

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

4
5 **January 24, 2019**
6

7 **CALL TO ORDER**
8

9 The regular meeting of the Minnehaha Creek Watershed District Board of Managers was called
10 to order by President Sherry White at 7:00 p.m. at the District office, 15320 Minnetonka
11 Boulevard, Minnetonka, Minnesota.
12

13 **MANAGERS PRESENT**
14

15 Sherry White, William Olson, Brian Shekleton, Kurt Rogness, William Becker, and Jessica
16 Loftus (arrived 7:30 p.m.).
17

18 **MANAGERS ABSENT**
19

20 Richard Miller.
21

22 **DISTRICT STAFF AND CONSULTANTS PRESENT**
23

24 Michael Hayman, Project Planning Manager; Becky Christopher, Project Planning Manager;
25 Cathy Reynolds, Operations Manager; Brian Beck, Research & Monitoring Program Manager;
26 Tiffany Schaufler, Project and Land Manager; Chris Meehan, District Consulting Engineer; and
27 Louis Smith, District Counsel.
28

29 **MATTERS FROM THE FLOOR**
30

31 None.
32

33 **APPROVAL OF AGENDA**
34

35 President White noted that items 11.1, Resolution 19-014: Approval of Year End Fund Transfers
36 and Closures; and 12.3, Administrator’s Performance Review, would be pulled from the agenda
37 at staff request. ***It was moved by Manager Rogness, seconded by Manager Becker, to approve***
38 ***the agenda with these changes. Upon vote, the motion carried, 5-0.***
39

40 **CONSENT AGENDA**
41

42 Manager Olson requested that the Minutes of the January 10, 2019 meeting be pulled from the
43 Consent Agenda. ***It was moved by Manager Shekleton, seconded by Manager Becker, to***
44 ***approve the remaining items on the Consent Agenda, consisting of approval of the check***
45 ***register, with the general checking account register, void check 39509 and consisting of***
46 ***checks 39510 through 39577 totaling \$591,885.57; payroll direct deposits totaling \$156,477.26***

47 *and electronic fund withdrawals totaling \$261,574.29 for total expenses of \$1,009,947.12.*
48 *Upon vote, the motion carried, 5-0.*

49

50 **REGULAR AGENDA**

51

52 Board, Committee and Task Force Reports

53

54 President's Report:

55

56 President White reported that she had joined Tiffany Schaufler last week in attending hearings on
57 responding to climate change at the Minnesota House of Representatives Energy and Climate
58 Finance and Policy Division.

59

60 Policy and Planning Committee Meeting Report:

61

62 President White noted that Manager Miller had chaired the Committee meeting earlier in the
63 evening and was not able to attend the Board meeting. The Committee received presentations on
64 the 2020 strategic communications plan; responsive program development; and 325 Blake Road
65 demolition.

66

67 President White noted the upcoming meeting schedule on the agenda, and added that the
68 Metropolitan chapter of the Minnesota Association of Watershed Districts will be meeting on
69 January 29.

70

71 **ACTION ITEMS**

72

73 Approval of January 10, 2019 Minutes

74

75 Manager Olson noted that on line 112, the reference should be to John Salditt and not Sliv
76 Carlson. *It was moved by Manager Olson, seconded by Manager Rogness to approve the*
77 *minutes of January 10 with this change. Upon vote, the motion carried, 5-0.*

78

79 **Resolution 19-015: Approval of 2019 Budget Amendment**

80

81 Ms. Becky Christopher appeared before the Board of Managers and reviewed the request for
82 board action. She noted that the funds from the budget reduction would be allocated to the
83 carryover for the capital improvement program; and noted that the dollar amount in the
84 resolution for the revised budget is the correct figure. *It was moved by Manager Shekleton,*
85 *seconded by Manager Rogness, to approve Resolution 10-015: Approval of 2019 Budget*
86 *Amendment. Upon vote, the motion carried, 5-0.*

