

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

4
5 **November 15, 2018**

6
7 **CALL TO ORDER**

8
9 The regular meeting of the Minnehaha Creek Watershed District was called to order by President
10 Sherry White at 7:05 p.m. on November 15, 2018, at the District office, 15320 Minnetonka
11 Boulevard, Minnetonka, Minnesota.

12
13 **MANAGERS PRESENT**

14
15 Sherry White, Brian Shekleton, Richard Miller, Kurt Rogness, William Olson, William Becker.

16
17 **MANAGERS ABSENT**

18
19 Jessica Loftus.

20
21 **DISTRICT STAFF AND CONSULTANTS PRESENT**

22
23 James Wisker, Administrator; Renae Clark, Policy and Grants Coordinator; Laura Domyancich,
24 Planner-Project Manager; Michael Hayman, Project Planning Manager; Heidi Quinn, Permitting
25 Technician; Chris Meehan, Consulting Engineer; Michael Welch, Counsel.

26
27 **MATTERS FROM THE FLOOR**

28
29 None.

30
31 **APPROVAL OF AGENDA**

32
33 *Manager Miller moved and Manager Becker seconded approval of the agenda as distributed.*
34 *Upon vote, the motion carried 5-0.*

35
36 **CONSENT AGENDA**

37
38 *Manager Rogness moved and Manager Miller seconded approval of the consent agenda,*
39 *consisting of: approval of the November 8, 2018, minutes; approval of the general checking*
40 *and surety account check registers – the general checking account register, voiding checks*
41 *39327 and 39389, and consisting of checks 39393 through 39444 totaling \$563,676.50, payroll*
42 *direct deposits totaling \$68,667.62, and electronic fund withdrawals totaling \$40,339.32, for*
43 *total expenses of \$672,753.44; and adoption of:*

44
45 **Resolution 18-117, Authorization to execute a sub-grant agreement with the City of**
46 **Hopkins for asbestos abatement activities at 325 Blake Road**

47
48 ***NOW, THEREFORE, BE IT RESOLVED that the Minnehaha Creek***
49 ***Watershed District Board of Managers authorize the administrator to execute,***
50 ***on advice and consent of counsel, and with any nonsubstantive adjustments, a***
51 ***sub-grant agreement with the City of Hopkins for asbestos abatement activities***
52 ***on the 325 Blake Road property.***

53
54 **Resolution 18-118, Authorization to Close the Blake Road Operations and Blake Road**
55 **Capital Bank Accounts**

56
57 ***NOW, THEREFORE, BE IT RESOLVED, the Minnehaha Creek Watershed***
58 ***District, Board of Managers authorizes the District Administrator to work with***
59 ***Alerus Bank to close the 325 Blake Road Capital Account (account ending 017)***
60 ***and the 325 Blake Road Operations Account (account ending 025) and to***
61 ***transfer all funds to the General Fund Operating Account (account ending***
62 ***557).***

63
64 ***Upon vote, the motion carried 5-0.***

65
66 **REGULAR AGENDA**

67
68 **Board, Committee and Task Force Reports**

69
70 Manager White reported on the most recent meeting of the Local Government Roundtable, on
71 which she serves as representative of the Minnesota Association of Watershed Districts
72 (MAWD) Board. She said the meeting covered the legislative positions for the upcoming
73 session, a Clean Water Council update and watershed-based funding. She said that the Executive
74 Committee met earlier this evening with Joel Carlson, the District's legislative liaison, and
75 discussed the results of the recent election. She said the committee also discussed internal
76 policies as well as funding strategies, including prioritizing support grants and bonds. Manager
77 White also stated that the Executive Committee reviewed the resolutions that are slated to be
78 discussed at the upcoming MAWD annual meeting. (*Manager Shekleton arrived, 7:08 p.m.*)

79
80 Manager White stated that she will be the board representative at the December meeting of the
81 Citizens Advisory Committee.

