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

7 **November 10, 2016**
8
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10 **CALL TO ORDER**

11
12 The regular meeting of the Minnehaha Creek Watershed District Board of Managers was called
13 to order by President Sherry White at 6:45 p.m. at the District office, 15320 Minnetonka
14 Boulevard, Minnetonka, Minnesota 55345.
15

16 **MANAGERS PRESENT**

17
18 Sherry White, Brian Shekleton, Richard Miller, Kurt Rogness, Pamela Blixt, William Olson.
19

20 **MANAGERS ABSENT**

21
22 William Becker.
23

24 **DISTRICT STAFF AND CONSULTANTS PRESENT**

25
26 Lars Erdahl, Administrator; James Wisker, Planning and Projects Director; Telly Mamayek,
27 Communications and Education Director; Rachel Workin, Permitting Technician; Chris Meehan,
28 Consulting Engineer; Chuck Holtman, Counsel.
29

30 **MATTERS FROM THE FLOOR**

31
32 None.
33

34 **APPROVAL OF AGENDA**

35
36 *Manager Miller moved and Manager Rogness seconded approval of the agenda. Upon vote,*
37 *the motion carried 5-0.*
38

39 **INFORMATION ITEMS AND CORRESPONDENCE**

40
41 Manager White noted that District representatives have been invited to the Minnetrista State of
42 the City presentation on November 29, 2016. She also noted that the City of Minnetrista has
43 completed its wellhead protection process. The City expresses its thanks to the District for its
44 assistance.
45
46

47 **CONSENT AGENDA**

48
49 *Manager Shekleton moved, Manager Miller seconded approval of the consent agenda,*
50 *consisting of the minutes of the October 27, 2016 meeting. Upon vote, the motion carried 5-0.*
51

52 **REGULAR AGENDA**

53
54 **Board, Committee and Task Force Reports**

55
56 Manager White reported on the meeting she attended concerning the Six Mile subwatershed that
57 focused on water quality diagnostics and work being done with the City of Victoria.

58
59 Manager Miller reported on the October 27 Policy and Planning Committee meeting and thanked
60 Matthew Cook for the very thorough minutes.

61
62 Ms. Mamayek reported on the Citizens Advisory Committee (CAC) meeting that was held last
63 night. The CAC primarily considered cost-share applications. Six non-homeowner applications
64 were considered and will come before the Board at the December workshop with approval
65 recommendations totaling \$170,000 in funding out of a \$261,824 program budget. The CAC also
66 approved two shoreline cost-share grants. One is on Christmas Lake and will involve raingarden
67 and shoreline work with video documentation. The second is for a project on Gray's Bay
68 involving native plants and pollinators. Finally, the CAC approved 15 of 16 Cynthia Krieg
69 projects. These will come to the Board in December as well with a total funding
70 recommendation of \$98,000, just under the District's \$100,000 program budget.

71
72 (Manager Shekleton arrived at this time.)

73
74 Manager White noted the upcoming meetings set forth on the agenda.

75
76 **Permit 16-502, Lander Group (Minneapolis)**

77
78 Ms. Workin introduced the application for a permit for a mixed-use project on a 0.55-acre parcel
79 in the City of Minneapolis. The application requires erosion control and stormwater management
80 permits, and is before the Board at the request of the adjacent homeowners. The project was
81 approved by the City with a zero-lot-line variance and the homeowners are concerned about the
82 proposed structure intercepting and deflecting rain and snow into a four-foot wide corridor
83 between the structure and their house, risking water problems for their structure. Ms. Workin
84 noted that the site is entirely within the District's legal boundary, but a part of the site is within
85 the hydrologic boundary of the Mississippi Watershed Management Organization (MWMO).
86 She said that District staff informed the MWMO of the application and the MWMO indicated it
87 does not have concerns.

