

1 **MINUTES OF THE REGULAR MEETING OF**
2 **THE MINNEHAHA CREEK WATERSHED DISTRICT**
3 **BOARD OF MANAGERS**
4

5 October 9, 2014
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 6:50 p.m. in the District offices, 15320
11 Minnetonka Boulevard, Minnetonka, Minnesota 55345.
12

13 **MANAGERS PRESENT**
14

15 Sherry White, Brian Shekleton, Richard Miller, Jeffrey Casale, Pam Blixt, James Calkins,
16 William Olson.
17

18 **MANAGERS ABSENT**
19

20 None.
21

22 **OTHERS PRESENT**
23

24 Jeff Spartz, Interim District Administrator; Renae Clark, District Project Manager;
25 Michael Hayman; District Planning Specialist; Chris Meehan, District Consulting
26 Engineer; Michael Welch, District Counsel.
27

28 **MATTERS FROM THE FLOOR**
29

30 Peter Rechelbacher, a member of the District Citizens Advisory Committee, appeared
31 before the Board of Managers and stated that unfortunately he would not be able to attend
32 the Watershed Heroes banquet next week, so he wished to briefly address the managers.
33 He read a statement of his appreciation for being nominated for the Citizen Engagement
34 Award and discussed his work on behalf of Mooney Lake. He thanked the board for
35 recognizing him. The Board of Managers thanked Mr. Rechelbacher for his contributions
36 to the improvement of the watershed.
37

38 Brad Robinson, 20614 Linwood Road, Deephaven, appeared before the Board of
39 Managers and said he wanted to speak about lake levels and pending flooding of 2015.
40 He said that the Gray's Bay dam is adjustable and he encouraged the managers to take
41 steps necessary to lower the lake elevation to 928 feet. In repose to a question from
42 Manager Miller, Chris Meehan said that staff and the engineer are still analyzing data on
43 the flood from this summer and have not yet drafted any potential changes to the
44 operating plan for the dam. Manager Miller followed up, asking whether capacity issues
45 can be addressed this winter. Mr. Meehan said staff is considering whether changes may
46 be needed, but would have to meet with the Department of Natural Resources to discuss

47 and would need data from the National Oceanic and Atmospheric Administration on
48 predictions for next year before proposing any changes. Mr. Robinson reiterated his view
49 that the proper amount of storage capacity in the lake is not yet available.

50

51 **APPROVAL OF THE AGENDA**

52

53 Manager White said she wanted to add an introduction of new staff to the agenda.
54 Manager Miller requested the addition of an action item to make the final severance
55 payment to the former administrator. *Manager Miller moved, Manager Casale*
56 *seconded, the approval of the agenda as amended. Upon vote, the motion carried 7-0.*

57

58 Ms. Heidi Quinn appeared before the Board of Managers and introduced herself as a new
59 member of the Regulatory Department and provided some background on her path to the
60 District. The managers welcomed Ms. Quinn.

61

62 **INFORMATION ITEMS AND CORRESPONDENCE**

63

64 President White reviewed the information items and correspondence list and noted the
65 addition of a letter from the City of Excelsior encouraging the District to broadcast or
66 webcast its meetings. Jeff Spartz said that he will offer an update on webcasting options
67 during his administrator's report.

68

69 **CONSENT AGENDA**

70

71 *Manager Casale moved, seconded by Manager Miller, to approve the consent agenda*
72 *consisting of the minutes of September 25, 2014, meeting of the Board of Managers.*
73 *Upon vote, the motion carried 7-0.*

74

75 **REGULAR AGENDA**

76

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

78

79 President White offered her update, which included her suggestion that the managers use
80 the state Bureau of Mediation Services to select a facilitator for the board issue-resolution
81 process. *Manager Miller moved, seconded by Manager Shekleton, to approve using the*
82 *state Bureau of Mediation Services to locate a facilitator for the Board of Managers.*

83 Manager Blixt asked whether the group suggested is different from the group that served
84 the District on another occasion without success. Manager Miller stated that that group
85 was from the Department of Administration, not the Bureau of Mediation Services. In
86 response to a question from Manager Olson, Manager White stated that she believes the
87 District would receive proposals for a contract with a facilitator. She stated that the prior
88 motion that was approved by the managers was to solicit such proposals so she assumes
89 that would be the process, and would involve assistance from Mr. Spartz and District
90 counsel Louis Smith. *Upon vote, the motion carried 6-1, Manager Olson voting against.*

91

92 Manager White noted the schedule of upcoming meetings and events and said there are
93 no changes to the list.

94

95 **ACTION ITEMS**

96

97 Resolution 14-082: Approval of the Record of Decision for Environmental Assessment
98 Worksheet for the Long Lake Creek Phase II Restoration Project

