesota Pollution Control Agency (MPCA)
110 made a presentation on chloride impairments, and she noted the tension between water quality
111 and the liability and safety issues associated with snow and ice management. Manager Blixt
112 noted that the proposed revisions to Chapter 8410 were also discussed, along with the current
113 rulemaking in the RPBCWD. Manager Blixt also noted the upcoming annual meeting of the
114 MAWD in December.

115

116 Citizens Advisory Committee:

117

118 Manager Olson reported that the CAC meeting included a review of cost share projects,
119 discussion of the CAC bylaws, and other motions, which did not pass.

120

121 Upcoming Meetings

122

123 President White noted that the Board of Managers would hold a retreat meeting at St. Mary's
124 Orthodox Church on October 30 at 5:30 p.m.

125

126 **ACTION ITEMS**

127

128 Resolution 14-084, Approval of Compensation and Class Plan

129

130 Mr. David Mandt appeared before the Board of Managers and stated that Springsted has
131 prepared compensation recommendations for the MCWD staff based on previous direction from
132 the Board of Managers on February 24 and May 29, 2014. Mr. Mandt introduced Ms. Julie Urell
133 to review the recommendations from Springsted's Compensation and Classification System
134 Study. Ms. Urell noted that the MCWD minimum salaries are, on average 13.68 percent below
135 the market, midpoint salaries are 11.34 percent below and the maximum of the salary ranges are
136 9.66 percent below the average maximums reported by the survey participants. Ms. Urell also
137 noted that the current benefit plan for District staff is very competitive. In response to questions
138 from Managers Shekleton and Olson, Ms. Urell explained these ranges in greater detail.

139

140 Manager Blixt noted that past salary increases had been modest for several years, and seemed at
141 the time to be in keeping with other local units of government. She was curious how the MCWD
142 salaries had fallen behind, and how the range could be maintained in the future. Manager Miller
143 noted that he felt the gap could have been a function of the use of step raises by other local units
144 of government. ***It was moved by Manager Casale, seconded by Manager Miller, to adopt***
145 ***Resolution 14-084, adopting the 2014 classification and compensation study, as follows:***

146

147

148 ***NOW, THEREFORE, BE IT RESOLVED, that the MCWD Board of Managers***
 149 ***hereby adopts the 2014 the Compensation and Class Study included herein, and***
 150 ***directs the District Administrator to work with Springsted and the Management***
 151 ***Team to make the necessary salary adjustments retroactive to April 1, 2014.***

152
 153 ***BE IT FURTHER RESOLVED, that the MCWD Board of Managers directs***
 154 ***the District Administrator to develop and implement a 2015 performance pay***
 155 ***plan for use in any adjustments that are determined for the 2014 performance***
 156 ***reviews.***

157
 158 Manager Calkins noted that private employers appeared not to have responded generally to the
 159 salary survey, and asked for more explanation. Ms. Urell noted that most of the private
 160 employers typically do not provide detailed information on salary ranges. Mr. Mandt noted that
 161 an effort had been made to try to obtain this market information. Manager Calkins asked about
 162 the total financial impact of the recommended changes, and Mr. Mandt noted that the proposed
 163 changes had been reviewed with the Auditor and fall within the budget increase for staff
 164 compensation in 2015.

165
 166 Manager Casale noted that he was concerned about losing staff in the past due to salary
 167 competition and appreciated this more intensive effort and a compensation study. Manager Blixt
 168 stated that she felt staff had been hired away and received higher salaries for positions that
 169 reflected different responsibilities than the positions they held with the District. Manager Casale
 170 stated that he disagreed with this assessment and felt that it would be important to continue a
 171 market review of salaries every two years.