88
89 Ms. Workin advised that under the District's stormwater management rule, the project requires
90 only incorporation of Best Management Practices (BMPs) and the applicant proposes to meet

91 this requirement by installing a sump catch basin to pretreat stormwater before discharge to the
92 stormsewer system and by providing additional green space. The roof will drain into the
93 stormsewer system and rain otherwise will sheet flow off the site, as under present conditions.
94

95 Steven Ostendorf, East 38th Street, Minneapolis addressed the Board. He stated that he is the
96 directly adjoining homeowner. He reiterated his family's concern regarding the interception of
97 precipitation. They asked the Lander Group to address the design but the Lander Group was not
98 interested in being responsive. He affirmed that the four-foot separation lies on his property.
99

100 Responding to a question from Manager White, Mr. Holtman affirmed that the District's
101 authority is limited to the terms and criteria set forth in the stormwater management rule. He
102 noted that, as Ms. Workin advised, this is limited to requiring implementation of feasible BMPs
103 to manage site stormwater. He noted that that the precipitation with which Mr. Ostendorf is
104 concerned is not in fact site stormwater or snowfall but is precipitation that is intercepted before
105 reaching the applicant's property. He advised that the District could require practices to address
106 contributing site flows if staff and the engineer consider there to be technically feasible practices,
107 but with the siting of the structure on the boundary it does not appear that Mr. Ostendorf's
108 concern is with site stormwater. Mr. Meehan added that while the structure may deflect
109 precipitation onto Mr. Ostendorf's property when the wind is arriving from certain directions, in
110 other circumstances it will prevent precipitation from reaching the property.
111

112 Manager Blixt expressed some consternation as to the City's approval of the variance, noting in
113 particular questions about fire access. Manager Miller expressed his sympathy for the
114 homeowners but concurred that the District does not have authority to address their concern.
115

116 ***Manager White moved, Manager Shekleton seconded approval of the permit in accordance***
117 ***with staff recommendations and conditions. Upon vote, the motion carried 5-1 (Manager***
118 ***Rogness opposed).***

119
120 Strategic Human Resources Planning
121

122 Mr. Wisker introduced the subject by advising that staff is seeking a Board discussion regarding
123 the consultant's scope, which will be brought back to the Board next week for action.
124

125 Mr. Wisker briefly will give the history and genesis of the strategic human resource planning
126 effort. Consideration of the need for a salary survey led to a more comprehensive approach in
127 which the Board asked Managers Olson and Becker to work with staff on a broader human
128 resources review. The opportunity to link human resources planning and strategic planning was
129 recognized and staff have worked with Springsted Inc. to develop a scope for strategic human
130 resource planning assistance.
131

132 In the present strategic evaluation of the District's work, the steps include defining program
133 purposes, setting priorities within programs, prioritizing among program priorities and then

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134 allocating and prioritizing resources across and within programs. Presently the work is in what is
135 defined as Phase II, analysis and decisionmaking to implement the identified priorities.
136

137 Mr. Wisker then turned to the proposed scope for strategic human resources planning. He noted
138 that the scope comprises three phases but that the present focus is Phase I, that being skills, staff
139 capacity and structure needed to support organizational priorities. Subsequently, Phase II will
140 focus on operationalizing the outcome of Phase I, including considerations such as retention,
141 training, incentives and outsourcing.
142

143 Mr. Wisker reviewed the tasks identified under Phase I: drafting a human resource needs
144 assessment; performing an organizational scan of existing capacities and skills and a human
145 resources capacity analysis; and developing recommendations for recruitment, restructuring,
146 retention, training and outsourcing. The intent is to complete the Task I report in February, and
147 the Task II organizational scan in January. Task III recommendations presently are scheduled for
148 completion in March.
149