99

100 Michael Hayman presented the results of the environmental assessment worksheet
101 (EAW) preparation to the Board of Managers. He said the consultant for the Long Lake
102 Creek Phase II restoration project, Respec, prepared the necessary data for the EAW. He
103 added that an EAW was necessary because the proposed project includes a change to the
104 channel of a public watercourse. Mr. Hayman said that the draft EAW was distributed for
105 comment in accordance with applicable requirements, and the comments received from
106 four agencies are addressed in the findings included in the packet. ***Manager Calkins***
107 ***moved, seconded by Manager Shekleton, to adopt resolution 14-082, adopting the***
108 ***Record of Decision for the Long Lake Creek Corridor Improvement Project – Phase II***
109 ***incorporated herein, finding and determining, based upon the Record of Decision, no***
110 ***Environmental Impact Statement is required for the project and directing staff to***
111 ***distribute this resolution and the Record of Decision in accordance with Minnesota***
112 ***Rules 4410.1700, subpart 5. Upon vote, the motion carried 7-0.***

113

114 Resolution 14-083: Deleting Meadowbrook Road Overlook from Reach 20 Design

115

116 Mr. Hayman apologized for the late addition of this item to the agenda, but noted the
117 need to bring a significant change in the design for the Reach 20 project to the managers
118 for approval. Mr. Hayman showed the Managers a layout and photos of the project area,
119 noting that the question before the managers is whether to delete a planned overlook
120 across the creek from the St. Louis Park public works facility. He stated that a
121 transformer in the area would still be screened, but on a recent visit to the site, staff
122 decided that with the width of the trail necessary for St. Louis Park equipment to manage
123 snow on the trail, the overlook would not provide an aesthetically positive viewpoint.
124 Manager Casale suggested that staff look for opportunities similar to those the District
125 found on Big Island for planting strips in collaboration with property owners of the north
126 side of the creek to screen the warehouses on that side. ***Manager Casale moved adoption***
127 ***of resolution 14-083, concurring in the deletion of the overlook from the plan and***
128 ***affirming the authority of the administrator to delete the work from the contract, with***
129 ***his added recommendation for design review. Manager Miller seconded.*** In response to
130 a question from Manager Shekleton, Mr. Hayman stated that the city will be using a F250
131 truck with a plow on it to maintain this area of the trail. The managers discussed the
132 differences in the likely development timeframe and dynamics of Southwest Light-Rail
133 corridor, relative to other light-rail-driving redevelopments, and how much effort staff
134 should direct a consultant to spend on design changes. In response to a question from

135 Manager White, Mr. Hayman explained that the slopes in the area are stable, but there is
136 a lack of screening and quite a bit of buckthorn in the area. He said that there is a
137 floodplain bench right there as well. He added that it would be relatively easy for staff to
138 reengage the landowner in the area to discuss screening. In response to a question from
139 Manager Calkins, Mr. Hayman stated that there was no likelihood of re-meandering in this
140 area of the creek because there just isn't room for it. Manager Calkins added that he
141 believes that some screening could be accomplished with trees at not great expense.
142 *Upon vote, the motion carried 7-0.*

143

144 Payment of Severance

145

146 *Manager Miller moved to pay the severance due to the former administrator pursuant*
147 *to his employment agreement, subject to auditor and legal counsel approval. Manager*
148 *Shekleton seconded.* The managers discussed the need to separately move approval of
149 the payment prior to the October 23 meeting, and agreed that it would be best to ensure
150 that the payment can be made timely the next day after that meeting. Mr. Spartz
151 concurred that the timing necessitates the managers acting this evening. *Upon vote, the*
152 *motion carried 7-0.*

153

154 DISCUSSION ITEMS

155

156 Review Design of Long Lake Creek Phase II Restoration Project

157

158 Mr. Hayman again appeared before the managers, joined by Lee Rosen, the designer for
159 the project from Respec. Mr. Hayman provided an overview of the District's work in the
160 Long Lake Creek corridor, noting that phase I of the restoration work has been designed,
161 but is presently on hold because of difficulties with obtaining land rights. Mr. Hayman
162 described the history of the site of the phase II work and its former status as a wastewater
163 treatment facility. He said at some point in the past the creek was moved around the
164 wastewater treatment pond and the project would restore it. He and Mr. Rosen reviewed
165 the design with the managers. Mr. Hayman mentioned that the District has an agreement
166 with Met Council for a contribution of \$200,000 to the removal of sediment in the pond,
167 which is necessary for the project. He said the present cost estimate for the project is
168 \$483,991.80, which is a reduction from the original engineer's estimate of approximately
169 \$700,000.

