

1
2
3 **MINUTES OF THE REGULAR MEETING OF**
4 **THE MINNEHAHA CREEK WATERSHED DISTRICT**
5 **BOARD OF MANAGERS**
6

7 September 11, 2014
8

9 **CALL TO ORDER**

10
11 The regular meeting of the Minnehaha Creek Watershed District Board of Managers was called
12 to order by President Sherry White at 6:45 p.m., at the District offices, 15320 Minnetonka
13 Boulevard, Minnetonka, Minnesota 55345
14

15 **MANAGERS PRESENT**

16
17 Sherry Davis White, Brian Shekleton, Richard Miller, Jeffrey Casale, Pamela Blixt, William
18 Olson.
19

20 **MANAGERS ABSENT**

21
22 James Calkins.
23

24 **OTHERS PRESENT**

25
26 Jeff Spartz, Interim District Administrator; David Mandt, District Operations Manager; James
27 Wisker, District Director of Planning, Project and Land Conservation Programs; Renae Clark,
28 District Projects Manager; Craig Dawson, District Aquatic Invasive Species Director; Brandon
29 Wisner, District Technician/Compliance Officer; Courtney Hall, District Technician/Wetland
30 Specialist; Tiffany Schaufler, District Natural Resource Technician; Becky Houdek, District
31 Planning Specialist; Chris Meehan, District Consulting Engineer; Chuck Holtman, District
32 Counsel.
33

34 **MATTERS FROM THE FLOOR**

35
36 Joe Shneider, President of the Christmas Lake Association, conveyed the deep appreciation of
37 the association to the District and District staff for the rapid response and cooperation among
38 agencies to address the discovery of zebra mussels at the public access. Manager Miller
39 expressed his appreciation for Mr. Shneider's leadership. Manager White thanked staff for their
40 efforts.
41

42 **APPROVAL OF AGENDA**

43
44 *It was moved by Manager Miller, seconded by Manager Shekleton, to approve the agenda with*
45 *the change of agenda item 11.1 to item 10.5. Upon vote, the motion carried 6-0.*
46

47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69
70
71
72
73
74
75
76
77
78
79
80
81
82
83
84
85
86
87
88
89
90
91

INFORMATION ITEMS /CORRESPONDENCE

Manager White noted items listed on the agenda.

CONSENT AGENDA

It was moved by Manager Miller, seconded by Manager Shekleton to approve the consent agenda consisting of the August 21 and August 28, 2014 Board minutes. Upon vote, the motion carried 6-0.

REGULAR AGENDA

Board, Committee and Task Force Reports

Manager White presented the President’s Report. She stated that she and Manager Shekleton attended the creek clean-up. There were almost 1,000 people with three tons of trash recovered. She said it was a great event and gave kudos to staff, volunteers and participants. She noted that the Board retreat planning continues. She has asked Mr. Spartz to prepare a status memorandum on Citizens’ Advisory Committee matters for the September 25, 2014 meeting agenda. Manager White then referenced the upcoming meetings and events listed on the agenda.

Permit 14-193; Pam and Mark Kermisch, Hopkins

Ms. Hall presented the staff permit report for construction of a single family home. No wetland impact is proposed based on a wetland delineation approved in 2013. A 25-foot wetland buffer will be provided for in accordance with the District rule. The site will be subject to erosion and sediment controls. Ms. Hall advised that the permit has come before the Board at the request of a neighbor concerned with the obstruction of stormwater flows that historically have flowed from the neighbor’s property to the wetland on the Kermisch property. Manager White determined that no neighbor or representative of a neighbor was present at the meeting.

It was moved by Manager Miller, seconded by Manager Shekleton to approve the permit in accordance with staff recommendations.

Mr. Holtman noted for the record that District staff and engineer had met with the applicant and neighbors to suggest design adjustments to mediate concerns about stormwater flow. The record should be clear that these recommendations are voluntary and that the District and District engineer make no representation or warranty as to the extent to which they will or will not address the stormwater concerns. Manager Miller asked if the City of Hopkins regulates stormwater management for this project. Ms. Hall replied that District staff met with City representatives and that the City has issued its permit. Manager White determined again that no one was present to speak to the permit. *Upon vote, the motion carried 6-0.*

92
93
94
95
96
97
98
99
100
101
102
103
104
105
106
107
108
109
110
111
112
113
114
115
116
117
118
119
120
121
122
123
124
125
126
127
128
129
130
131
132
133
134

Manager Casale asked that staff follow a practice of stating the applicant's name and address on the subject line of permit correspondence and documents.

