

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

4
5 June 18, 2015
6

7 **CALL TO ORDER**
8

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

13 **MANAGERS PRESENT**
14

15 Sherry White, Pam Blixt, Richard Miller, William Olson, Kurt Rogness.
16

17 **MANAGER ABSENT**
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19 James Calkins, Brian Shekleton.
20

21 **OTHERS PRESENT**
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23 Lars Erdahl, District Administrator; David Mandt, District Operations and Support
24 Services Director; Jennifer Scharlow, District Technical Support Services Specialist;
25 Michael Welch, District Counsel.
26

27 **MATTERS FROM THE FLOOR**
28

29 None.
30

31 **APPROVAL OF THE AGENDA**
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33 *Manager Rogness moved, and Manager Olson seconded, approval of the agenda. Upon*
34 *vote, the motion carried 5-0.*
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36 **CONSENT AGENDA**
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38 Michael Welch requested the removal of item 6.2 Resolution 15-054 from the consent
39 agenda. Lars Erdahl noted several changes to the June 11, 2015, minutes and he handed
40 out a copy of his revisions and reviewed them for the record. *Manager Miller moved,*
41 *and Manager Olson seconded, approval of the consent agenda, consisting of amended*
42 *June 11, 2015, meeting minutes and adoption of the following resolutions:*
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44 **Resolution 15-053, Authorization to Release the Annual Report to the Minnesota**
45 **Pollution Control Agency**
46

47 ***NOW, THEREFORE, BE IT RESOLVED, that the Minnehaha Creek***
48 ***Watershed Board of Managers accepts the 2014 MS4 Annual Report***
49 ***and authorizes its release to the MPCA.***
50

51 **Resolution 15-055, Authorization to contract with Wenck Associates to conduct**
52 **Mud Lake Subwatershed Assessment**

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54 ***NOW, THEREFORE, BE IT RESOLVED, that the Minnehaha Creek***
55 ***Watershed Board of Managers hereby authorizes the District***
56 ***Administrator, on advice of counsel, to execute a contract with Wenck***
57 ***Associates, Inc. in an amount not to exceed \$49,960 to conduct the Mud***
58 ***Lake Subwatershed Assessment.***
59

60 ***Upon vote, the motion carried 5-0.***

61
62 **REGULAR AGENDA**

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64 **Board, Committee and Task Force Reports**

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66 **President's Report**

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68 Manager White noted only that she is adding a suggestion that the Policy and Planning
69 Committee consider developing at its June 25 meeting a list issues for the 2016 work
70 plans and other long-range items that they wish to discuss.
71

72 **Action Items**

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74 **Resolution 15-054, Adoption of Rule Policy for MS4 Compliance**

75
76 Mr. Welch clarified the applicability of the policies drafted to comply with the new state
77 municipal separate storm sewer system general permit. He noted that the adopted policies
78 would apply to all permits issued by District, not just those disturbing 1 acre or more of
79 land, as was discussed at the June 11 meeting. He noted as well that the polices will be
80 included on the District's website along with the rules so permit applicants will be made
81 aware of them. He said the new state construction general permit applies only when there
82 is 1 acre or more of disturbed land, however that is not the case with the District and the
83 new polices will apply to projects that disturb a lesser amount as well. Manager White
84 thanked Mr. Welch for his clarification. ***Manager Olson moved and Manager Rogness***
85 ***seconded adoption of resolution 15-054:***

86
87 ***NOW, THEREFORE, BE IT RESOLVED that the Minnehaha Creek***
88 ***Watershed District Board of Managers adopts the following rule-***
89 ***interpretive policies and directs staff to analyze permit applications***

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submitted to MCWD and assess compliance with issued permits in accordance with same:

1. Erosion and sediment control plans must include temporary sedimentation basins and must provide that all runoff from disturbed areas drain to temporary sedimentation basins designed in conformance with subsection III.C of the Minnesota Pollution Control Agency’s General Permit to Discharge Stormwater Associated with Construction Activity No. MN RI00001, as may be amended. (See Erosion and Sediment Control Rule subsection 5a(6), (10); 5b(1).)

2. Stormwater management plans will be assessed for compliance with the MCWD Stormwater Management Rule in accordance with the following:

a. Structural BMPs to infiltrate runoff as means of meeting the stormwater-volume management requirement in paragraph (3)(c)(1) or the best-management practice requirement in paragraph (3)(c)(4) of the MCWD Stormwater Management Rule will not be permitted where:

- i. An industrial facility is not authorized to infiltrate stormwater under an applicable state or federal permit;*
- ii. Vehicle fueling and maintenance occur;*
- iii. Seasonally saturated soils or bedrock is found three feet or less from the designed bottom of the BMP;*
- iv. Infiltration presents a cognizable potential to mobilize contaminants in soil or groundwater.*

b. Where an applicant demonstrates one or more the site conditions listed in paragraph 2a of this policy, the applicant must submit a stormwater management plan providing compliance with the reduced volume abstraction requirement in paragraph (3)(c)(2) of the MCWD Stormwater Management Rule through means other than infiltration and providing phosphorus control in an amount equivalent to that which would be achieved through abstraction of one inch of rainfall from the site’s impervious surfaces.

