

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

4
5 **September 13, 2018**

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 September 13, 2018 at the District Office, 15320 Minnetonka
10 Boulevard, Minnetonka, Minnesota.

11 **MANAGERS PRESENT**

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

15 **MANAGERS ABSENT**

16
17 None.

18
19 **DISTRICT STAFF AND CONSULTANTS PRESENT**

20
21 James Wisker, Administrator; Renae Clark, Policy and Grants Coordinator; Michael Hayman,
22 Project Planning Manager; Anna Brown, Planner-Project Manager; Chris Meehan, District
23 Consulting Engineer; and Louis Smith, District Counsel.

24
25 **MATTERS FROM THE FLOOR**

26
27 None.

28
29 **APPROVAL OF AGENDA**

30
31 *It was moved by Manager Miller, seconded by Manager Shekleton, to approve the agenda as*
32 *distributed. Upon vote, the motion carried, 7-0.*

33 **CONSENT AGENDA**

34
35 *It was moved by Manager Olson, seconded by Manager Shekleton, to approve the Consent*
36 *Agenda, consisting of the following items: approval of August 23, 2018 Board Minutes;*
37 *adoption of Resolution 18-088: Authorization to Solicit Proposals for Audit Services as*
38 *follows:*

39 ***NOW, THEREFORE, BE IT RESOLVED, the Minnehaha Creek Watershed***
40 ***District, Board of Managers hereby authorizes the District Administrator to***
41 ***solicit proposals for financial audit services.***
42

43 **Resolution 18-08, Authorization to Execute Contract for Professional Services (Accounting)**
44

45 *NOW, THEREFORE, BE IT RESOLVED, the Minnehaha Creek Watershed*
46 *District, Board of Managers hereby authorizes the District Administrator to*
47 *execute the contract as negotiated with Redpath and Company, with any final*
48 *non-material changes and on advice of counsel.*
49

50 **Resolution 18-090, Authorization to release administration of WCA for the portion of**
51 **Shorewood outside the District boundary**
52

53 *NOW, THEREFORE, BE IT RESOLVED that the Minnehaha Creek*
54 *Watershed District Board of Managers releases administration of the Wetland*
55 *Conservation Act in the portion of Shorewood outside the District boundary;*
56

57 *BE IT FURTHER RESOLVED that the Minnehaha Creek Watershed District*
58 *acknowledges the termination of the Joint Powers Agreement between the City*
59 *of Shorewood and the Minnehaha Creek Watershed District executed on March*
60 *24, 2008.*
61

62 **Resolution 18-091, Authorization to Accept Funding and Execute an Agreement with the**
63 **MN DNR for Improved Flood Risk Mapping**
64

65 *BE IT RESOLVED that the Minnehaha Creek Watershed District, hereinafter*
66 *referred to as the “Applicant,” acts as legal sponsor for entering in to an*
67 *agreement with the Minnesota Department of Natural Resources for a*
68 *collaborative effort to improve flood risk identification and mapping within its*
69 *jurisdiction and that the District Administrator is hereby authorized to*
70 *collaborate with the Minnesota Department of Natural Resources for securing*
71 *funding of a project on behalf of the Applicant.*
72

73 *BE IT FURTHER RESOLVED that the Applicant has the legal authority to*
74 *request financial assistance, and the institutional, administrative, technical and*
75 *managerial capability to ensure satisfactory completion of the project described*
76 *in the State of Minnesota grant contract with the Minnehaha Creek Watershed*
77 *District for Improved Floodplain Modeling and Mapping attached herein.*
78

79 *BE IT FURTHER RESOLVED Applicant understands that funding provided*
80 *through the Minnesota Department of Natural Resources requires no monetary*
81 *match.*
82

83 *BE IT FURTHER RESOLVED that the Applicant hereby pledges to complete*
84 *the project per the approved scope and budget if it exceeds the total funding*
85 *provided by the Department of Natural Resources grant.*

86 ***BE IT FURTHER RESOLVED that the Applicant has not incurred any***
87 ***reimbursable project expenses prior to the full execution of a grant agreement.***

88
89 ***BE IT FURTHER RESOLVED that the Applicant has not violated any***
90 ***Federal, State, or local laws pertaining to fraud, bribery, graft, kickbacks,***
91 ***collusion, conflict of interest or other unlawful or corrupt practice.***

92
93 ***BE IT FURTHER RESOLVED that the Applicant and the State of Minnesota***
94 ***have prepared a grant agreement, and that the Applicant certifies that it will***
95 ***comply with all applicable laws and regulations as stated in the grant***
96 ***agreement.***

97
98 ***NOW, THEREFORE BE IT RESOLVED that the District Administrator is***
99 ***hereby authorized to execute the agreement, with any final changes on advice***
100 ***of counsel, as necessary to implement the project on behalf of the applicant.***

