

47 **Resolution 15-083, Authorization to Execute Contract with Wenck Associates to**
48 **Conduct Wetland Soils Analysis**

49

50 ***NOW, THEREFORE, BE IT RESOLVED, that the Minnehaha Creek***
51 ***Watershed District Board of Managers hereby authorizes the District***
52 ***Administrator to execute an agreement with Wenck Associates to***
53 ***conduct wetland soils analysis that is not to exceed \$11,750.00.***

54

55 *Upon vote, the motion carried 7-0.*

56

57 **REGULAR AGENDA**

58

59 Board, Committee and Task Force Reports

60

61 President's Report

62

63 President White expressed her appreciation to the staff for excellent work in planning the
64 Cottageville Park and Watershed Heroes events. She noted that both events were great
65 celebrations of community partnerships and shared credit for successful work.

66

67 President White noted a possible upcoming retreat on October 29, and also requested that
68 managers complete their interviews with Ms. Sharon Klumpp for Mr. Erdahl's review.

69

70 Manager Shekleton requested that the report on the Citizens Advisory Committee
71 meeting be deferred to later on the agenda.

72

73 **ACTION ITEMS**

74

75 Resolution 15-XXX, Approval of Process to Evaluate and Align District Programs Using
76 Strategic Framework

77

78 Ms. Becky Christopher appeared before the Board of Managers and reviewed the
79 strategic planning framework to achieve greater alignment of District programs. Manager
80 Blixt asked Ms. Christopher who is driving the vision and mission behind the program
81 framework, whether it is the Board or the staff. Ms. Christopher stated that the
82 framework has been developed based on the policy direction of the Board. Manager Blixt
83 stated that she was interested in when the Board would work further on developing the
84 mission and goals of the updated plan. Manager Miller stated that he felt that this
85 framework built on past Board discussions and provided a useful focus. Manager
86 Shekleton stated that he felt that the framework was making the past Board mission
87 discussion more actionable, based on the Balanced Urban Ecology policy direction from
88 the Board.

89

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90 James Wisker appeared before the Board of Managers and reviewed past committee and
91 board meetings to develop a policy direction reflected in this framework. He noted that
92 the Himle Rapp firm would be helping staff to provide further refinement of the
93 expression of this framework based on the Board's policy direction, and that work
94 product would be brought back to the Board of Managers for further review. Manager
95 Rogness stated that he felt the framework provided clear direction and assisted the Board
96 in evaluating program alignment against vision and goals. Mr. Erdahl reviewed the
97 outline of the framework and noted that further discussion and direction from the Board
98 would be essential to completing this process.

99
100 Manager Calkins stated that he felt the process is fine as it is outlined, and that the
101 committee will continue to make recommendations to the Board as this process evolves.
102 He noted that the existing plan's expression of 17 goals describes the District's goals
103 accurately, and that they still need to be represented in the plan update in some way.

104

105 *Following discussion, it was moved by Manager Shekleton, seconded by Manager*
106 *Rogness, to adopt Resolution 15-XXX, approving the process to evaluate and align*
107 *district programs using strategic framework as follows.:*

108

109 *NOW, THEREFORE, BE IT RESOLVED that the Minnehaha Creek*
110 *Watershed District Board of Managers establishes the attached strategic*
111 *planning framework and process to evaluate and align programs and to*
112 *focus District resources towards common goals and mission; and*

113

114 *BE IT FURTHER RESOLVED that the strategic planning process and*
115 *program evaluation will be conducted by the Planning and Policy*
116 *Committee with clear reporting to the full Board of Managers to*
117 *facilitate Board decision making.*

118

119 *Upon vote, the motion carried, 6-0, with Manager Blixt abstaining. Upon inquiry from*
120 *Mr. Smith, the Board of Managers confirmed that the Board's vote was for final*
121 *adoption of the Resolution.*

122

123 Resolution 15-XXX Authorization to Execute Memorandum of Understanding with
124 Professional Instruments Company for Cooperative Planning, 7800 Powell Road,
125 Hopkins