172
 173 ***Upon roll call vote on the motion to adopt resolution 14-084, the managers voted as follows:***
 174

175

	<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			

176
 177 ***Upon vote, the motion carried, 7-0.***
 178

179 Resolution 14-085, Approval of Project Design, Authorization to Solicit Bids, and Approval of
 180 Permit 14-430 for Long Lake Creek Corridor Improvements – Phase II Restoration Project
 181

182 Mr. Michael Hayman appeared before the Board of Managers and provided an overview of the
 183 project. Mr. Brandon Wisner appeared before the Board of Managers and provided a review of
 184 the permit report. He noted that this project had been reviewed by the Board of Managers at its

185 meeting on October 9. Mr. Wisner invited further comments from legal counsel, Mr. Smith. Mr.
 186 Smith stated that in cases where the District is constructing its own project, it is important to
 187 keep in mind the separate functions of regulating this activity, and developing, designing, and
 188 constructing the work. Mr. Smith further stated that the District Wetland Protection Rule does
 189 require buffer on public waters wetlands, but the requirement does not apply here because none
 190 of the rules that trigger the buffer requirement are triggered (wetland protection, stormwater,
 191 waterbody crossings, or new principal residential structure construction).

192
 193 *It was moved by Manager Olson, seconded by Manager Calkins to adopt resolution 14-085, as*
 194 *follows:*

195
 196 **Resolution, 14-085, Approval of Project Design, Authorization to Solicit Bids, and**
 197 **Approval of Permit 14-430 for Long Lake Creek Corridor Improvements – Phase II**
 198 **Restoration Project**

199
 200 ***NOW THEREFORE BE IT RESOLVED, the Minnehaha Creek Watershed***
 201 ***District Board of Managers hereby approves the final design for the Long Lake***
 202 ***Creek Corridor Improvements – Phase II project and authorize the District***
 203 ***Administrator to solicit public bids for construction;***

204
 205 ***BE IT FURTHER RESOLVED, the Board of Managers hereby approves***
 206 ***MCWD Permit 14-430 for erosion control, floodplain alteration, wetland***
 207 ***protection, dredging, and shoreline and streambank stabilization for the Long***
 208 ***Lake Creek Corridor Improvements – Phase II project;***

209
 210 ***BE IT FINALLY RESOLVED, the Board of Managers authorizes the District***
 211 ***Administrator to execute a contract for dewatering services in an amount not-***
 212 ***to-exceed \$15,000.***

213
 214 Upon a question from Manager Miller, Mr. Hayman provided further background of the various
 215 phases and elements considered in this project. Mr. James Wisker appeared before the Board of
 216 Managers and stated that District staff is still working on other future opportunities in this area.

217
 218 *Upon roll call vote, the managers voted on Resolution 14-085 as follows:*

219
 220

	<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			

222 *Upon vote, the motion carried, 6-0.*

223

224 Resolution 14-086, Final Approval of Powell Road Stormwater Diversion Project Design, City
225 of Hopkins and St. Louis Park Project Agreements, Project Easement, MCWD Permit and
226 Authorization to Solicit Bids for Construction

227

228 Ms. Renae Clark appeared before the Board of Managers and reviewed the request for board
229 action. Upon request from Manager Shekleton, Ms. Clark reviewed the respective interest of the
230 Soo Line Railroad and the Hennepin County Regional Rail Authority in reviewing the project.
231 Upon a question from Manager Calkins, Ms. Clark explained how the stormwater facility pipe
232 location was determined. Mr. Wisker and Mr. Panzer further reviewed the plans for the
233 stormwater facilities on the site.

234

235 *It was moved by Manager Calkins, seconded by Manager Shekleton, to adopt Resolution 14-*
236 *086, as follows:*

237

238 **Resolution, 14-086, Authorization to Accept Utility Occupation License for Powell Road**
239 **Pipe Diversion Project**

240

241 ***NOW THEREFORE BE IT RESOLVED, the Minnehaha Creek Watershed***
242 ***District Board of Managers hereby approves the 90% design for the Powell***
243 ***Road stormwater diversion project and authorizes staff to complete the design***
244 ***consistent with the 90% design and technical comments from the City of***
245 ***Hopkins, City of St. Louis Park and the PSIG review, which comments do not***
246 ***materially affect the current engineers cost estimate.***

247

248 ***BE IT FURTHER RESOLVED, the Board of Managers hereby approves the***
249 ***Cooperative Agreement with the City of Hopkins and authorizes the District***
250 ***Administrator, on advice of Counsel to execute the agreement. The***
251 ***Administrator, on advice of counsel, may make minor, non-substantive changes***
252 ***to the agreement as may be requested by the City.***