101
102 ***NOW, THEREFORE BE IT FINALLY RESOLVED that the District***
103 ***Administrator is authorized to execute a contract with Wenck to evaluate***
104 ***current FEMA modeling for Minnehaha Creek for an amount not to exceed***
105 ***\$8,065.***

106
107 ***Upon vote, the motion carried, 7-0.***

108
109 **REGULAR AGENDA**

110
111 **Board, Committee and Task Force Reports**

112
113 **President's Report**

114
115 President White reported on a tour of Peter Reichelbacher's restoration project; a meeting with
116 the mayor, city manager and Mr. Wisker at the City of Hopkins; and the community engagement
117 event on September 7 for the 325 Blake Road project.

118 **Operations and Programs Committee Report**

119
120 Manager Loftus reported that the committee met earlier in the evening to review financial
121 reporting and an update on the IT plan. She recommended that President White appoint
122 Managers Shekleton and Olson as liaisons to this IT planning effort. President White requested a
123 motion from the board of managers approving this appointment. ***It was moved by Manager***
124 ***Miller, seconded by Manager Rogness, to approve the President's appointment of Managers***
125 ***Shekleton and Olson as liaisons to the IT Plan. Upon vote, the motion carried, 7-0.***

126

127 Citizens Advisory Committee

128

129 Manager Shekleton reported that he attended an excellent meeting with the CAC to review the
130 District Rules and provide insights and feedback about issues arising under the rules. Staff felt
131 that this was a helpful discussion to guide the upcoming rules revision process and the CAC
132 members felt that this was a good use of their time.

133 Manager Olson reported that he recently attended a meeting of the Wasserman Lake Association,
134 where an MCWD staff presentation received applause and much positive enthusiasm.

135 President White reviewed the upcoming meeting schedule published in the agenda.

136 **ACTION ITEMS**

137

138 Resolution 18-092: Authorization to Execute Refinance of 325 Blake Road

139 Mr. Wisker appeared before the Board of Managers to review the request for board action. He
140 referred to the background information in the meeting packet and noted that staff has worked
141 with Mark LeMay at Springsted to review refinancing options and recommends the proposed the
142 proposed issuance of an \$8,000,000 General Obligation Conservation Program Note of 2018, in
143 exchange for the District's outstanding Conservation Program Note of 2013. He explained that
144 this will be a five year term and the rate is expected to be approximately 3.65%. Mr. Stephen
145 Rosholt appeared before the Board of Managers as bond counsel, noting that the proposed action
146 documents the terms negotiated with Wells Fargo, and that the note will be a general obligation
147 of the District and payable with its ad valorem tax levy.

148 Mr. Mark LeMay appeared before the Board of Managers and explained the background and
149 terms of the proposed refinancing, noting that the proposal provides flexibility and a favorable
150 interest rate; the District may prepay the obligation, and a prepayment penalty is possible
151 depending upon the market conditions at the time of prepayment. He stated that the proposal
152 reflects a reasonable arrangement to meet the District's needs.

153 At the request of Mr. Wisker, Mr. Smith explained the legal opinion supporting that the District
154 has legal authority to acquire the property and to levy the taxes to pay this obligation. ***Following***
155 ***discussion, it was moved by Manager Miller, seconded by Manager Shekleton, to adopt***
156 ***Resolution 18-092. Upon vote, the motion carried, 7-0.***

157 Resolution 18-093: Authorization to Approve Arden Park Design Contract Amendment

158 Ms. Renae Clark appeared before the Board of Managers to review the request for board
159 action. She explained the proposal to amend the existing contract with Inter-Fluve for the not to
160 exceed amount of \$495,250 to perform additional design and regulatory services for the Arden
161 Park Restoration Project. Ms. Clark noted the additional regulatory work involved with
162 addressing historic review at the site, and that the proposed amendment would also be considered

163 by the Edina City Council on September 20. ***It was moved by Manager Rogness, seconded by***
164 ***Manager Becker to adopt Resolution 18-093. Upon vote, the motion carried, 7-0.***

165 Resolution 18-094: Approval of Chanhassen Local Water Management Plan

166 Ms. Clark referred to a revised resolution presented at the meeting. She noted the changes from
167 the earlier draft, including the reference to the Watershed Management Plan as a source of
168 authority for the MCWD's exercise of regulatory authority, and the requirement that the City
169 adopt implementing ordinances within 180 days. Ms. Clark stated that her presentation would
170 provide background for both Chanhassen and Shorewood local plans, and explained that both
171 this action and the next resolution concerning approval of Shorewood's local water management
172 plan reflected the MCWD's commitment to balanced urban ecology and integrating water
173 resources and land use planning. ***Following discussion, it was moved by Manager Olson,***
174 ***seconded by Manager Shekleton, to adopt Resolution 18-094 as revised and presented at the***
175 ***meeting. Upon vote, the motion carried, 7-0.***