82
83 **Permits Requiring a Variance**

84
85 **Permit 18-277: Mi-Tech Services Fiber Optic Internet Network, St. Louis Park**

86
87 Heidi Quinn reviewed the particulars of an application for a permit to place fiber optic internet
88 cable underneath the creek in St. Louis Park. Ms. Quinn stated that the project triggers MCWD's
89 Waterbody Crossings and Structures Rule and noted that it is before the Board of Managers as a

90 result of a request from community members. Ms. Quinn reviewed the application particulars,
91 noting that the project complies with the District's waterbody-crossings criteria in each respect.
92 She stated that staff recommends approval of the application with no conditions. Ms. Quinn
93 stated that District staff met with two of the three people who requested that the managers review
94 the application and that she has had email correspondence with the other. **Manager Shekleton**
95 ***moved and Manager Miller seconded approval of Permit 18-277 as recommended by staff.*** In
96 response to questions from the managers regarding a wetland area and oxbow to the north of the
97 project area, Michael Hayman of the District staff came forward and stated that the area where
98 the managers are observing wetland in the graphics presented by Ms. Quinn has no connection to
99 a former wetland nearby and that staff has discussed the potential restoration of this wetland with
100 the City of St. Louis Park but no specific project has been brought forward or fully developed.
101 ***Upon vote the motion carried 6-0.***

102

103 **ACTION ITEMS**

104

105 **Resolution 18-120, Authorization to Award Contracts for Construction of Arden Park**
106 **Restoration Project and Arden Park Construction Administration Services**

107

108 Laura Domyancich and Renae Clark came forward to discuss with the managers the proposed
109 actions in front of the managers for the Arden Park project. Ms. Clark noted that she would be
110 moving to the planning role on the project and Ms. Domyancich will take on staff oversight of
111 construction. Ms. Domyancich reviewed the particulars of the construction contract and the
112 proposed agreement with Inter-Fluve Inc. for construction-oversight services. Ms. Domyancich
113 explained that staff recommends that the board of managers find that Rachel Contracting is the
114 lowest responsive, responsible bidder and that the contract be awarded for the base bid and bid
115 alternates two and three. She noted that Rachel was the low bidder both with and without the
116 alternates. She stated that staff have coordinated with the City of Edina and staff there are
117 recommending approval of the award of the contract to Rachel but city council concurrence is
118 necessary, therefore the board action in the packet this evening is conditioned on concurrence by
119 the Edina City Council. Ms. Domyancich reviewed the split of costs between the watershed
120 district and the city, and discussed construction administration by Inter-Fluve, with various
121 subcontractors, 60 percent of which will be paid by MCWD and 40 percent by the city. Finally,
122 Ms. Domyancich reviewed the timeline for the project, construction of which will begin this
123 winter. **Manager Miller moved and Manager Rogness seconded adoption of Resolution 18-**
124 ***120.*** In response to a question from Manager Miller, Ms. Domyancich explained that the park
125 definitely will be and will look like a construction site that will not necessarily be particularly
126 attractive but that the District and city will have a site map and signage up to explain what the
127 project is and provide information to observers. Manager Shekleton stated that there will be
128 times when the creek passage is closed because of construction. Ms. Domyancich confirmed that
129 that would be the case. Manager Olson confirmed with staff that there will be no diversion of the
130 creek into pipes. ***Upon vote, the motion carried 6-0.***

131

132 **Resolution 18-121: Authorization to Execute Arden Park Maintenance Covenants**
133

134 Ms. Domyancich explained that the construction contract that the board of managers just
135 authorized includes three years of maintenance and the proposed covenants provide for
136 maintenance of the project by the city after that time. Ms. Clark stated that Ms. Domyancich has
137 worked with city staff on developing a very detailed maintenance plan. ***Manager Miller moved***
138 ***and Manager Shekleton seconded adoption of Resolution 18-121.*** In response to a question
139 from Manager Olson, Chris Meehan stated that with regard to the use of root wads to stabilize
140 shoreline, organic material collects around roots that are thrust into the streambank and there is
141 no risk that as the roots decay there will be collapse of the streambank structure. ***Upon vote, the***
142 ***motion carried 6-0.***
143

144 **Resolution 18-122: Appointment of MAWD Delegates**
145

146 Because managers White and Olson are the only two managers who are able to attend the MAWD
147 conference, they would need to serve as delegates for the District to the conference. ***Manager***
148 ***Shekleton moved and Manager Becker seconded adoption of Resolution 18-122, appointing***
149 ***Managers White and Olson as the Minnehaha Creek Watershed District's delegates to the***
150 ***MAWD annual meeting. Upon vote the motion carried 6-0.***
151