170

171 Mr. Hayman described the wetland-restoration benefits of the project, including the
172 establishment of several wetland types, and the expected water-quality improvements. In
173 response to a question from Manager Miller, Mr. Rosen stated that the project will create
174 an additional 14 acre-feet of floodplain storage. Mr. Hayman reviewed further details of
175 the project with the managers and discussed scheduling, which requires an initial separate
176 bidding and contracting for dewatering work, for which a resolution will come before the
177 board on October 23, to be followed by bidding and contracting for the rest of the plans

178 and specifications so construction can be complete this winter. Mr. Hayman stated that
179 the 90 percent plans will be uploaded for manager review shortly.

180
181 Mr. Hayman explained that the EAW process revealed that there is a possibility of
182 Blanding's turtles in the area and staff will be monitoring work at the site to make sure
183 that any turtles discovered are moved to safety. He said attendance was good at the
184 September 30 community meeting for the project and that many of the residents would
185 like assistance with removal of buckthorn in the area. ***Manager Miller moved, seconded***
186 ***by Manager Casale, to approve the 90 percent design.***

187
188 In response to a question from Manager Calkins, Mr. Hayman and Mr. Rosen addressed
189 the hydrologic connections between the District project site and the adjacent Minnesota
190 Department of Transportation (MnDOT) floodplain storage pond. Mr. Hayman explained
191 that the outlet on the pond that the District will be working on is actually higher than the
192 inlet so the outlet provides a control level. Manager Calkins stated that other than higher
193 cost, what other reasons are there for preventing connection of the floodplain mitigation
194 pond and the District project site by eliminating the berm between them altogether. Mr.
195 Hayman said that the MnDOT has not expressed a lot of interest in engaging its property
196 in the project. In response to Manager Miller's questions about whether District staff has
197 made progress discussing remediation and close out of other old sewage ponds in the
198 watershed, Mr. Hayman stated that he would have to speak with Becky Houdek to get an
199 update on that work. Mr. Hayman added that he has been speaking with United States
200 Fish and Wildlife Service staff about potentially establishing wild rice in part of the
201 reconstructed creek and wetland on the property. The managers discussed the history of
202 wild rice in the watershed, including that wild rice use to grow in Lake Hiawatha. Mr.
203 Hayman said that he would report back on capacity for growing wild rice. ***Upon vote, the***
204 ***motion carried.***

205
206 Resolution 14-078 Cottageville Park: Authorization to Amend Design Contracts and
207 Approve Second Amendment to Agreement with Hopkins

208
209 Renae Clark appeared before the Board of Managers and said staff is recommending that
210 the managers approve a second amendment to the agreement with the City of Hopkins
211 and that design modifications are needed to the specifications for the project to address
212 the high cost of the bids received when the District put the project out for bid earlier this
213 year. She said the modifications fall into several categories, including technical and
214 mechanical efficiencies that will save roughly \$40,000, a reduction in the number of
215 shrubs called for and a consequent reduction in irrigation required, which will reduce the
216 cost a further estimated \$40,000, and removal of some of the work around some of the
217 bridge abutment and tree removal at the eastern property line. She said the designers feel
218 that less supplementing of the soil in the park will be needed to produce satisfactory
219 conditions for the planting. She said staff and the project team are also looking at
220 elimination of accent lighting and that the soil amendment technique used will reduce
221 cost another \$45,000. She said the new estimate for the project is just under \$1.6 million.

222

223 Ms. Clark said staff also recommends that the board adjust the contracts with Hart
224 Howerton and Wenck for design of the project for an additional \$55,000 to make the
225 adjustments to the plans and specifications. *Manager Miller moved, seconded by*
226 *Manager Casale, to adopt resolution 14-048:*

227

228 *NOW THEREFOR BE IT RESOLVED the Board of Managers hereby approves*
229 *the Second Amendment to the Cooperative Agreement between the MCWD and*
230 *the City of Hopkins to incorporate additional City land into Cottageville Park,*
231 *Phase 1, and authorizes the Board President to sign the Second Amendment with*
232 *any further non-material changes on advice of counsel;*

233 *BE IT FURTHER RESOLVED the Board of Managers Directs staff to proceed*
234 *with design in accordance with the Board's direction in Resolution 14-058 for*
235 *Phase 1, incorporating design for grading and vegetation of the duplex area and*
236 *the Park entry road (existing alley), consistent with the Park Master Plan;*

237 *BE IT FURTHER RESOLVED the Board of Managers Directs that design for*
238 *Cottageville Park Phases 2 and 3 be delayed until the future impacts to 415 Blake*
239 *Road as a result of the planned Blake Road expansion are known;*

