



Title: Authorize Seasonal Closure of the Minnehaha Preserve Boardwalk

Resolution number: 21-079

Prepared by: Name: Janna Jonely
Phone: 952.641.4523
jjonely@minnehahacreek.org

Reviewed by: Name/Title: Tiffany Schaufler, Project and Land Manager and Chuck Holtman, Legal Counsel

Recommended action: Authorize the seasonal closure of the Minnehaha Preserve boardwalk system to ensure safety is upheld during the winter months when ice and snow create a more difficult environment for potential users to traverse and for MCWD to inspect and maintain. This closure is recommended in accordance with MCWD's inspection and repair policy.

Schedule: December 2021: Install 2x4 wood barriers shaped as an "X" and signage at points of entrance

Budget considerations: Not applicable

Past Board action: Res # 17-028 Approval of Minnehaha Preserve Operations and Maintenance Plan
Res # 20-089 Authorize Seasonal Closure of the Minnehaha Preserve Boardwalk
Res # 21-022 Adoption of a Revised Interim Maintenance Protocol for the Minnehaha Preserve Boardwalk

Summary:

The Minnehaha Preserve Boardwalk was constructed in 2014 as part of the Minnehaha Preserve (Reach 20 Stream Restoration) capital project. In April of 2017, the Minnehaha Preserve Operations and Maintenance Plan (Plan) was approved by the Board to fulfill conditions of the Second Cooperative Agreement between Minnehaha Creek Watershed District (District) and the City of St. Louis Park. The Plan outlines specific roles and responsibilities for the periodic and long-term maintenance of project elements associated with the project. Maintenance of the boardwalk is solely the responsibility of the District, as owner, and provides District discretion in elements such as seasonal maintenance and public access.

On November 19, 2020, the Board of Managers authorized seasonal closure of the boardwalk system (Res # 20-089) to ensure safety is upheld during the winter months. Closure measures were deployed on December 21, 2020 and inspected bi-weekly throughout March 26, 2021. The original closure measures which consisted of snow fencing and signage were repeatedly cut down and damaged through January 2021. To mitigate this damage, staff consulted with legal counsel and converted the closures to chain-link chain across the entry points with additional signage affixed to the chains and boardwalk structure.

As of late March 2021, snow and ice conditions were no longer present on the boardwalk and the District reevaluated how to manage the boardwalk as a public facility in the non-winter months. Spring staff inspections indicated that the boardwalk posed no different safety risk than it did in the fall of 2020 prior to the seasonal winter closure and thus staff recommended an updated inspection and maintenance protocol.

On March 25, 2021, the Board of Managers adopted a revised interim maintenance protocol (Res # 21-022) which consisted of bi-weekly inspections of the surface structures, marking boards with signs of deterioration with fluorescent orange spray paint, patching holes with plywood, and posting signage. Staff employed these measures as it determined appropriate based on the setting to alert users to deteriorating decking material. To assist staff with implementation of the maintenance protocol, a contract with Stantec was executed for inspection and maintenance services.

Spring through fall 2021, the revised interim maintenance protocol has allowed the District to limit public safety risk, while preserving public use of the boardwalk and efficiently using public funds. To date, staff has performed periodic inspections of the boardwalk in addition to the regular execution of the interim maintenance protocol contracted to Stantec. However, as the 2021-2020 winter season approaches, staff is again recommending closure of the system for user safety during the winter months. As it was last year, ice and snow become a challenging surface to traverse when accumulation occurs on top of safety markings (fluorescent paint) and decking boards which have been patched with plywood, making it difficult for potential users to know what the condition of the surface is below their feet. This combination of safety and risk is determined a higher priority than limited public access during winter months.

It is staff's recommendation that the Board of Managers authorize the seasonal closure of the Minnehaha Preserve boardwalk system for the winter of 2021-22 to limit safety and liability concerns while the District is proceeding toward installation replacement. Closure will consist of wood barriers constructed with 2x4s shaped in and "X" and signage affixed to each of the seven boardwalk trail entry points. This more robust barrier is to protect closure and warning measures in consideration of last year's experienced damage to those measures.



RESOLUTION

Resolution number: 21-079

Title: Authorize Seasonal Closure of the Minnehaha Preserve Boardwalk

- WHEREAS the Minnehaha Creek Watershed District (MCWD) engages in regional capital improvement projects as described in its Water Resources Management Plan and in 2013-2014 constructed the Minnehaha Preserve project ("Project") on the Minnehaha Greenway in St. Louis Park;
- WHEREAS these facilities require routine inspection and regular maintenance to continue functioning as designed and to limit loss of public use and prevent safety hazard in areas with public access;
- WHEREAS MCWD entered into a cooperative agreement with the City of St. Louis Park to maintain the Project, and the cooperative agreement as well as the 2017 Operations and Maintenance Plan assign specific maintenance responsibility and frequency of inspection and maintenance to each entity;
- WHEREAS the Project Maintenance and Land Management (PMLM) Program annually budgets for, inspects, and maintains District projects, infrastructure, and lands;
- WHEREAS through the PMLM Manual, regular maintenance is guided by inspection of specific project elements and annualized cost associated with this maintenance is budgeted through the annual PMLM budget process;
- WHEREAS on November 19, 2020 the Board of Managers authorized seasonal closure of the Minnehaha Preserve boardwalk system, in consideration of the MCWD's long term maintenance plan, its interim maintenance protocol, and the considerations reflected in that protocol, based on limited winter use and the importance of protecting user safety during winter months;
- WHEREAS On March 25, 2021 the Board of Managers adopted a revised interim maintenance protocol of inspections, marking, repairs and signage to maintain public use while addressing safety risks that might be posed by deteriorating decking and railing;
- WHEREAS the interim maintenance protocol recognizes the District's effort to determine and implement a long term resolution of the Minnehaha Preserve boardwalk materials deterioration concern, by considering the nature and extent of the materials failure, public use of the boardwalk, public safety risk and cost, and the options to manage the issue until resolved;
- WHEREAS seasonal closure of the boardwalk system, with physical barriers and signage to warn of uneven surface, and otherwise in accordance with the prior-year winter closure protocol, is an appropriate decision at this time based on limited winter use and the importance of protecting user safety during winter months, when ice and snow may accumulate over safety markings and decking board patching, rendering it difficult for potential users to know the condition of the surface below their feet;

NOW, THEREFORE, BE IT RESOLVED that the Minnehaha Creek Watershed District Board of Managers authorizes the seasonal closure of the Minnehaha Preserve boardwalk system for the winter of 2021-22, with wood barriers and signage, to limit safety and liability concerns.

Resolution Number 21-079 was moved by Manager _____, seconded by Manager _____. Motion to adopt the resolution ___ ayes, ___ nays, ___ abstentions. Date: 11/18/2021

Secretary Date: November 18, 2021

DRAFT