

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

4
5 February 25, 2016
6

7 **CALL TO ORDER**
8

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.
12

13 **OATH OF OFFICE – MANAGER OLSON**
14

15 President White noted that Manager William Olson had been reappointed by the Carver
16 County Board of Commissioners. Mr. Smith administered the Oath of Office. The
17 managers congratulated Manager Olson on his reappointment.
18

19 **MANAGERS PRESENT**
20

21 Sherry White, Brian Shekleton, Richard Miller, Kurt Rogness, James Calkins, William
22 Olson, and Pam Blixt.
23

24 **MANAGERS ABSENT**
25

26 None.
27

28 **DISTRICT STAFF AND CONSULTANTS PRESENT**
29

30 Lars Erdahl, District Administrator; James Wisker, District Planning and Projects
31 Director; Michael Hayman, District Planner-Project Manager; Laura Domyancich,
32 District Project and Land Technician; Katherine Sylvia, District Permitting Program
33 Lead; Yvette Christianson, District Water Quality Manager; Kailey Kreatz, District
34 Water Quality Technician; Louis Smith, District Counsel.
35

36 **APPROVAL OF THE AGENDA**
37

38 Mr. Smith requested that consideration of the settlement agreement with Eric Evenson-
39 Marden be added to the agenda as Item 11.5. *It was moved by Manager Miller,*
40 *seconded by Manager Olson, to approve the agenda with this addition. Upon vote, the*
41 *motion carried, 7-0.*
42

43 **CONSENT AGENDA**
44

45 *It was moved by Manager Olson, seconded by Manager Shekleton, to approve the items*
46 *on the consent agenda as follows: February 11, 2016 minutes; approve the check*

47 *registers, including the general checking account, with items (void check 36307) 36387*
48 *through 36450 for a total of \$490,281.14, approve payroll direct deposits of*
49 *\$155,268.82, and approve electronic fund withdrawals totaling \$32,209.66, for total*
50 *expenses of \$677,759.62; accept the 325 Blake Road checking account; and adopt*
51 *Resolutions 16-010, 16-011, 16-012 and 16-013, as follows:*
52

53 **Resolution 16-010, Authorization to Execute Agreement with KC Consulting to Plan**
54 **and Implement 2016 Minnehaha Creek Cleanup**
55

56 *NOW, THEREFORE, BE IT RESOLVED that the Minnehaha Creek*
57 *Watershed District Board of Managers authorizes the District*
58 *Administrator to execute, on advice and consent of counsel, an*
59 *agreement with KC Consulting to plan and implement the 2016*
60 *Minnehaha Creek Cleanup for an amount not to exceed \$16,000;*
61

62 **Resolution 16-011, Authorization to Execute Agreement with Himle Rapp for**
63 **Activities Analysis and 50th Anniversary Strategy**
64

65 *NOW, THEREFORE, BE IT RESOLVED that the Minnehaha Creek*
66 *Watershed District Board of Managers hereby authorizes the District*
67 *Administrator to execute, on advice and consent of counsel, an*
68 *agreement with Himle Rapp and Company to conduct an analysis of the*
69 *District's outreach activities and to develop a 50th anniversary outreach*
70 *strategy for an amount not to exceed \$15,000;*
71

72 **Resolution 16-012, Authorization to Purchase a 2016 Jeep Cherokee for the District**
73 **Fleet from the State of Minnesota Cooperative Purchasing Venture**
74

75 *NOW, THEREFORE, BE IT RESOLVED that the Minnehaha Creek*
76 *Watershed District Board of Managers authorize the District*
77 *Administrator to purchase a 2016 Jeep Cherokee for the District Fleet*
78 *from Nelson Auto Center for the total cost including taxes not to exceed*
79 *\$26,000;*
80

81 **Resolution 16-013, Accepting Hennepin County Natural Resource Opportunity**
82 **Grant for the Meadowbrook Golf Course Ecological Restoration Project**
83

84 *THEREFORE BE IT RESOLVED that the Board approves the grant*
85 *agreement; authorizes the Board President to execute the agreement,*
86 *with any final non-substantive changes and on advice of counsel; and*
87 *directs the District administrator to provide for the District's fulfillment*
88 *of its responsibilities thereunder.*
89

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

91

92 **REGULAR AGENDA**

93

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

95

96 **President's Report:**

97

98 President White reported that she had attended the Policy Advisory Committee for the
99 Comprehensive Plan Update; positive comments were received on the District's
100 statement of mission, vision and values, and there was good discussion of the focal
101 geography and Six Mile Subwatershed effort.

102

103 President White also reported on the last meeting of the Wayzata Lake Effect Committee;
104 the final design will be completed in April, and the Wayzata City Council will act on a
105 phased plan for implementation.