253

254 ***BE IT FURTHER RESOLVED, the Board of Managers hereby approves the***
255 ***Cooperative Agreement with the City of St. Louis Park and authorizes the***
256 ***District Administrator, on advice of Counsel to execute the agreement. The***
257 ***Administrator, on advice of Counsel, may make minor, non-substantive***
258 ***changes to the agreement as may be requested by the City.***

259

260 ***BE IT FURTHER RESOLVED, the Board of Managers hereby approves***
261 ***MCWD Permit 14-433 for erosion control for the Powell Road stormwater***
262 ***diversion project.***

263

264 ***BE IT FURTHER RESOLVED, the Board of Managers hereby authorizes the***
265 ***District Administrator to solicit public bids for construction.***

266
 267
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 274

BE IT FURTHER RESOLVED, the Board of Managers hereby authorizes the District President, upon advice of counsel, to sign, accept and record an easement from Alex Ugorets in order to reflect the change in the ownership of project lands adjacent to Soo Line Railroad corridor.

Upon roll call vote, the managers voted as follows:

	<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			

275
 276
 277

Upon vote, the motion carried 7-0.

278 Resolution 14-087, Authorization to Execute a Memorandum of Understanding with Park
 279 Nicollet Health Services

280
 281
 282
 283
 284
 285

Mr. James Wisker appeared before the Board of Managers and reviewed the request for board action. He stated that this proposed MOU reflected a continuation of collaborate efforts with Methodist Hospital and Park Nicollet, and showed the value of early coordination and consultation as Park Nicollet continues to address flood mitigation concerns at its facilities.

286
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 292

Manager Olson asked whether the only improvement under consideration is a flood barrier, and Mr. Wisker explained that there are also important compensatory storage planning issues. This is an opportunity to coordinate many different objectives for both the District and Park Nicollet. Manager Miller noted the extensive real estate held by Park Nicollet and the significant potential of collaboration in this effort. Mr. Smith pointed out that both parties clearly understand that collaboration on these matters will still involve the assumption that all District regulatory requirements are met.

293
 294
 295

It was moved by Manager Shekleton, seconded by Manager Casale, to adopt Resolution 14-087, as follows:

296
 297
 298

Resolution 14-087, Authorization to execute a Memorandum of Understanding with Park Nicollet Health Services.

299
 300
 301
 302

NOW, THEREFORE, BE IT RESOLVED that the Minnehaha Creek Watershed District Board of Managers hereby authorizes the Board President to execute a Memorandum of Understanding with Park Nicollet Health

303 *Services, for purposes of aligning partner interests and resources to*
 304 *collaboratively explore flood mitigation alternatives for Methodist Hospital.*
 305

306 *Upon roll call vote, the managers voted as follows:*
 307

	<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			

309
 310 *Upon vote, the motion carried, 7-0.*
 311

312 Resolution 14-088, Authorization to Execute Cooperative Agreement with the City of
 313 Minnetrista
 314

315 Mr. James Wisker appeared before the Board of Managers and reviewed the request for board
 316 action. He noted that the Minnetrista City Council considered and authorized execution of this
 317 cooperative agreement on October 20. President White asked whether the District had previously
 318 established any formal flood plain bank. Mr. Wisker explained that the District internally tracks
 319 compensatory storage obligations. Mr. Panzer explained that this is especially feasible for the
 320 flood plain surrounding Lake Minnetonka with many possible compensatory sites. *Following*
 321 *discussion, it was moved by Manager Casale, seconded by Manager Olson, to adopt resolution*
 322 *14-088, as follows:*
 323

324 **Resolution, 14-088, Authorization to execute a Cooperative Agreement with the City of**
 325 **Minnetrista**
 326

327 *NOW, THEREFORE, BE IT RESOLVED that the Minnehaha Creek*
 328 *Watershed District Board of Managers hereby authorizes the Board President,*
 329 *with such further non-material changes as she may elect and on advice of*
 330 *counsel, to execute the proposed cooperative agreement; and*
 331