2015 Budget and Levy

Mr. Spartz presented proposed resolutions adopting the 2015 budget and certifying the levy. He noted that this is the final levy certification but that the District can reduce the levy by December with proper notification to county auditors. He advised that the District has received no further comments or questions from managers or the public since the public hearing. Mr. Spartz distributed a handout reviewing the District's budget and levy and said that it would be made available on the District's website and through Dropbox.

It was moved by Manager Miller, seconded by Manager Casale to adopt resolution 14-069 adopting an operations budget of \$2,628,526, as follows:

BE IT RESOLVED, that the Minnehaha Creek Watershed District Board of Managers hereby adopts the 2015 Operations Budget attached herein and presented to the Board on September 11, 2014.

On roll call vote, the motion carried 6-0.

It was moved by moved by Manager Miller, seconded by Manager Casale to adopt resolution 14-070 certifying an operations levy of \$2,603,526, as follows:

BE IT RESOLVED, that the Secretary, in accordance with Minnesota Statutes, shall certify to the Auditors of Hennepin and Carver Counties, in amounts bearing the same proportion to the total levy as the net tax capacity of the area of the county within the watershed bears to the net tax capacity of the entire watershed district, the following sums to be raised by levy on all taxable property in the Minnehaha Creek Watershed District Number 3 for the year 2015 and the purposes noted below:

Operations Levy: \$2,603,526 for the purpose of paying the cost of watershed management planning and implementation as provided by Minnesota Statutes, Sections 103B.241 and 103B.251, for the activities as outlined in the attached Operations Budget for 2015.

On roll call vote, the motion carried 6-0.

It was moved by Manager Miller, seconded by Manager Casale to adopt resolution 14-071 adopting a project/programs budget of \$11,578,324, as follows:

135 ***BE IT RESOLVED, that the Minnehaha Creek Watershed District Board of Managers***
136 ***hereby adopts the 2015 Project/Programs Budget attached herein and presented to the***
137 ***Board on September 11, 2014.***

138
139 ***Upon roll call vote, the motion carried 6-0.***

140
141 ***It was moved by Manager Miller, seconded by Manager Casale to adopt proposed resolution***
142 ***14-072 certifying a projects and programs levy of \$5,687,784, as follows:***

143
144 ***BE IT RESOLVED, that the Secretary, in accordance with Minnesota Statutes sections***
145 ***103B.241 and 103D.915, shall certify to the Auditors of Hennepin and Carver***
146 ***Counties, in amounts bearing the same proportion to the total levy as the net tax***
147 ***capacity of the area of the county within the watershed bears to the net tax capacity of***
148 ***the entire watershed district, the following sums to be raised by levy on all taxable***
149 ***property in the Minnehaha Creek Watershed District Number 3 for the year 2015 and***
150 ***the purposes noted below:***

151
152 ***Management Planning Fund: \$5,687,784 for the purpose of paying the cost of***
153 ***watershed management planning and implementation as provided by Minnesota***
154 ***Statutes, Sections 103B.241 and 103B.251, for the activities as outlined in the attached***
155 ***Projects/Programs Budget for 2015.***

156
157 ***Upon roll call vote, the motion carried 6-0.***

158
159 Manager Casale expressed thanks to District staff for its very good work on the entire process,
160 including development of work plans, generation of ideas and reconciling program and project
161 plans with budget goals.

162
163 Contract with Wenck Associates for 2014 Flood Report

164
165 Ms. Schaufler presented resolution 14-074 authoring the District Administrator to contract with
166 Wenck Associates in an amount not to exceed \$32,780 to develop a 2014 flood report that
167 includes an assessment of the six major creeks within the District. Staff is requesting approval
168 this evening so that Wenck can began the stream assessment in order to complete it within the
169 timeline for potential Federal Emergency Management Agency (FEMA) funding.

170
171 Manager Olsen asked if the report would include recommendations to address problem areas.
172 Ms. Schaufler replied that it will include suggestions, policy considerations and further planning
173 recommendations. Responding to Manager White, Ms. Schaufler said that she met with the
174 FEMA representative on Tuesday and that the District has sixty days from that date to inspect its
175 sites and facilities and submit appropriate applications.

