

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

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5                                   April 28, 2016

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7                                   **CALL TO ORDER**

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

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13                                   **MANAGERS PRESENT**

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15                                   Sherry White, Brian Shekleton, Richard Miller, Kurt Rogness, William Olson, Pam Blixt  
16                                   and William Becker.

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18                                   **MANAGERS ABSENT**

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20                                   None.

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22                                   **DISTRICT STAFF AND CONSULTANTS PRESENT**

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24                                   Lars Erdahl, District Administrator; James Wisker, District Planning and Projects  
25                                   Director; David Mandt, District Operations and Support Services Director; Telly  
26                                   Mamayek, District Communications and Education Director; Becky Christopher, District  
27                                   Lead Planner-Project Manager; Michael Hayman, District Planner-Project Manager;  
28                                   Rena Clark, District Planner-Project Manager; Tiffany Schaulfer, District Project and  
29                                   Land Program Manager; Brett Eidem, District Cost Share Grand Administrator; Matthew  
30                                   Cook, District Planning Assistant; Katherine Sylvia, District Permitting Program Lead;  
31                                   Darren Lochner, District Education Program Manager; Anna Brown, District Planner-  
32                                   Project Manager; Heidi Quinn, District Permitting Technician; Rachel Workin, District  
33                                   Permitting Technician; Louis Smith, District Counsel.

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35                                   **INTRODUCTION OF NEW STAFF**

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37                                   Mr. Erdahl introduced Heidi Quinn and Rachel Workin, new permitting technicians. Ms.  
38                                   Quinn and Ms. Workin introduced themselves to the Board of Managers; President White  
39                                   thanked them for their commitment to the District and its mission.

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41                                   **APPROVAL OF THE AGENDA**

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43                                   *It was moved by Manager Miller, seconded by Manager Rogness, to approve the*  
44                                   *agenda as distributed, with the additional change that item 9.1 be moved to the*  
45                                   *beginning of the meeting. Upon vote, the motion carried, 7-0..*  
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**PRESENTATION**

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Mr. Darren Lochner introduced the Blake School 4<sup>th</sup> grade class project. Teachers and students presented their envirosapes which highlighted pollutant loading and watershed issues at various sites within the Minnehaha Creek Watershed. The project received a Cynthia Krieg grant. President White thanked the Blake teachers and students and Mr. Lochner for this presentation.

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**CONSENT AGENDA**

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*It was moved by Manager Shekleton, seconded by Manager Olson, to approve the Consent Agenda, consisting of the April 7 & April 14, 2016 minutes; approve the check registers, including the general checking account, with items 36518 through 36601 for a total of \$443,513.76, approve payroll direct deposits of \$227,614.62, and approve electronic fund withdrawals totaling \$98,033.13, for total expenses of \$769,198.51; accept the 325 Blake Road checking account; and approve the following resolutions:*

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**Resolution 16-033, Authorization to Release the Annual Report to the Board of Water and Soil Resources**

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*NOW, THEREFORE, BE IT RESOLVED that the Minnehaha Creek Watershed District Board of Managers authorizes the execution of an agreement with Lake Minnetonka Conservation District to provide AIS*

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*education through these watercraft inspection services at certain Lake Minnetonka public accesses, with the District's cost-share grant not to exceed \$18,781.*

*BE IT FURTHER RESOLVED that the Board of Managers authorizes the District Administrator to enter into this agreement contingent that applicant demonstrate its AIS and lake management plans and related activities are consistent with the goals of the MCWD's Comprehensive Waster Resource Management Plan and upon advice of counsel and with such further minor revisions as may be necessary to effect the intent of the parties.*

**Resolution 16-036, Authorization to enter into agreement with Hennepin County to accept grant award to continue the Hybrid Milfoil Study started in 2015**

*NOW, THEREFORE, BE IT RESOLVED that the Minnehaha Creek Watershed District Board of Managers hereby authorizes the District Administrator to enter into agreement with Hennepin County to accept grant award, upon approval of District Counsel as to form and execution.*

**Resolution 16-037, Authorization to enter into agreement with Montana State University to continue work on the Hybrid Milfoil Study started in 2015**

*NOW, THEREFORE, BE IT RESOLVED that the Minnehaha Creek Watershed District Board of Managers hereby authorizes the District Administrator to enter into agreement with Montana State University, upon approval of District Counsel as to form and execution, for a cost not to exceed \$20,000.*

**Resolution 16-038, Authorization to enter into agreement with Hennepin County to accept grant award for Zebra Mussel Veliger Control Study**

*NOW, THEREFORE, BE IT RESOLVED that the Minnehaha Creek Watershed District Board of Managers hereby authorizes the District Administrator to enter into agreement with Hennepin County to accept grant award, upon approval of District Counsel as to form and execution.*

**Resolution 16-039, Authorization to enter into agreement with the Minnesota Aquatic Invasive Species Research Center to perform a Zebra Mussel Veliger Control Study**