87

88 President invited Mr. Hayman to give the Administrator's report in Mr. Wisker's absence due to
89 illness.

90

91 **STAFF UPDATES**

92

93 **Administrator's Report**

94

95 Mr. Hayman reported on the following items:

96

97 1. Permit 14-248 financial assurance: this permit was issued August 8, 2015 for
98 construction of a multifamily housing development at 6800 Cedar Lake Road in St. Louis Park.
99 The financial assurance requirement for the stormwater facilities was provided through a
100 performance bond. On January 7, 2019 a notice from the surety provider was received indicating
101 the bond had been canceled, effective 30 days after receipt of the cancellation notice. Staff
102 inspected the site on January 7, 2019 to determine if the project had been completed to the
103 standards of the rule and permit, and determined that the infiltration basin showed signs of not
104 meeting the 48 hour drawdown requirement (cattails and frozen standing water), and thus the
105 bond could not be released. Staff sent correspondence by email (January 7) and mail (January 8)
106 to the insurance company providing the bond, the contractor who held the bond, and the
107 permittee indicating that if a replacement is not received by the District by January 28, the
108 District will draw on the bond. Staff has communicated with the permittee and the contractor
109 and has not received any indication a replacement would be provided. Staff engaged legal
110 counsel anticipating a potential need to draw on the bond, and counsel sent correspondence to the
111 involved parties further indicating the replacement requirement (January 18). No response has
112 been received by counsel or staff. Resolution 11-096 indicates Board approval is not needed to
113 draw on bonds, but that the board should be informed in advance or shortly after.

114

115 2. Arden Park Construction: Construction of the new stream channel has been underway
116 for two weeks with installation of rock riffles and in-stream log structures continuing. Site work
117 will be put on hold for the week of January 28. The extreme cold causes soil to be unworkable,
118 which impedes grading in the creek and building the soil lifts for the streambanks. The contractor
119 is about two weeks ahead of schedule, so the week delay does not present an issue.

120

121 3. Minnehaha Creek FEMA Repair Project: Construction is half way done as 5 of 10
122 projects are complete. The five sites that are remaining are below Minnehaha Falls.

123

124 4. Pond Dredging: Excavation of Pamela Park Pond 1 is complete - final grading to be
125 complete once temperatures warm up. Bde Maka Ska Pond work will begin once temperatures
126 warm up.

127

128 5. Water Levels Update:

129

130 - Lake Nokomis: The Nokomis weir has remained open since October 11 and will remain
131 open as long the channel adjacent to the weir remains ice free. The current lake elevation
132 is ~815.10, which is at the runout elevation of the weir;

133 - Mooney Lake: The Mooney Lake pump was turned on October 18 and ran most of this

134 winter. However, the pump outlet is now frozen, so pumping will likely have to wait to
135 resume until spring. Estimated lake level is 988.8.

136

137 Manager Shekleton requested information on the project for Permit 14-248.

138

139 **CLOSED SESSION**

140

141 **325 Blake Road, Hopkins: Minnesota Ice Claim**

142

143 *It was moved by Manager Olson, seconded by Manager Shekleton, to move into closed session*
144 *for the purpose of receiving confidential legal advice concerning a claim by Minnesota Ice,*
145 *Inc. Upon vote, the motion carried, 5-0.*

146

147 **325 Blake Road, Hopkins: Redevelopment and Sale**

148

149 *It was moved by Manager Becker, seconded by Manager Rogness, to move into closed session*
150 *for the purpose of discussing the development of an offer for the redevelopment and sale of*
151 *325 Blake Road in Hopkins. Upon vote, the motion carried, 5-0.*

152

153 Whereupon, the Board of Managers went into closed session at 7:20 p.m. Manager Loftus
154 arrived at this point in the meeting.

155

156 The Board of Managers returned to open session at 8:00 p.m.

157

158 *It was moved by Manager Becker, seconded by Manager Shekleton, to direct staff to*
159 *communicate with Kraus Anderson, the city of Hopkins, and other partners concerning the*
160 *District's plan to focus on the planning and development of the public realm elements of the*
161 *site. Upon vote, the motion carried, 6-0.*

162

163 **ADJOURNMENT**

164

165 There being no further business, the meeting of the board of managers adjourned at 8:01 p.m.

166

167 Respectfully submitted,

168

169

170 Kurt Rogness, Secretary