332 *BE IT FURTHER RESOLVED that the District administrator is authorized to*
 333 *take all appropriate steps to secure the assistance and approval of the City,*
 334 *Hennepin County, the Minnesota Department of Natural Resources and the*
 335 *Minnesota legislature in the parcel transfer in accordance with the cooperative*
 336 *agreement, and to advise the Board as appropriate on the progress of those*
 337 *efforts.*
 338

339 *Upon roll call vote, the managers voted as follows:*

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	<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			

341

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

343

344 Manager Casale noted that a memorandum of understanding with the City of Hopkins was
 345 recently approved at a City Council meeting that he attended. He noted that Mayor Maxwell had
 346 expressed his great appreciation for the District’s cooperative efforts with that city.

347

348 Resolution 14-089, Approval of Funding for Two CAC Members to Attend the MAWD
 349 Conference

350

351 Mr. Darren Lochner appeared before the Board of Managers and presented the request for board
 352 action. *It was moved by Manager Olson, seconded by Manager Calkins, to adopt Resolution*
 353 *14-089, as follows:*

354

355 **Resolution 14-089, Approval of funding for two CAC members (Tom Casey and Lee**
 356 **Keeley) to attend the MAWD Conference.**

357

358 ***NOW, THEREFORE, BE IT RESOLVED, That the Minnehaha Creek***
 359 ***Watershed District Board of Managers hereby supports the attendance of two***
 360 ***Citizen Advisory Committee members (Tom Casey and Lee Keeley) at the 2014***
 361 ***MAWD conference in Alexandria, MN;***

362

363 ***BE IT FURTHER RESOLVED, That the MCWD Board of Managers approves***
 364 ***funding of \$1150 for two CAC members (Tom Casey and Lee Keeley) to attend***
 365 ***the MAWD conference in Alexandria, December 4-6, 2014.***

366

367 President White noted the third paragraph of the resolution referring to the CAC bylaws and the
 368 manager’s spending authority and asked Mr. Smith for his comment. Mr. Smith noted that the
 369 CAC members serve at the pleasure of the Board of Managers and do not have separate spending
 370 authority. Accordingly, it would be appropriate to revise that paragraph to read “Whereas,
 371 pursuant to statute and District policy, the MCWD Board of Managers has authority to approve
 372 CAC member expenses;”. *It was moved by Manager Miller, seconded by Manager Blixt to*
 373 *amend the motion with this change. Upon roll call vote, the managers voted as follows on the*
 374 *amendment:*

375

376

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

378
 379 ***Upon vote, the amendment to the motion carried, 7-0.***

380
 381 Manager Casale noted issues in past CAC member expenditures and noted that the request for
 382 board action notes expenditures of “approximately \$1,150.00.” ***Manager Casale moved that the***
 383 ***second resolving paragraph be amended to provide that “the Board of Managers approves***
 384 ***funding not to exceed \$1,150.00.” The motion was seconded by Manager Miller. Upon roll***
 385 ***call vote, the managers voted as follows on the amendment:***

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

388
 389 ***On the motion to adopt the resolution as amended, the managers voted as follows upon roll***
 390 ***call vote:***

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

393
 394 ***Upon vote, the resolution as amended carried, 5-2.***

395
 396 Manager Blixt asked that the meeting packets of the CAC meetings be loaded to the Manager’s
 397 Dropbox folder.

398

399 Authorization to Submit Comments on Proposed Revisions to Minnesota Rule Chapter 8410

400
 401 Mr. Smith stated that the Board of Water and Soil Resources (BWSR) has recently issued
 402 proposed changes to Minnesota Rule Chapter 8410, the rules governing the watershed
 403 management planning process for Metropolitan Watershed Organizations. He noted that there
 404 was a relatively short period of time to comment on these changes, and they would significantly
 405 impact the operation of the District and its planning process in future years. **Following**
 406 **discussion, it was moved by Manager Blixt, seconded by Manager Shekleton, to direct the**
 407 **Administrator and counsel to prepare comments for submission on or before November 10.**
 408 **Upon roll call vote, the managers voted as follows:**

409
 410

	<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			

411
 412 **Upon vote, the motion carried, 7-0.**

413
 414 **ITEMS REMOVED FROM CONSENT AGENDA**

415
 416 Recommendation to approve posting the District Administrator Position

417
 418 Mr. David Unmacht appeared before the Board of Managers and reviewed the process to prepare
 419 the District Administrator position profile. He noted that a second version of this profile had
 420 been prepared and distributed at this evening’s meeting following a review by a staff work
 421 group.