126

127 Ms. Renae Clark appeared before the Board of Managers and explained that staff has had
128 discussions with the principals of Professional Instruments Company to explore shared
129 objectives through coordination and planning for the riparian area of Minnehaha Creek.
130 Ms. Clark noted that this property is in the general vicinity of other District initiatives in
131 cooperation with the Cities of Hopkins and St. Louis Park. *It was moved by Manager*
132 *Miller, seconded by Manager Calkins, to adopt this resolution as follows:*

133

134 ***NOW, THEREFORE, BE IT RESOLVED that the District***
135 ***administrator is authorized to execute a Memorandum of Understanding***
136 ***between the District and Professional Instruments Company; and***

137
138 ***BE IT FURTHER RESOLVED that the District administrator is***
139 ***authorized to make minor non-substantive revisions to the memorandum***
140 ***of understanding prior to execution, on advice of District counsel.***

141
142 ***Upon vote, the motion carried, 7-0. Upon inquiry from Mr. Smith, the Board of***
143 ***Managers confirmed that the Board's Action was the final adoption of the Resolution.***

144
145 Resolution 15-XXX Authorization to Hire Smith Partners as District Counsel

146
147 Mr. Erdahl noted that this was a continuation of the Board's discussion from
148 September 24, and that the staff recommended selection of Smith Partners as District
149 Counsel and placement of this action on the Consent Agenda of the next meeting of the
150 Board of Managers. ***It was moved by Manager Rogness, seconded by Manager Miller to***
151 ***adopt staff's recommendation to place this resolution on the Consent Agenda of the***
152 ***next Board meeting.***

153
154 Mr. Tim Keane requested to be heard by the Board of Managers. Mr. Keane noted that
155 his firm had submitted a proposal seeking consideration for Real Estate, Eminent
156 Domain, and Public Finance legal work with the District. He stated that he had learned
157 about the Request for Qualifications late and submitted his proposal at the last minute.
158 Upon a question from Manager Shekleton, Mr. Keane noted that he is legal counsel for
159 the City of Shorewood.

160
161 David Mandt appeared before the Board of Managers and reviewed the process, noting
162 that proposals for specialized professional services are kept on file by the staff for
163 reference as needed. Manager Blixt asked Mr. Mandt to review the process and explain
164 why Mr. Keane would have learned about the RFQ at the last minute. Mr. Mandt noted
165 that the engineering and legal services RFQs had been posted on the District's website,
166 advertised in the Sun newspaper, and also distributed to the list of firms known to be
167 interested in working with the District. Manager Blixt asked why the RFQ had not been
168 advertised in the State Register, and Mr. Mandt noted that this had not been past practice
169 based on his research.

170
171 Manager Calkins noted that he had been distressed with the process and expressed his
172 concerns at the last meeting. He was concerned that the item had not been on the agenda
173 but appeared under the Administrator's report, and that the Board of Managers had not
174 reviewed the responses that had been submitted. Mr. Erdahl noted that the RFQ process
175 had been announced at Board meetings beginning in June, and that the staff review of
176 proposals and recommendation appeared to be consistent with past practice. President
177 White noted that the staff can continue to improve this process and keep working on it,

178 but she had never previously seen the Request for Qualifications or submittals. Manager
179 Olson stated that consistent with the search for District Administrator, both the engineer
180 and attorney report to the Board and the Board should be involved in the process. He
181 stated that he felt that presentations to the Board would be a nice touch for future
182 consideration.