176
177 ***It was moved by Manager Miller, seconded by Manager Olson to adopt the proposed***
178 ***resolution, as follows:***

179

180 ***NOW, THEREFORE, BE IT RESOLVED that the Minnehaha Creek Watershed***
181 ***District Board of Managers authorize the District Administrator to execute a contract***
182 ***with Wenck Associates, Inc. for the not-to-exceed amount of \$32,780 to develop a 2014***
183 ***Flood Report which includes performing an assessment for the six major creeks within***
184 ***the District.***

185
186 ***Upon vote, the motion carried 6-0.***

187
188 Regarding flood issues, Manager Casale noted that John Iacono communicated by email asking
189 the District to pay his insurance deductible for damages that he alleges resulted from the
190 District's operation of Gray's Bay dam. Mr. Spartz replied that he has responded to Mr. Iacono
191 and advised that the District will not provide the requested payment. Mr. Spartz will distribute
192 Mr. Iacono's email and his response to Board members.

193
194 Project Ordering, 54th Street Fish Bypass

195
196 Ms. Houdek presented a proposed resolution ordering the project with a total estimated cost of
197 \$118,750. She reminded the Board that the public hearing was held in May 2014, and in June the
198 District learned that the City had delayed its bridge reconstruction project to 2015, allowing the
199 District more time to consider the project in a larger stream reach planning context. Since then,
200 the District retained Interfluve to review improvements to the riparian environment upstream.
201 The chief recommendation is to improve riparian vegetation.

202
203 Ms. Houdek advised that staff recommends including the culvert installation part of the project
204 in the 2015 budget at an estimated cost of \$40,000 to align with the city's bridge project. Beyond
205 that, staff recommends that the District work with city parks master planning and incorporate
206 longer-term District planning including improving the ability to quantify the benefits of
207 ecological restoration.

208
209 Manager Shekleton noted that a whitewater paddlers website reports that the standing wave at
210 the site was not observed at 160 or 185 cubic feet per second of flow. It is being conjectured that
211 a concrete pad in the creek formerly responsible for the standing wave has moved. He asked
212 whether a change to the recreational feature of the site would affect the District project choice.
213 Ms. Houdek added that Wenck will examine the hydraulic conditions at the site as a part of its
214 flood study approved by the Board earlier in the meeting. Manager Shekleton emphasized the
215 need to coordinate closely with the city and its site goals.

216
217 Manager Miller observed that there is also a very active neighborhood group and that the city is
218 very involved in its broader planning at this time. Manager Shekleton suggested that he remained
219 willing to vote to order the project but that if the city wishes to reevaluate it he would be open to
220 that. Mr. Wisker noted that ordering the project does not authorize the expenditure of funds to
221 implement it. Mr. Holtman concurred, advising that project ordering allows the District to create
222 a project fund but does not compel spending on the project without further Board action.

223

Minutes of the Regular Meeting
Minnehaha Creek Watershed District
Board of Managers
9-11-2014

224 Manager Blixt offered that whitewater courses often are constructed. Does the District wish to
225 explore building the standing wave back into the creek? Mr. Wisker noted that the original staff
226 recommendation was to remove the concrete slab and naturalize the site. He asked counsel
227 whether a board ordering would preclude the District from revisiting the project. Mr. Holtman
228
229 replied that if the project were to change in its nature, a re-ordering might be necessary, but that
230 ordering at this time does not limit the District in its option to pursue a different project
231 approach.

232
233 ***It was moved by Manager Casale, seconded by Manager Shekleton to forward the proposed***
234 ***resolution to the September 25, 2014 consent agenda. Upon vote, the motion carried 6-0.***
235

236 Mr. Wisker advised that District staff would review the matter with the City of Edina and report
237 back to the Board by the end of the year.

238
239 Executive Search Process
240

241 David Unmacht, Springsted Incorporated, reviewed his work to date in formulating the executive
242 search process. He has spoken with five managers and is arranging to speak with the other two.
243 He also has spoken with a number of staff, who are very engaged in the process. Presently, he is
244 performing a position review and analysis that will be used to create a position profile, solicit
245 applicants and promote the position. He will be working with Telly Mamayek. Mr. Unmacht
246 distributed six sample position profiles from prior executive searches. He then discussed a
247 possible timeline for the process. He would like direction from the Board with respect to whom
248 to contact in developing the profile and whether the Board would like to identify a group of
249 managers to assist in the search process. He noted that he earlier had distributed a draft job
250 description and will be finalizing that.

251
252 Manager White asked of Mr. Unmacht's prior experience as to having stakeholders participate.
253 Mr. Unmacht responded that such participation typically depends on the organization culture and
254 typically occurs either in profile development or in the interview process, though not both.