422
 423 **It was moved by Manager Casale, seconded by Manager Shekleton, to approve the second**
 424 **version of the profile with the following changes:**

- 425
- 426 • On page five, revise to read, “in partnership with the Board of Managers, represent the
 - 427 District in the community, etc.”
 - 428 • On page six, under major challenges and leadership opportunities, revise to read “foster
 - 429 a cohesive and strong Board;”
 - 430 • On page six, revise to read, “foster Board engagement with policy makers to advance
 - 431 District vision.”

432
 433 Manager Olson noted the revised compensation plan and recommended that the pay range in the
 434 position profile be adjusted accordingly, Mr. Unmacht agreed that this was an important

435 correction. *It was moved by Manager Shekleton, seconded by Manager Olson, to amend the*
 436 *motion by revising the pay scale in the profile to match the approved Board compensation*
 437 *plan. Upon roll call vote, the managers voted as follows on the amendment:*
 438

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

440
 441 *Upon vote, the amendment carried, 7-0.*
 442

443 Manager Calkins stated that he believed that it was an important requirement for the
 444 Administrator to have a water quality background. He also stated that he felt posting this profile
 445 and position, given the current disagreements on the Board, is premature and potentially a
 446 disservice to applicants. Manager Shekleton stated that he was not in agreement with the water
 447 quality expertise as a requirement. He also noted that the Board takes a common approach on
 448 managing water resources, but has disagreed on the discharge of the former Administrator. He
 449 stated that he expected that high caliber applicants will come forward and have an ability to work
 450 effectively. President White stated that she felt that there should be some accounting for
 451 watershed expertise in the position, and that generally the search should be future-focused.
 452 Manager Blixt stated that she agreed with Manager Calkins, and felt that there should be
 453 requirements to have knowledge of water or natural resources.

454
 455 *It was moved by Manager Blixt, seconded by Manager Calkins, to add the requirement of*
 456 *experience in natural resources or a related environmental field.*
 457

458 Manager Casale stated that he opposed this amendment because he felt the most important talent
 459 and expertise should be management, and that the ideal candidate would have both
 460 administrative capabilities and water resources expertise. Manager Blixt stated that she felt that
 461 this content expertise in water resources was important. Manager Shekleton stated that he felt an
 462 environmental degree is not necessary in order to obtain the content expertise. Manager Miller
 463 stated that he supported adding this requirement of natural resources or related environmental
 464 field experience.

465
 466 Mr. Unmacht stated that he had no concern with adding this language to the profile and urged
 467 managers to keep an open mind about this process. He asked for the Board's trust and committed
 468 to a search process that will yield an effective Administrator. Manager Calkins stated that he
 469 agreed that there should not be too much focus on a degree, and that relevant experience in
 470 natural resources or related environmental field is appropriate.
 471

472 ***Upon roll call vote, the mangers voted as follows on the amendment:***

473
 474

	<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			

475
 476 ***Upon vote, the amendment carried, 7-0.***

477
 478 ***Upon roll call vote, the managers voted on the main motion to approve the position profile as***
 479 ***amended as follows:***

480
 481

	<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			

482
 483 ***Upon vote, the motion carried, 6-1.***

484
 485 Recommendation to Approve the District Administrator Job Description

486
 487 Manager Calkins stated that he had the same concerns that he had expressed in the previous
 488 discussion with this matter. Mr. Unmacht recommended that the job description be revised to
 489 make it consistent with the changes just approved by the Board of Managers with position
 490 profile.