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***NOW, THEREFORE, BE IT RESOLVED that the Minnehaha Creek Watershed District Board of Managers hereby authorizes the District Administrator to enter into agreement with the Minnesota Aquatic Invasive Species Research Center, upon approval of District Counsel as to form and execution, for a cost not to exceed \$24,000.***

**Resolution 16-040, 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**

**President’s Report:**

President White noted that she attended the Aquatic Invasive Species Spotlight event last week which was well published and well received. The Policy Advisory Committee for the Comprehensive Plan Update is meeting and will discuss local water management plans. The City’s of Orono, Medina, and Long Lake are forming a partnership agreement. Managers White, Olson, and Rogness participated in an interview panel that interviewed two teams of consultants for the Six Mile Subwatershed planning process. Both teams were attracted to the District’s approach to planning and made strong presentations.

The Non-Point Education for Municipal Officials (NEMO) boat tour is planned for August 3. Outreach activities to city council meetings are scheduled for the summer.

**Planning and Policy Committee Report:**

Manager Miller referred to the minutes of the Policy and Planning Committee meeting of April 21. He noted the Committee’s recommendation that the Board appoint an outside funding task force to aid staff in securing outside funding for District projects. ***It was moved by President White, seconded by Manager Olson to adopt this recommendation and designate Managers Shekleton and Becker to be appointed by the President to an outside funding task force. Upon vote, the motion carried, 7-0.***

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180 President White noted that no Managers attended the Metro MAWD meeting.

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182 **Public Hearings and Presentations**

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184 **Public Hearing-Cost Share Projects Involving Capital Construction**

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186 President White opened the public hearing on the proposed cost share projects involving  
187 capital construction. Mr. Brett Eidem appeared before the Board of Managers and  
188 reviewed these cost share projects. He noted that two of the projects required a public  
189 hearing, from the City of Edina and the City of Plymouth, both involving street  
190 reconstruction. The Edina project involves tree trenches and the Plymouth project  
191 involves two curb-cut raingardens with iron enhanced sand filters.

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193 President White invited comments from the public; no member of the public appeared to  
194 offer comments. President White closed the public hearing.

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196 **Action Items**

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198 President White turned to Resolution 16-042 Cost Share – Spring Non-Homeowner Cost  
199 Share Funding Approval

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201 Mr. Eidem noted that the Resolution provides for a not to exceed amount of \$120,407. *It*  
202 *was moved by Manager Miller, seconded by Manager Shekleton to adopt Resolution*  
203 *16-042 as follows:*

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205 ***NOW, THEREFORE, BE IT RESOLVED that the Minnehaha Creek***  
206 ***Watershed District Board of Managers that pursuant to Minnesota***  
207 ***Statutes section 103B.251 and the MCWD plan, the MCWD Board of***  
208 ***Managers orders the Edina cost-share project with a total estimated***  
209 ***cost-share contribution from MCWD of \$10,000 and the Plymouth cost-***  
210 ***share project with a total estimated cost-share contribution from the***  
211 ***MCWD of \$12,750, and;***

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213 ***NOW, THEREFORE, BE IT FURTHER RESOLVED, that the MCWD***  
214 ***Board of Managers authorizes funding of 50 percent of the documented***  
215 ***costs of each of the seven projects as follows:***

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217	<b><i>City of Edina</i></b>	<b><i>\$10,000</i></b>
218	<b><i>City of Plymouth</i></b>	<b><i>\$12,750</i></b>
219	<b><i>Annunciation Church</i></b>	<b><i>\$12,713</i></b>
220	<b><i>Bethel Evangelical Church</i></b>	<b><i>\$26,760</i></b>
221	<b><i>Field Community School</i></b>	<b><i>\$13,850</i></b>

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*Metro Blooms-Diamond Lake- \$10,000  
Lynnhurst Alleyway  
Third Church of Christ \$34,334*

*contingent on a signed grant and maintenance agreement that includes a final project design plan that is mutually agreed upon by the grant recipients and District staff and signage requirements; and*

*BE IT FINALLY RESOLVED, that the MCWD Board of Managers authorizes the Administrator, with advice and consent of counsel, to sign Cost Share funding and maintenance agreements with each of the property owners as designated herein.*

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

Manager Shekleton asked if funds would be available for another round of cost share funding later in the year. Mr. Eidem confirmed that significant funding would be available for both homeowner and non-homeowner projects. Manager Shekleton noted that the Citizen Advisory Committee had conducted a very robust and helpful discussion of these cost share projects.