255
256 Manager Shekleton is not certain that external input would be useful; he is not sure that
257 stakeholders have a full sense of the District's scope or mission. Manager Casale replied that he
258 thinks otherwise and believes stakeholders could provide useful input up front. He is skeptical of
259 stakeholder participation in the interview process noting, for example, that a divergence of Board
260 and stakeholder opinion on a slate of finalists or the final selection could be challenging.

261
262 Manager Blixt suggested that it would be useful to have Board of Water and Soil Resources
263 leadership review the position description given its experience with watershed organizations
264 around the state. Manager Miller agreed there may be benefit in that but that he would be looking
265 for an administrator with leadership skills, an understanding of public organizations and an
266 awareness of and respect for other participants in the community, beyond just an interest in water
267 matters. Manager Casale added that to him the most important stakeholder is staff. He also noted

Minutes of the Regular Meeting
Minnehaha Creek Watershed District
Board of Managers
9-11-2014

268 that the Board's prior personnel committee played a role in several staff management-level
269 hirings and that this worked well.

270
271 Manager Casale offered again that he thinks certain stakeholders would have much to offer as a
272 result of their engagement with the District. Manager White asked how stakeholders would be
273 identified as "representative" given the broad reach of District activity and relationships.

274
275 Manager Miller would rely on Mr. Unmacht's judgment given his experience. Manager Casale
276 would recommend that staff be invited to identify external parties. Mr. Unmacht suggested that
277 he work with staff to identify eight to 10 external stakeholders that he would contact. The Board
278 concurred.

279
280 The Board then discussed creating a delegation of managers to assist in the process. Mr.
281 Unmacht suggested that this group would do things such as approve the profile after Board
282 review, screen applicants and participate in an initial interview stage. Manager Blixt expressed
283 concern that the Board as a whole may not agree on final candidates, and questioned whether in
284 that situation an initial working group would be useful. Manager Miller believes that an initial
285 screening function would be beneficial because of the importance of applicant confidentiality at
286 that stage. Mr. Unmacht added that even with a Board working group, to his thinking all Board
287 members would have access to the applications. He also assured the Board that he would not
288 intend the smaller group to unduly narrow the process as he does not want any good candidates
289 to be precluded from consideration by the full Board.

290
291 ***It was moved by Manager Miller, seconded by Manager Shekleton to authorize President***
292 ***White to name working group members.*** Manager White suggested that following the
293 framework of the prior Personnel Committee, she is inclined to name Managers Shekleton,
294 Casale and Blixt. ***Upon vote, the motion carried 6-0.***

295
296 Manager White stated that she is naming Managers Shekleton, Casale and Blixt to serve as an
297 executive search working group, with Manager Shekleton to serve as the chair.

298
299 Mr. Holtman suggested that Mr. Unmacht and the working group prepare a written statement of
300 the group's intended role and activities to share with the full Board and insure there are
301 consistent expectations. He suggested that Mr. Unmacht could email the description to all
302 managers, and that individual managers can offer comments to Mr. Unmacht. If a manager has a
303 concern that bears discussion, the Board can discuss at its next meeting, but meanwhile Mr.
304 Unmacht can proceed with his work. Mr. Unmacht said that he would develop such a statement.
305 He also emphasized that the working group would approve the profile only after review by the
306 Board.

307
308 Administrator's Report

309
310 Mr. Spartz distributed a City of Greenwood resolution to establish a Lake Improvement District
311 for St. Alban's Bay. The Board discussed the relationship of a lake improvement district to the
312 Lake Minnetonka Conservation District and also the concept of having an improvement district

Minutes of the Regular Meeting
Minnehaha Creek Watershed District
Board of Managers
9-11-2014

313 encompass a bay rather than an entire lake. Manager Casale believes that an improvement
314 district functions primarily as a means to facilitate funding for specific projects. Mr. Holtman
315

316 added that lake improvement districts do not have regulatory authority similar to the District's
317 but do provide a means to identify and fund projects and therefore raise primarily coordination
318 questions. The Board asked counsel to provide a brief memorandum to educate the Board about
319 lake improvement districts sufficient for the Board to consider Greenwood's proposed action.
320

321 Mr. Spartz stated that the outer lab door has been fixed and is now functioning and that he is
322 moving forward toward completion of the permanent stair rail.
323

324 **ADJOURNMENT**

325
326 There being no further business, the regular meeting of the Minnehaha Creek Watershed District
327 Board of Managers was adjourned at 8:20 p.m.
328

329 Respectfully Submitted,
330

331

332

333 Jeff Casale, Secretary