491
 492 ***It was moved by Manager Shekleton, seconded by Manager Calkins to approve the District***
 493 ***Administrator job description with the identical changes as those in the position profile. Upon***
 494 ***roll call vote, the managers voted as follows:***

495
 496

	<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
Pam Blixt	X			
James Calkins	X			
Jeffery Casale	X			
Richard Miller	X			

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William Olson	X			
Brian Shekleton	X			
Sherry Davis White	X			

497

Upon vote, the motion carried, 7-0.

498

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Minutes of October 9, 2014

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517

Manager Casale referred to the minutes of October 9 on page 7 at line 267-268. He recommended revising the sentence to read as follows “the City will also handle demolition on the parcel that the City bought directly adjacent to the park that currently is occupied by a duplex resident.” Mr. Smith also recommended on page 2 lines 80 through 89 to revise each reference to “facilitator or mediator.” Mr. Smith also noted changes to the minutes recommended by Manager Calkins, as follows: page 5, line 179, revise to read “can be completed this winter”; lines 193-195: revise to read “Manager Calkins asked whether, other than higher cost, there were other reasons for not connecting the MnDOT floodplain mitigation pond...”; line 204: revise to read “wild rice used to grow”; page 6, lines 259-264, revise to read: “Responding to the idea that the District is delaying work in the phase II and III areas because of uncertainties associated with potential changes to Blake Road, Manager Calkins wonders whether the park won’t also possibly be affected by the road work. He also expressed concern about the idea of revising the specifications for supplementing the soil as a way to save costs, which in his experience very often leads to plant failure.”; page 8, line 308, revise to read: “consistent with General Accounting Services Board which recommends the modified or full accrual accounting method.”

518

It was moved by Manager Casale, seconded by Manager Calkins to approve the minutes of October 9 with these changes. Upon roll call vote, the managers voted as follows:

519

520

521

	<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			

522

Upon vote, the motion carried, 7-0.

523

524

525

Check Register

526

527

528

529

530

Manager Shekleton noted a charge for a rental of a scooter. Mr. Spartz noted that this is the accommodation for a CAC member to attend the MAWD Conference. Mr. Lochner noted that this was included within the estimated cost approved by the Board. **It was moved by Manager Shekleton, seconded by Manager Miller, to approve the general check register, check numbers**

531 **34948 through 35038, the Surety Check Register for number 1422 in the amount of \$2,871.04,**
 532 **and acceptance of the 325 Blake Road checking account report. Upon roll call vote, the**
 533 **managers voted as follows:**

534
 535

	<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			

536

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

538

539 **BOARD DISCUSSION ITEMS**

540

541 Governance

542

542 Cottageville Park

543

544 Manager Miller noted that the Board has a policy that any delegation of a responsibility to a
 545 manager must be approved by board action. He noted that at the last meeting Manager Calkins
 546 had been identified to assist in the planning of vegetation for Cottageville Park. He
 547 recommended that a board action specifically authorize this assignment. ***It was moved by***
 548 ***Manager Miller, seconded by President White, to authorize Manager Calkins to provide***
 549 ***assistance in planning for vegetation at Cottageville Park. Upon roll call vote, the managers***
 550 ***voted as follows:***

551

552

	<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			

553

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

555

556 Other Governance Issues

557

558 Manager Miller stated that he had read recent new stories and saw comments by some managers
 559 to the effect that the District staff members are demoralized and not getting their work done. He

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560 acknowledged that people can be misquoted, and also acknowledged that three managers had
561 cumulatively missed 21 Board meetings earlier this year. Manager Miller stated that he felt that
562 the staff is performing well and achieving very significant outcomes for the District, in addition
563 to aquatic invasive species work, including:

- 564 • Memorandum of Understanding with the City of Minnetrista and a family trust in a
565 conservation development plan;
- 566 • Cooperative Agreement on sanitary sewer infrastructure with the City of Minnetrista at
567 Minnetonka Regional Park;
- 568 • Cooperate agreement with the City of Edina on the problems involving teardowns;
- 569 • A revised agreement with the City of Hopkins concerning Cottageville Park, in which the
570 District is performing a greater planning role;
- 571 • A cooperative agreement with the City of Hopkins and Hennepin County for master
572 planning of the Black Road station area;
- 573 • A cooperative agreement with the Metropolitan Council for funding of improvements at
574 the Long Lake Creek project;
- 575 • the District is on a project priority list with the Public Facilities Authority for
576 improvement in the creek corridor;
- 577 • the District has a license agreement with the Soo Line Railroad for Creek Corridor
578 improvements;
- 579 • Cooperative Agreement with Hennepin County for improvements at Bushaway Road;
- 580 • the District has adopted its framework for updating its 2017 Comprehensive Plan, and
581 received letters of support from the Carver County Soil & Water Conservation District,
582 Three Rivers Park District, Carver County, City of Excelsior, Hennepin County, City of
583 Hopkins, City of Long Lake, City of Minneapolis, City of Minnetrista, City of St. Louis
584 Park, City of Wayzata, Minneapolis Park and Recreation Board, City of Richfield, City
585 of Mound and City of Minnetonka; and
- 586 • At this meeting, the District adopted cooperative agreements with the Cities of Hopkins
587 and St. Louis Park, as well as Park Nicollet.

588
589 Manager Olson stated that he felt this list of thirteen accomplishments is accurate, but he had a
590 list of eighteen additional items that he felt had not been adequately addressed and desired to
591 have more clarity:

- 592
593 • Upland Farms Purchase authorized by the board for purchase negotiation (Date?) – A
594 general discussion about the status and future of the Land Conservation Program is
595 overdue;
- 596 • Report on the Management Plan for all district property (Cross River Consulting?) –
597 Including Halverson/Dimler oak savanna;
- 598 • Himle Rapp proposal for community outreach for the Comprehensive Plan;
- 599 • Minnehaha Creek Corridor and property Signage Design Standards – This was discussed
600 by the CAC in May, but does need to come back to the Board;
- 601 • SE Minneapolis infiltration Project;
- 602 • Orono Golf Courses project proposal;

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- 603 • Wayzata Waterfront (Lake Effect) district participation;
- 604 • Determination of the role of the Board and the CAC in the development if the comp plan
- 605 and goals, priorities – not so much the role of the Board (a given); rather the need for
- 606 such discussions and how they will be accommodated by the process;
- 607 • Presentation and discussion by the board of impacts of ecosystem planning so far – does
- 608 this relate to the Ecosystem Evaluation Program (grades)?
- 609 • Carp study report;
- 610 • Base flow in MCWD streams and a comprehensive review of the operation of the
- 611 Minnehaha Creek headwaters dam;
- 612 • Systematic review of MCWD subwatersheds as part of Comprehensive Plan development
- 613 process (Policy & Planning Committee); started, but stopped when Eric was dismissed
- 614 • Review of 2014 flooding damage and a discussion of the District’s response; update of
- 615 H&H Model;
- 616 • Groundwater infiltration and sanitary sewer capacity and sewage overflows during wet
- 617 periods; these were issues for 12 of the communities within the District and several
- 618 sewage discharges occurred with possible implications for water quality (relates to #3);
- 619 • Street sweeping;
- 620 • AIS program review; zebra mussel (including failures and their implications) and
- 621 flowering rush updates;
- 622 • District land policies; public access, etc.;
- 623 • Status of MCWD/MPRB discussions related to stormwater management on MPRB land.
- 624

625 Manager Shekleton stated that he felt that a number of the items listed by Manager Olson had
626 been reported on and addressed directly at meetings which Manager Olson had not attended. He
627 suggested that minutes of the meetings which Manager Olson had not attended be sent to him.
628

629 Mr. Spartz noted that he had identified the list of Manager Olson’s concerns and would be sure
630 to follow up on them.