Resolution 16-041 Authorization to Enter Into an Agreement for Crossing Repair and Conveyance of Easements Over Painter Marsh

Ms. Renae Clark appeared before the Board of Managers and noted that the project involves reconstruction of a cattle crossing with improvements and receipt of easements in exchange. *It was moved by Manager Miller, seconded by Manager Olson to adopt Resolution 16-041 as follows:*

*NOW, THEREFORE, BE IT RESOLVED that the District Administrator is authorized to execute the attached Agreement for Crossing Repair and Conveyance of Easements, and all easements to be conveyed thereunder as attached, with non-material changes and on advice of counsel, as well as any additional access easements required, and to take all steps necessary to provide for the recording or registration of the easements and the District's fulfillment of its obligations under the agreement;*

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

Upon a question from Manager Miller, Ms. Clark and Ms. Schaufler reviewed the status of discussion with the Army Corps of Engineers, indicating that Board consideration of action on a feasibility study is anticipated in May.

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Resolution 16-043 Authorization to Execute Contracts for Design and Construction Oversight for the Highway 101 Causeway Shoreline Reconstruction Project

Ms. Tiffany Schaufler appeared before the Board of Managers and reviewed the request for board action. She noted that Wenck and Hart Howerton are the recommended firms to provide design and construction oversight services. *Following discussion, it was moved by Manager Miller, seconded by Manager Rogness to adopt Resolution 16-043 as follows:*

***NOW, THEREFORE, BE IT RESOLVED, that the Minnehaha Creek Watershed District Board of Managers hereby authorizes the District Administrator to execute a contract with Wenck Associates for engineering design and construction oversight services for the causeway element of the Highway 101 Causeway Reconstruction Project for an amount of \$89,245 and authorize the District Administrator to execute change orders as necessary up to a not-to-exceed amount of \$98,169.50; and***

***BE IT FURTHER RESOLVED that the District Administrator is authorized to execute a contract with Hart Howerton for landscape design and construction oversight services for the causeway element of the Highway 101 Causeway Reconstruction Project for an amount of \$51,990 and authorize the District Administrator to execute change orders as necessary up to a not-to-exceed amount of \$57,189.***

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

Resolution 16-044 Authorization to Execute a Letter of Intent for the Lake Street Stormwater Diversion Project

Mr. Michael Hayman appeared before the Board of Managers and reviewed the request for board action. *Following discussion, it was moved by Manager Shekleton, seconded by Manager Becker, to adopt resolution 16-044 as follows:*

***NOW, THEREFORE, BE IT RESOLVED, that the District Administrator is authorized to execute a letter of intent expressing a non-binding commitment from the District to continue in partnership with Metropolitan Council Environmental Services (MCES) on its Hopkins Lift Station L27 project.***

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

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312 Administrators Report

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314 Mr. Erdahl reported on the following matters:

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- 316 • Staff is further developing the plan and time line to present budget options and
- 317 alternatives for the Board pursuant to its direction from the April 7 Board Retreat;
- 318 • The District is ready to renew its health insurance benefits for the coming year;
- 319 the budgeted increase is 10%, but the actual increase proposed in the renewal is
- 320 3.14% (an increase of \$7,622 for a total annual cost of \$250,618); the renewal
- 321 date is June 1, and District agent Bearence recommends renewal of this package
- 322 from Health Partners;
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325 Manager Shekleton requested that further documentation be available for the Board's

326 review, and asked if there would be time to defer this matter to a May meeting. Mr.

327 Erdahl stated that it could be deferred to May, and he was looking for Board direction.

328 Manager Becker requested the staff prepare a document with background information on

329 changes in benefits, number of employees, and cost to the District to provide context for

330 the renewal. Manager Blixt asked if this should be reviewed by the Operations

331 Committee, and President White noted that the schedule would suggest that it be

332 addressed at the May 12 Workshop meeting.

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- 334 • Research and monitoring staff have received three full days of training on the
- 335 Kister's WISKI Data Management System;
- 336 • The AIS Spotlight Event was a great success and Mr. Erdahl thanked the research
- 337 and monitoring staff and communications staff who prepared for this event so
- 338 thoroughly;
- 339 • Mr. Erdahl thanked President White, Manager Olson, and Manager Rogness for
- 340 participating in the interview panel for the responses to the Six Mile Creek plan
- 341 development process;
- 342 • The Earth day photo contest winners were selected from over 70 submissions.

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344 Closed Session

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346 Mr. Smith noted that the staff is requesting a closed session for the purpose of

347 considering a potential acquisition of real estate in Victoria. There is no street address for

348 the parcel in question, but Ms. Anna Brown appeared before the Board of Managers and

349 identified the parcel with PID 650260300, and noted that the property is north of Marsh

350 *It was moved by Manager Olson, seconded by Manager Shekleton, that the Board of*

351 *Managers go into closed session for this purpose. Upon vote, the motion carried, 7-0.*

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353 Whereupon the Board of Managers went into closed session at 8:15 p.m.

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Minutes of the Regular Meeting  
Minnehaha Creek Watershed District  
Board of Managers  
4-28-2016

355 Return to Open Session

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357 The Managers returned to open session and the meeting was adjourned at 8:53 p.m.

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359 Respectfully submitted,

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363 Kurt Rogness, Secretary

DRAFT