240 *BE IT FURTHER RESOLVED the Board of Managers supports staff's*
241 *collaborative role in Blake Road corridor planning, but also directs staff in its*
242 *participation to communicate the Board's interest in preserving the District's*
243 *investment in real property along the corridor and the District's ability to achieve*
244 *the water resource goals pursuant to which its real estate interests were acquired;*

245 *BE IT FURTHER RESOLVED, the Board of Managers hereby authorizes the*
246 *District Administrator, on advice of counsel, to execute project design contract*
247 *amendments with Hart Howerton for the additional amount of \$31,500 and with*
248 *Wenck Associates for the additional amount of \$23,855, and with an additional*
249 *contingency.*

250

251 Manager Casale stated that as opposed to his comment on the Reach 20 project, here he
252 would like to see screening taken out in phase II of the project, so that people driving by
253 on Blake Road can see the work that the District has done to improve the area. Ms. Clark
254 stated that a 10-foot management area is proposed along Blake Road as part of phase I of
255 the project. She stated that the District has funding from the Board of Water and Soil
256 Resources for buffer improvements in phase I.

257

258 Manager Calkins stated that the District is delaying work in the phase II and III areas
259 because the uncertainty with the changes to Blake Road. Given that, he wonders whether
260 the park won't also possibly be affected by the road work. In response to a question from
261 Manager Olson, Ms. Clark stated that the city recently approved the details for the
262 redevelopment of its pavilion in the park and that work will be conducted concurrently
263 with the District's phase I work. The city will also handle demolition on the parcel that

Minutes of the Regular Meeting
Minnehaha Creek Watershed District
Board of Managers
10-9-2014

264 the city brought directly adjacent to the park that formerly housed an apartment building.
265 She stated that the District will simply establish final grades in the pavilion area as part of
266 phase I. In response to a further question from Manager Miller, Ms. Clark stated that the
267 District will be doing some work on Hopkins' property in preparing the community
268 garden area as well as the outlot parcel and alley. Ms. Clark stated, in response to a
269 question from Manager Blixt, that the pavilion is not yet designed. In response to further
270 questions from Manager Blixt, Ms. Clark said that construction is slated for April and
271 May of this year. Manager Miller said there are a number of players to take into account
272 for this project and that it's been complicated, but that staff has been very diligent in
273 staying on top of all the developments in the area, avoiding conflicts and ensuring that
274 improvement opportunities for the District are maximized. He commended staff.

275

276 Manager White followed up on Manager Calkins' questions with regard to soil. Ms.
277 Clark stated that Hart Howerton stands behind the recommendation as not sacrificing the
278 likelihood that the plants the District purchases will survive. Manager Blixt noted how
279 important it is not to sacrifice the plants to save \$40,000 on soil. Manager Casale noted
280 that James Wisker of the District staff has been serving on the task force for the
281 redevelopment of this area and that managers should contact him for more details about
282 development on the western edge of the park. *Upon vote, the motion carried, 7-0.*

283

284 June 26, 2014, Minutes

285

286 Manager Blixt stated that changes to June 26 meeting minutes were provided to the
287 Board of Managers from Mr. Robinson, who spoke earlier in the meeting. *Manager Blixt*
288 *moved, seconded by Manager Casale, to place the changes proposed by the Mr.*
289 *Robinson to the June 26 meeting minutes on the October 23 consent agenda. Upon*
290 *vote, the motion carried 7-0.*

291

292 The managers discussed options for venue for their October 30retreat. They agreed to
293 hold it at St. Mary's Orthodox Church in Minneapolis.

294

295 Administrator's Report

296

297 Mr. Spartz reported that with regard to broadcasting the District's meetings, a modest
298 proposal for webcasting, proposing one fixed camera on the District website or on
299 YouTube will be brought forward at a near future meeting and that the proposal is being
300 developed for a January 1 operational date.

301

302 With regard to finances of the District, Mr. Spartz stated that on recommendation of the
303 auditor and accountant staff is moving from a cash accounting system to one that is more
304 consistent with General Accounting Services Board-recommended modified or full
305 accrual accounting method. He said staff will be able to complete the conversation by
306 January 1 and no action is needed by the managers.

307

Minutes of the Regular Meeting
Minnehaha Creek Watershed District
Board of Managers
10-9-2014

308 **ADJOURNMENT**

309

310 There being no further business, the regular meeting of the Minnehaha Creek Watershed
311 District Board of Managers adjourned at 8:35 p.m.

312

313 Respectfully submitted,

314

315

316

317

318 Jeff Casale

319 Secretary

320