631
632 Administrator’s Report

633
634 Mr. Spartz reported that recent legislative changes require a slight modification in how the
635 District finalizes its levy. Mr. Spartz noted that the budget and levy adopted by the Board of
636 Managers before September 15 is effective, but an additional public informational meeting
637 should be held to receive comments at the Board meeting schedule for November 20. If, based
638 on these comments, the Board of Managers wishes to adjust its levy downward, it may do so and
639 should do so either at the December 11 or December 18 Board meetings.
640

641 Allegations of Misuse of Funds

642
643 Mr. Spartz noted that allegations had been made in the newspaper concerning misuse of District
644 funds and corruption. He wanted the managers to be advised of their legal duties to report
645 evidence of such matters, and distributed a draft resolution to facilitate Board consideration of

646 these issues. Mr. Spartz noted that legal counsel had already identified some changes to the draft
647 resolution which could be incorporated next week. Manager Shekleton stated he was very
648 concerned about the seriousness of these allegations and that anyone wishing to make them
649 should produce their evidence to the appropriate authorities. ***It was moved by Manager***
650 ***Shekleton, seconded by Manager Miller, to adopt the resolution distributed by Mr. Spartz, as***
651 ***follows:***

652
653 ***NOW, THEREFORE, BE IT RESOLVED, That the Minnehaha Creek Watershed***
654 ***District Board of Managers having jurisdiction in the matter affirms state law and***
655 ***directs any Manager with knowledge of corruption or misuse of funds to report same to***
656 ***the Board of Water and Soil Resources for an appropriate response;***

657
658 ***THEREFORE BE IT FURTHER RESOLVED That an update of said efforts to***
659 ***contact the Board of Water and Soil Resources be made at the November 20, 2014***
660 ***regularly scheduled board of managers meeting;***

661
662 ***THEREFORE BE IT FURTHER RESOLVED That any response from the Board of***
663 ***Water and Soil Resources be communicated to the Sun Sailor, the Star Tribune, and to***
664 ***any other media outlet that indicates corruption and misappropriation of funds is***
665 ***occurring at the Minnehaha Creek Watershed District.***

666
667 Following further discussion, the Board of Managers elected to take a brief recess in order to
668 allow Mr. Spartz to work with counsel on revisions to the draft resolution. Manager Shekleton
669 suggested that Managers Olson, Calkins, and Blixt visit during this recess to determine their
670 desired course of action. The Board of Managers recessed at 10:15 p.m. and reconvened at
671 approximately 10: 33 p.m.

672
673 Manager Olson stated that he felt that it would be appropriate for the concerns of the three
674 managers to be addressed at next week's board meeting in order to see whether these issues can
675 be addressed first by the Board of Managers.

676
677 Manager Calkins referred to a memorandum distributed by Mr. Smith and Mr. Himle concerning
678 use of legal and communication counsel dated October 21, 2014. Manager Calkins asked Mr.
679 Smith to confirm the nature of the advice rendered to Manager Casale in preparing his letter of
680 apology. Mr. Smith referred to the memo and stated that the role of counsel was to focus on the
681 interest of the District as an organization, not the individual interest of Manager Casale.

682
683 Following further discussion, Mr. Smith further reviewed the requirements of Minnesota Statute
684 609.456, requiring any public officer with evidence of the misuse of public funds to report the
685 same to the State Auditor and law enforcement officials. Mr. Smith noted that because the most
686 specific allegation of the misuse of public funds involves the services rendered by his office, if
687 managers wish to take further action on the matter, separate counsel would be appropriate.

688

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689 *Following further discussion, it was moved by Manager Miller, seconded by Manager*
 690 *Shekleton, to table this resolution until the next meeting in order to provide Manager Olson*
 691 *an opportunity to present additional information. Upon roll call vote, the managers voted as*
 692 *follows:*

693
 694

	<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			

695

696 *Upon vote, the motion to table carried, 7-0.*

697

698 Response to Manager Olson’s concerns

699

700 Mr. Wisker appeared before the Board of Managers and provided a brief summary of the status
 701 of each of the eighteen items listed as concerns of Manager Olson, noting progress and previous
 702 reporting to the board of managers on these items. He stated that further details would be
 703 provided prior to the next meeting of the Board of Managers.

704

705 **ADJOURNMENT**

706

707 There being no further business, the regular meeting of the Board of Managers was adjourned at
 708 11:54 p.m.

709

710 Respectfully submitted,

711

712

713

714 Jeffery Casale
 715 Secretary