150 Mr. Wisker suggested that the working group would look to the Board's Executive Committee to
151 receive and review output, though some elements with a program strategic planning link would
152 engage the Policy and Planning Committee. Staff defers to the Board to determine the work flow
153 through the Board Committee's. Mr. Wisker also noted that staff consulted with District counsel
154 to ensure that the continuing participation of Managers Olson and Becker in the process does not
155 precipitate any Open Meeting Law concerns. Manager Miller asked for clarification. Mr.
156 Holtman noted that the Open Meeting Law requires both the Board and committees of the Board
157 to meet in duly noticed public session. To the extent that this requirement would complicate
158 efficient work on the strategic human resources planning effort, it is important to structure the
159 involvement of Managers Olson and Becker so that their engagement cannot reasonably be
160 misapprehended as the work of a Board committee. He further noted that the statute does not
161 clearly define what is a committee, but that case decisions and opinions of the Minnesota
162 Department of Administration have identified the hallmarks of a committee as lying in its
163 exercise of delegated decisionmaking authority on behalf of the Board and, further, whether
164 without holding such authority, the subgroup has the effect of limiting the deliberative function
165 of the whole body. He stated that counsel does not have a concern as to the intended
166 engagement of Managers Olson and Becker, but has advised District staff as to basic ways of
167 structuring the involvement of managers such as they remain clearly as Board liaisons to support
168 the work of District staff rather than managers exercising authority on behalf of the Board.
169

170 Manager Blixt expressed concern about Mr. Wisker's apparent leading role in the effort. She
171 noted his substantial workload and questioned why the District Administrator or Operations
172 Director is not leading the effort. She also questioned the work flow to the Policy and Planning
173 Committee rather than the Operations and Programs Committee given that the principal subject
174 is human resources. Manager Miller noted that the Policy and Planning Committee has not
175 played a role to date and that the Executive Committee is anticipated to be the chief Board
176 committee through which work will flow. Mr. Erdahl added that Mr. Wisker is playing this
177 present role primarily because the effort developed in parallel with the strategic planning process

178 and has been driven initially by this coordination with strategic planning. The Board recognized
179 that the fundamental questions to be answered concern whether the identified task and proposed
180 work flow make sense.

181
182 Manager Miller offered that the scope looks comprehensive, that staff engagement has been
183 exceptional and that both managers, with public- and private-sector human resource experience,
184 are a valuable resource to staff. He also expressed his opinion that all work flow should go
185 through the Executive Committee.

186
187 Manager Shekleton offered his sense that Managers Olson and Becker indeed are providing
188 context to staff and not Board direction. Manager Blixt concurred that perhaps the Executive
189 Committee should be the focus of work flow. Mr. Wisker advised that staff will return with a
190 proposed scope next week and at that time the Board can discuss the role of Managers Olson and
191 Becker and the board committees in the process.

192
193 **ADMINISTRATOR'S REPORT**

194
195 Mr. Wisker reported that the District was invited to meet with the Watershed Restoration and
196 Protection Strategy group last week on an agenda shared with the Mississippi WMO. The
197 agencies constituting the working group are interested in the District's urban ecology model. The
198 Metropolitan Council representative suggested that the District present to a broader audience,
199 perhaps including the Governor's water quality staff.

200
201 Mr. Erdahl noted that at the next meeting the Board will select delegates for the Minnesota
202 Association of Watershed Districts annual meeting.

203
204 Mr. Erdahl also noted that presently there are many open appointments for state advisory bodies,
205 some designated for watershed district representatives. He will circulate this listing. He also
206 noted that with the recent election, there has been turnover among local officeholders. Some
207 officeholders with whom the District has worked very productively will be departing and there
208 will be new faces.

209
210 Finally, Mr. Erdahl noted that tomorrow is Veterans Day and he expressed gratitude on behalf of
211 the organization for those who have served.

212
213 **ADJOURNMENT**

214
215 There being no further business, the regular meeting of the Minnehaha Creek Watershed District
216 Board of Managers was adjourned at 8:02 p.m.

217
218 Respectfully submitted,

219
220
221 Kurt Rogness, Secretary