

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

4
5 **February 14, 2019**
6

7 **CALL TO ORDER**

8 The regular meeting of the Minnehaha Creek Watershed District was called to order by President
9 Sherry White at 7:00 p.m. on February 14, 2019, at the District office, 15320 Minnetonka
10 Boulevard, Minnetonka, Minnesota.

11 **MANAGERS PRESENT**

12
13 Sherry White, Richard Miller, Kurt Rogness, William Olson, William Becker and Jessica Loftus.

14 **MANAGERS ABSENT**

15
16 Brian Shekleton.
17

18 **DISTRICT STAFF AND CONSULTANTS PRESENT**

19
20 James Wisker, Administrator; Mike Hayman, Project Planning Manager; Anna Brown, Planner-
21 Project Manager; Alex Steele, GIS Coordinator; Chris Meehan, District Consulting Engineer;
22 Chuck Holtman, District Counsel.
23

24 **MATTERS FROM THE FLOOR**

25
26 None.
27

28 **APPROVAL OF AGENDA**

29
30 *Manager Miller moved, Manager Olson seconded approval of the agenda as distributed. Upon*
31 *vote, the motion carried, 6-0.*

32 **STAFF INTRODUCTION**

33 Mr. Wisker introduced Alex Steele, who began District employment on January 31 and will
34 organize all of the District's geospatial data. Mr. Steele introduced himself. He holds a B.S. in
35 Geography from the University of Minnesota, has worked in county government for engineering,
36 public works and planning functions; has done mapping work in the private sector; and most
37 recently was employed in public works at the City of Minneapolis. The Board welcomed Mr.
38 Steele.
39

40 **CONSENT AGENDA**

41
42 By unanimous consent, approval of the January 24, 2019 minutes was postponed. *Manager*
43 *Miller moved, Manager Rogness seconded approval of the Consent Agenda consisting of*
44 *adoption of Resolution 19-016, as follows:*

45
46 *NOW, THEREFORE, BE IT RESOLVED, the Minnehaha Creek Watershed District,*
47 *Board of Managers authorizes the District Administrator to dispose of the 2010 Ford*
48 *Escape currently in the District inventory through Minnesota Department of*
49 *Administration live auction process.*

50
51 *BE IT FURTHER RESOLVED, that the District Administrator is authorized to*
52 *purchase one new vehicle with a make and model similar to the 2010 Ford Escape for*
53 *a value not to exceed \$32,000.*

54
55 *Upon vote, the motion carried 6-0.*

56
57 **REGULAR AGENDA**

58 **Board, Committee and Task Force Reports**

59
60 President White advised that she had nothing to present under the President's Report.

61
62 Manager Olson reported that the Operations and Programs Committee met tonight and reviewed
63 the information technology work on the District website.

64
65 Manager Becker attended the most recent Citizens' Advisory Committee (CAC) meeting, which
66 covered three topics: Tom Dietrich presented on permitting systems revision; Telly Mamayek
67 presented on the District's strategic communications plan; and elections were held, with Peter
68 Rechelbacher being elected as CAC Chair, and Bill Bushnell elected as Vice Chair.

69
70 President White reviewed upcoming meetings as shown on the agenda. Manager Miller will
71 attend the March CAC meeting.

72
73 **Action Items**

74
75 **Resolution 19-017: Authorization to Execute an Easement for Carp Barrier Construction**

76
77 Ms. Brown reviewed the background of the District's habitat restoration and enhancement
78 project within the Six Mile Creek subwatershed, which is funded principally by a Lessard Sams
79 Outdoor Heritage Council (LSOHC) grant. The easement is for the purpose of installing and
80 maintaining a barrier on the Crown College campus to eliminate the connection between Parley
81 Lake and upstream carp spawning areas.

82 The easement is for a term of 10 years, and will renew automatically for 10-year terms, except
83 that at any time after the first term, the property owner may terminate the easement with one
84 year's notice to the District. Also, to accommodate any possible owner improvements that may
85 conflict with the barrier location, after three years the owner may request that the barrier be
86 relocated to an equally effective location within the channel. Ms. Brown suggests this option is
87 unlikely to be exercised.

88
89 Ms. Brown noted that there is statutory language that could be read to mean that an easement to
90 support LSOHC grant-funded work must be perpetual. Staff has reviewed the issue with District
91 counsel and they believe that the proposed easement is legally adequate and that the District will
92 address the question administratively with LSOHC staff as warranted.

93
94 *Manager Miller moved, Manager Olson seconded adoption of Resolution 19-017, as follows:*

95
96 ***NOW, THEREFORE, BE IT RESOLVED that the Minnehaha Creek Watershed***
97 ***District Board of Managers authorizes the Board President to execute, on advice and***
98 ***consent of counsel, and with any non-substantial adjustments, an easement with***
99 ***Crown College.***

100
101 *Upon vote, the motion carried 6-0.*

102
103 Resolution 19-018: Authorization to Execute a Contract with the University of Minnesota to
104 Assist in the Evaluation of Surface and Groundwater Interactions in South Minneapolis

105
106 Mr. Hayman reviewed the background for and purposes of the proposed work. The work will
107 support a partnership that includes the Minnesota Department of Natural Resources, the City of
108 Minneapolis, the Minneapolis Park and Recreation Board, Hennepin County and the District that
109 is exploring high groundwater levels in South Minneapolis and their impact on public and private
110 infrastructure and residential structures. The University would review and edit existing data,
111 define questions related to groundwater concerns and gather data to answer those questions;
112 identify data gaps that remain; and make recommendations on how to address those gaps.

113
114 *Manager Rogness moved, Manager Becker seconded adoption of Resolution 19-018, as*
115 *follows:*

116
117 ***NOW, THEREFORE, BE IT RESOLVED that the Minnehaha Creek Watershed***
118 ***District Board of Managers hereby authorizes the District Administrator to execute a***
119 ***contract with the University of Minnesota, on advice of legal counsel, for review and***
120 ***evaluation of surface and groundwater interactions in South Minneapolis for an***
121 ***amount not to exceed \$16,859, and authorizes the District Administrator to use an***
122 ***additional contingency of 10 percent of the not-to-exceed as in his judgment***
123 ***circumstances require.***

124

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

126

127 **Board Discussion Items**

128

129 325 Blake Road - Minnesota Ice Lease Claim

130

131 Administrator's Performance Review

132

133 *Manager Becker moved, Manager Olson seconded, to convene in closed session both to*
134 *receive attorney-client privileged advice from District counsel and litigation counsel Shelley*
135 *Ryan of the Hoff Barry law firm regarding pending litigation with Minnesota Ice, and to*
136 *evaluate the performance of District Administrator James Wisker.* Mr. Holtman noted that
137 Minnesota Ice has served a summons and complaint on the District and so has commenced
138 litigation. *Upon vote, the motion carried 6-0.* The Board convened in closed session to discuss
139 the pending litigation.

140

141 The Board reconvened in open session, and Attorney Ryan departed the meeting. The Board
142 convened again in closed session for the purpose of the performance evaluation.

143

144 The Board reconvened in open session.

145

146 **ADJOURNMENT**

147

148 There being no further business, the regular meeting of the Board of Managers was adjourned at
149 8:42 p.m.

150 Respectfully submitted,

151

152

153

154 Kurt Rogness, Secretary

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156