152 **Resolution 18-114: Selection of Vendor and Authorization to Enter into a Contract for**
153 **Audit Services**
154

155 Mr. Wisker presented the process to date in developing a relationship with an auditor to conduct
156 the audit for the District in 2019 and 2020. He reviewed the criteria that the board of managers
157 had asked for additional detail on and how staff had developed a true cost comparison among the
158 responses to the request for proposals. He stated that RedPath included costs for some
159 accounting in its original proposal that were in addition to the work in other proposals. He stated
160 that with the revisions, RedPath is now the most competitive price for the services needed by the
161 District. ***Manager Miller moved and Manager Rogness seconded adoption of Resolution 18-***
162 ***114, selecting RedPath to provide audit services for 2018 and 2019, and authorizing the***
163 ***administrator to enter a contract on advice of counsel with RedPath. Upon call for division,***
164 ***the motion was approved 4-2, Managers Becker and White voting against. Manager Miller***
165 ***moved and Manager Becker seconded direction to staff to develop a request for proposals for***
166 ***separating the accounting services from the auditing service and receiving those services from***
167 ***two separate providing.***
168

169 In response to a question from the managers, Mr. Wisker stated that the District approved a
170 contract with RedPath for accounting services last May for a two-year period. In response to a
171 question from Manager Shekleton, Mr. Wisker explained that staff would need to work with
172 legal counsel to determine how that contract could be modified. ***Upon vote, the motion carried***
173 ***6-0.***

174 **BOARD DISCUSSION ITEMS**

175

176 **MCWD Position on MAWD Resolutions**

177

178 Mr. Wisker stated that the Executive Committee discussed the MAWD resolutions and there are
179 no particularly strong points of concern for the District that would drive a particular vote on a
180 resolution. The managers discussed that managers White and Olson have plenty of experience
181 and perspective to be able to develop votes on the resolutions that reflect Minnehaha Creek
182 Watershed District's interests. ***Manager Shekleton moved and Manager Miller seconded for***
183 ***the delegates appointed by the District to vote as they are informed and deem best. Upon vote,***
184 ***the motion carried 6-0.***

185

186 **STAFF UPDATES**

187

188 **Administrator's Report**

189

190 Mr. Wisker gave an update on water levels, noting that Lake Nokomis is at 815 feet above sea
191 level and that Lake Minnetonka is below the runout elevation. The dam was closed on October
192 18. He stated that the creek can run out to level 988 feet, at which point the dam is closed for the
193 winter. He stated that Tiffany Schaufler of the District staff presented with Craig Schmidt of the
194 National Weather Service on flooding and climate resilience at a climate adaptation conference
195 last week. Mr. Wisker explained that the human resources plan is near to being complete and will
196 be ready with job classification information and comparisons for presentation to the Operations
197 Committee on December 13 and to the board of managers on December 20. He explained that
198 with regard to information technology services, the District needs to post the geographic
199 information systems position in the next week and that it is unclear when the reporting would
200 occur but probably at the next Policy and Planning Committee meeting. Finally, Mr. Wisker
201 explained that with regard to staff and District capacity and project funding, he will be posting a
202 project manager position in the very near future.

203

204 **Redevelopment and Sale of 325 Blake Road Property**

205

206 Michael Hayman recommended that the managers convene in closed session to discuss valuation
207 for sale of the property the District owns at 325 Blake Road in Hopkins. ***Manager Olson moved***
208 ***and Manager Rogness seconded to close the meeting to discuss valuation for sale of property***
209 ***the District owns at 325 Blake Road in Hopkins. Upon vote, the motion carried 6-0.***

210

211 At the close of the discussion, the board convened again in open session.

212

Minutes of the Regular Meeting
Minnehaha Creek Watershed District
Board of Managers
11-15-2018

213

214 **ADJOURNMENT**

215

216 There being no further business, the meeting of the board of managers was adjourned at 7:55
217 p.m.

218

219 Respectfully submitted,

220

221

222 Kurt Rogness, Secretary

DRAFT