176 Resolution 18-095: Approval of Shorewood Local Water Management Plan

177 ***It was moved by Manager Olson, seconded by Manager Miller, to adopt Resolution 18-***
178 ***095. Upon vote, the motion carried, 7-0.***

179 Resolution 18-096: Authorization to Accept the Petition to Impound Judicial Ditch 2 - Six Mile
180 Creek Drainage System Waters

181 Ms. Anna Brown appeared before the Board of Managers to review the request for board
182 action. She explained the proposed project and the requirement as drainage authority to initiate a
183 proceeding to assure that the proposed installation of a carp barrier does not adversely affect the
184 hydrology of the drainage system. She noted a change in the proposed petition to refer to
185 Minnetrista in Hennepin County. ***Following discussion, it was moved by Manager Olson,***
186 ***seconded by Manager Shekleton, to adopt Resolution 18-096 as presented. Upon vote, the***
187 ***motion carried, 7-0.***

188 Resolution 18-097: Adoption of 2019 Budget and Work Plans, and Announcement of December
189 13 Public Meeting

190 Mr. Wisker reviewed the Board's budget process that included eight committee meetings and the
191 August 23 public hearing. President White expressed her appreciation for the board's work on
192 the budget, as well as that of the committee chairs, administrator and staff. ***Following***
193 ***discussion, it was moved by Manager Miller, seconded by Manager Rogness, to adopt***
194 ***Resolution 18-097. Upon roll call vote, the motion carried, 7-0.***

195 President White announced that the Board of Managers would hold a public meeting on the 2019
196 budget and levy on December 13, 2018 at 7:00 p.m.

197

198 Resolution 18-098: Certification for 2019 Levy

199 *It was moved by Manager Miller, seconded by Manager Rogness, to adopt Resolution 18-098*
200 *as presented. Upon roll call vote, the motion carried, 7-0.*

201 **BOARD DISCUSSION ITEMS**

202 Ms. Anna Brown appeared before the Board of Managers to provide a briefing on the current
203 design of three carp barriers, which are a key carp management component of the Six Mile
204 Creek-Halsted Bay Habitat Restoration Project (SMCHB). She noted that this work is the focus
205 of a grant of \$567,000 from Lessard Sams Outdoor Heritage Council for a system-wide carp
206 management and habitat restoration program. Ms. Brown provided a detailed overview of the
207 carp barriers design and the managers discussed the potential for debris, signage, and locations
208 relating to the barriers. Mr. Meehan explained the analysis of flow velocity and related design
209 considerations to address the potential for debris. The managers thanked Ms. Brown for her
210 presentation.

211 **STAFF UPDATES**

212

213 Administrator's Report

214 Mr. Wisker reported on the following items:

215 1. Ms. Tiffany Schaufler presented the master planning effort to the citizens advisory committee
216 of the Minneapolis Park and Recreation Board, and received complimentary feedback on the
217 collaboration involved among the City of Minneapolis, Minneapolis Park and Recreation Board,
218 and the MCWD.

219 2. Staff continues to monitor water levels at Lake Nokomis and the Gray's Bay dam. Staff also
220 provided a briefing on high water issues in South Minneapolis to the staff of the mayor of
221 Minneapolis.

222 3. As noted earlier, an open house at Cottageville Park concerning the 325 Blake Road project
223 was well attended.

224 4. Staff is continuing to provide information and track community discussion of carp
225 management in the Six Mile Creek Subwatershed;

226 5. Applications are open for the Master Water Stewards program.

227 6. Mr. Wisker and Mr. Hayman attended a recent conference of the American Planning
228 Association and presented work on the integration of water resources and land use planning
229 which was very well received.

230

231 **BOARD DISCUSSION ITEMS, CONTINUED**

232 Redevelopment and Sale of 325 Blake Road Property

233 Mr. Michael Hayman appeared before the Board of Managers to provide a briefing on the
234 development of the terms of potential sale of 325 Blake Road in Hopkins and recommended that
235 the Board discuss this matter in closed session. *It was moved by Manager Shekleton, seconded*
236 *by Manager Rogness, that the Board move into closed session to discuss the development of*
237 *terms of the potential sale of 325 Blake Road in Hopkins. Upon vote, the motion carried, 7-0.*

238 Whereupon the Board of Managers went into closed session at 8:20 p.m. The Board of
239 Managers returned to open session at 9:54 p.m.

240 **ADJOURNMENT**

241
242 There being no further business, the meeting of the Board of Managers was adjourned at 9:54
243 p.m.

244 Respectfully submitted,

245

246

247 Kurt Rogness, Secretary