106

107 **Policy and Planning Committee Report:**

108

109 Manager Calkins reported on the February 18 meeting of the Policy and Planning
110 Committee which reviewed the comprehensive plan update and schedule; a brochure on
111 the partnership model and the two track approach to localized and focal geography work
112 in the District. Manager Calkins noted that there was also discussion of the outreach
113 within the Six Mile Subwatershed; boundary changes within the Carver County part of
114 the watershed; and an update on Knollwood Shopping Center.

115

116 President White proposed that Managers Miller and Rogness be appointed to a task force
117 to work on the brochure on the partnership model. ***It was moved by President White,***
118 ***seconded by Manager Shekleton, to appoint Managers Miller and Rogness to this task***
119 ***force. Upon vote, the motion carried, 7-0.*** President White also thanked Managers
120 Olson and Miller for briefly serving on a task force to work on the District's mission,
121 vision, and values.

122

123 President White reviewed the upcoming meeting schedule. Manager Olson noted that the
124 Operations and Projects Committee meeting of March 3 would be canceled because the
125 aquatic invasive species program report is not yet ready.

126

127 **ACTION ITEM**

128

129 **Resolution 16-014, Authorization to Enter into Contracts for Vegetation**
130 **Maintenance at 17 Sites**

131

132 Ms. Laura Domyancich appeared before the Board of Managers and reviewed the request
133 for board action. She noted that the various vegetation sites had been organized into
134 groups to provide for cost savings and more cohesive management of similar sites. She

135 noted that quotes had been obtained and reviewed the quotes from various providers.
136 Manager Calkins noted the Six Mile marsh and asked about the intention to plant prairie
137 first and then later oak trees. Ms. Domyancich stated that in the first year, the plan would
138 be to collect acorns from the area and then plant them within a two acre area that would
139 be fenced off from deer thereafter. ***It was moved by Manager Calkins, seconded by***
140 ***Manager Olson to adopt Resolution 16-014, authorizing contracts for vegetation***
141 ***maintenance as follows:***

142

143 ***NOW, THEREFORE, BE IT RESOLVED that the District***
144 ***Administrator is authorized, on advice from District Counsel, to enter***
145 ***into a contract with Wetland Habitat Restorations in the amount of***
146 ***\$50,862 for the Small Site Buffers and Shorelines vegetation***
147 ***maintenance and that the Board establishes a Small Site Buffers and***
148 ***Shorelines project maintenance budget in the not-to-exceed amount of***
149 ***\$55,948 and authorizes the District Administrator, in his judgement, to***
150 ***authorize change orders obligating the District up to that amount; and***

151

152 ***BE IT FURTHER RESOLVED that the District Administrator is***
153 ***authorized, on advice from District Counsel, to enter into a contract with***
154 ***Prairie Restorations, Inc. in the amount of \$44,560 for the Pond Buffers***
155 ***vegetation maintenance and that the Board establishes a Pond Buffers***
156 ***project maintenance budget in the not-to-exceed amount of \$49,016 and***
157 ***authorizes the District Administrator, in his judgement, to authorize***
158 ***change orders obligating the District up to that amount; and***

159

160 ***BE IT FURTHER RESOLVED that the District Administrator is***
161 ***authorized, on advice from District Counsel, to enter into a contract with***
162 ***Prairie Restorations, Inc. in the amount of \$40,590 for the Large Site***
163 ***Restorations vegetation maintenance and that the Board establishes a***
164 ***Large Site Restorations project maintenance budget in the not-to-exceed***
165 ***amount of \$44,649 and authorizes the District Administrator, in his***
166 ***judgement, to authorize change orders obligating the District up to that***
167 ***amount; and***

168

169 ***BE IT FURTHER RESOLVED that the District Administrator is***
170 ***authorized, on advice from District Counsel, to enter into a contract with***
171 ***Prairie Restorations, Inc. in the amount of \$31,847 for the Six Mile***
172 ***Marsh Prairie vegetation maintenance and that the Board establishes a***
173 ***Six Mile Marsh Prairie Restoration project maintenance budget in the***
174 ***not-to-exceed amount of \$35,031 and authorizes the District***
175 ***Administrator, in his judgement, to authorize change orders obligating***
176 ***the District up to that amount.***

177

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

179 **Resolution 16-015, Authorization to purchase stormwater sampling equipment**

180

181 Mr. Michael Hayman and Ms. Kailey Kreatz appeared before the Board of Managers and
182 reviewed the request for board action, including authorization to purchase stormwater
183 sampling equipment from Tech Sales Company, and authorization to contract with
184 Wenck Associates for equipment installation services. *Following discussion, it was*
185 *moved by Manager Calkins, seconded by Manager Shekleton to adopt Resolution 16-*
186 *015 as follows:*

187

188 **Resolution 16-015, Authorization to purchase stormwater sampling equipment from**
189 **Tech Sales Company, and authorization to contract with Wenck Associates for**
190 **equipment installation services**