183

184 Mr. Smith noted the resolution should be corrected to provide for a maximum two year
185 agreement, or 2016-17, rather than 2016 -18. ***It was moved by President White, seconded
186 by Manager Miller to amend the draft resolution as recommended by Mr. Smith. Upon
187 vote, the amendment was adopted, 7-0. Upon vote to place the amended resolution on
188 the consent agenda of the next meeting of the Board of Managers, the motion was
189 adopted, 6-1, with Manager Calkins voting against the motion.***

190

191 ***It was moved by Manager Blixt, seconded by Manager Miller, to direct the staff to
192 develop a written procedure for solicitation of consultants services for review by the
193 Board of Managers as its next meeting.*** President White stated that she opposed the
194 motion as it involved too much detail for the Board to be involved. Manager Blixt stated
195 that she felt it was important, specifically for the attorney and engineer selection
196 processes. ***Upon vote, the motion carried, 6-1, with President White voting against the
197 motion.***

198

199 Resolution 15-XXX, Authorization to Hire Wenck Associates as District Engineer

200

201 Mr. Erdahl reviewed the solicitation for engineering services and the staff
202 recommendation to hire Wenck Associates as District Engineer. ***It was moved by
203 Manager Miller, seconded by Manager Rogness, to place adoption of this resolution on
204 the Consent Agenda of the next meeting of the Board of Managers.***

205

206 Manager Calkins stated that he appreciated the responses and was impressed with both
207 proposals. Manager Blixt asked whether the District maintains a pool of engineering
208 firms for project services. Mr. Mandt stated that there is such a pool of firms, and that
209 both firms proposing for District engineering services are included in that pool of nine or
210 ten firms. ***There being no further discussion, upon vote, the motion carried, 7-0.***

211

212 **BOARD DISCUSSION ITEMS**

213

214 Blake Road Station Early Implementation Strategy-Request for Clarification of 325
215 Blake Redevelopment Preclusion

216

217 Mr. Michael Hayman appeared before the Board of Managers and referred to the
218 memorandum prepared by Smith Partners providing background on the preclusion of any
219 developer that directly participates as a paid consultant in the predevelopment processing
220 from offering a proposal to develop the site at 325 Blake Road. ***Following discussion, it
221 was moved by Manager Miller, seconded by Manager Calkins to acknowledge receipt***

222 *of the request from LHB on October 5, 2015, and confirm that the Board of Managers*
223 *has determined that the conditions described concerning Trammel Crow Company's*
224 *involvement in this process are acceptable and conform to the requirements adopted by*
225 *the Board of Managers on September 3, 2015. Upon vote, the motion carried, 7-0.*
226

227 Minnesota Association of Watershed Districts Resolution
228

229 Mr. Erdahl noted that no suggestions for resolutions to be considered at the statewide
230 association meeting have been received to date.

231

232 Administrator's Report
233

234 Mr. Erdahl thanked the Board of Managers for the support and success of the two recent
235 community events. He noted that the staff on Wednesday toured sites of District projects,
236 as well as the Mississippi Watershed Management Organization offices. He noted that
237 there would be upcoming media coverage in the Star Tribune concerning zebra mussels
238 at Christmas Lake, as well as a public television story about the raingarden at Kenwood
239 Elementary school. The managers thanked Mr. Erdahl for this report.

240

241 Citizen Advisory Report:
242

243 Manager Shekleton reported that the CAC meeting of September 24 had been previously
244 reported on, but it included subcommittee review of Cynthia Krieg grant applications and
245 proposed projects at Hiawatha and Meadowbrook Golf courses.

246

247 Closed Session
248

249 Mr. Smith noted that the District had recently been served with a complaint concerning a
250 proposed development near Mooney Lake, and the plaintiffs are seeking to enjoin review
251 and permitting by the District and the City of Orono. He recommended a closed session
252 to review District legal strategy. *It was moved by Manager Shekleton, seconded by*
253 *Manager Calkins, to go into closed session for the purposes of receiving legal advice*
254 *from the attorney about the above-mentioned lawsuit. Upon vote, the motion carried,*
255 *7-0.*
256

257

258 The Board of Managers returned to open session at 8:52 p.m., where upon the meeting
259 was adjourned.

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260

261 Respectfully submitted,

262

263

264

265

266 Kurt Rogness

267 Secretary