191

192 *NOW, THEREFORE, BE IT RESOLVED, that the District*
193 *Administrator is authorized to purchase stormwater monitoring*
194 *equipment from Tech Sales Company in the amount of \$17,395; and*

195

196 *BE IT FURTHER RESOLVED that the District Administrator is*
197 *authorized, on advice of counsel, to enter into a contract with Wenck*
198 *Associates for equipment installation services in an amount not to*
199 *exceed \$8,290.*

200

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

202

203 **Resolution 16-016 Authorization to Delegation Erosion Control Authority to the**
204 **City of St. Louis Park**

205

206 Ms. Katherine Sylvia appeared before the Board of Managers and reviewed the request
207 for board action. She noted that Manager Shekleton had additional questions that she
208 wished to address, and also that additional information would be available for the Board's
209 consideration. She noted that in 2015, the District Engineer had performed a review of
210 city ordinances and identified the necessary amendments to meet District rule
211 requirements. The City of St. Louis Park has now amended its ordinances to meet District
212 requirements. Manager Olson asked why the City is interested in assuming erosion
213 control regulatory authority. Ms. Sylvia noted that the City is seeking to streamline the
214 building permit process.

215

216 *Following discussion, it was moved by Manager Miller, seconded by Manager Calkins*
217 *to adopt Resolution 16-016 authorizing the Delegation of Erosion Control Authority to*
218 *the City of St. Louis Park.*

219

220 Manager Miller asked how the District assures compliance with its requirements as the
221 City assumes this erosion control regulatory authority. Ms. Sylvia stated that the District

222 has a close working relationship with the staff at the City of St. Louis Park and is
223 regularly coordinating the review and inspection of sites.

224

225 Manager Blixt asked for a list of how many cities have assumed some regulatory
226 authority from the District, and Ms. Sylvia said she would prepare such a list. The
227 managers asked Mr. Smith to explain provisions of the memorandum of understanding.
228 Manager Calkins asked if the District still receives annual reports from cities about
229 implementation of permitting programs. Mr. James Wisker appeared before the Board of
230 Managers and confirmed that annual reports are received.

231

232 ***Manager Blixt moved to amend the motion to include direction to staff to provide the***
233 ***2015 annual reports from cities about implementation of regulatory programs, and***
234 ***then withdrew the motion.*** Mr. Smith noted that counsel had offered several changes to
235 the proposed resolution, and Manager Shekleton stated that he would prefer to defer
236 action to the next meeting. ***It was moved by Manager Shekleton, seconded by Manager***
237 ***Rogness to table consideration of the resolution to the next meeting. Upon vote, the***
238 ***motion carried, 7-0.***

239

240 ***It was moved by Manager Blixt, seconded by Manager Miller to direct the staff to***
241 ***review existing 2015 annual reports from cities on permit administration, along with***
242 ***other relevant information such as the category of rules administered, violations,***
243 ***variances, etc., and present this information to the Board of Managers. Upon vote, the***
244 ***motion carried, 7-0.***

245

246 Settlement Agreement and Release with Eric Evenson-Marden

247

248 Mr. Smith noted that after the distribution of the proposed meeting agenda, counsel had
249 received an executed settlement agreement and release from Mr. Evenson-Marden, and
250 so requested that the agenda be amended to include this item at this meeting. Mr. Smith
251 noted that it had been called to his attention that at page five, Exhibit A, the first
252 paragraph is not accurate as presented. He recommended that the paragraph be corrected
253 to read: "Eric Evenson-Marden worked as Administrator for the Minnehaha Creek
254 Watershed District. His term of employment was from December 1998 through October
255 2014."

256

257 ***It was moved by President White, seconded by Manager Rogness to approve the***
258 ***settlement agreement and release with the change recommended by Mr. Smith at page***
259 ***five. Upon vote, the motion carried, 6-0, with Manager Miller abstaining.***

260

261

262 Administrator's Report

263

264 Mr. Erdahl reported on the following items:

265

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Minnehaha Creek Watershed District
Board of Managers
2-25-2016

- 266 • 2015 Year-end review report has been prepared and distributed;
267 • The leadership team has recently completed staff performance reviews;
268 • Staff recently participated in the development program called Strength Finders;
269 • The legislative forum for the Minnesota Association of Watershed Districts will
270 be held March 30 and 31;
271 • The Governor’s Water Summit will be held on February 27, and Mr. Erdahl will
272 be attending along with three members of the Board and Peter Reichenbacher of
273 the citizens’ advisory committee.
274

275 **ADJOURNMENT**

276
277 There being no further business, the meeting of the Minnehaha Creek Watershed District
278 Board of Managers was adjourned at 7:38 p.m.

279
280 Respectfully submitted,

281
282
283
284 Kurt Rogness, Secretary