- 133 *c. In addition to the site conditions listed in paragraph (3)(c)(2) of*
134 *the MCWD Stormwater Management Rule supporting a*
135 *determination that it is not feasible to provide one inch of volume*
136 *control for runoff from a site's impervious surface, the following*
137 *also may be analyzed:*
138
139 *i. conditions supporting a runoff-infiltration rate of 8.3 inches*
140 *per hour or more;*
141
142 *ii. the presence of a Drinking Water Supply Management Area.*
143
144 *d. All documentation requirements in paragraphs (3)(c)(i), (ii) and*
145 *(iii) of the MCWD Stormwater Management Rule apply to permit-*
146 *application analyses under this policy.*
147

148 *Upon vote, the motion carried 5-0.*
149

150 Resolution 15-056, Clarification and Update to Delegation of Hiring Authority to the
151 Administrator
152

153 David Mandt appeared before the Board of Managers and introduced the team that has
154 been working on improving the District's human resources functions. He introduced Julie
155 Urell and David Unmacht from Springsted, the District's human resources and
156 organizational consultant. He also noted that Jennifer Scharlow of the District staff and
157 Mr. Welch worked on the employee handbook and materials, to ensure consistency with
158 both District operations and adopted policy, respectively.
159

160 Mr. Unmacht reviewed the development of the District's new draft updated employee
161 handbook, stating that in spring 2014 Springsted began working with District staff, at the
162 board's direction, to analyze its human resources function. He stated that the analysis
163 produced findings and job descriptions, and informed the search process that was used to
164 hire the new District administrator. He said the other key work product from that process,
165 the revised and updated employee handbook, is being presented tonight and the changes
166 in the handbook flow from the strategic and tactical findings made and the resulting
167 major recommendations from the human resources function analysis. He said that the
168 resolution before the managers tonight fulfills the first major finding of the analysis, the
169 need for the District to clarify staff roles, and as well as the second, to better organize the
170 structure of the District operations and the human resources function within that
171 structure. He noted that with regard to this point, the Board of Managers approved the
172 new organizational structure last year.
173

174 The third focus area is consistency in policy and practices, and the final focus area is the
175 need for a higher-profile, better-functioning human resources operation. He said that the

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176 overall finding, namely that significant substantive work is being accomplished by the
177 District while the organizational structure is less defined and less clear, is not atypical of
178 a local government unit like the District. He said the Board of Managers directed staff
179 and the consultant to tackle this problem and he believes that the resolution and plan for
180 finalizing the employee handbook before the managers tonight go a significant way in
181 resolving many of the issues identified.

182
183 Manager Miller noted his respect for Mr. Unmacht's opinion, but expressed concern that
184 the resolution contributes to the District turning into a bureaucracy, with policies that
185 ensure mediocrity. He said it is very important for the District to maintain the flexibility
186 to be creative and the ability to reward staff creativity. Mr. Unmacht spoke to the
187 question, noting that the foundational aspect of the District's operations, namely the
188 administration, human resources, information technology and finances functions, produce
189 stability for the District – not bureaucracy, and it is the culture of the organization that
190 drives creativity and innovation. His observation is that the District has a culture that
191 supports this. Mr. Welch added that in his experience in working with District staff, much
192 of the routine functions of the District could be made easier and more efficient if staff
193 could access simple protocols and guidance, which would to provide them with time and
194 the foundation to exercise creativity in the areas of their jobs where that benefits the
195 District.

196
197 Mr. Mandt explained that the resolution before the managers provides the administrator
198 with the authority to go ahead and work with legal counsel and operations and support
199 services staff to finalize the updated employee handbook, clarifies the delegation of
200 authority to the administrator to hire all staff, while ensuring that District policy comport
201 with these clarifications. The resolution directs the administrator to update the handbook
202 as well. Mr. Mandt noted that the employee handbook was last updated in 2004 and is
203 quite out of date, as was noted in the human resources analysis that Mr. Unmacht
204 described. He said the resolution provides the administrator the flexibility to update the
205 employee handbook as changes outside the District influence its human resources
206 operation. He noted as well that the update to the handbook and the clarification of
207 delegation to the administrator is the second step in a three-part process that District staff
208 has been working on with legal counsel to clarify and better organize District policy and
209 operations. He said the first step was the adoption last fall by the managers of an updated
210 and consolidated governance manual. The second step is the update of the employee
211 handbook. He said policies are removed from the handbook and will be presented for
212 adoption along with other program policies this fall. He said the whole effort is designed
213 to remove redundancy and obsolete provisions. In response to a prior question from
214 Manager Olson, he said the update to the employee handbook will be a significant one.

215
216 Manager Blixt asked of what type of system is in place to ensure that the District human
217 resources material remains up to date. Mr. Mandt said that the handbook will be updated
218 annually, as necessary, as part of the District's annual review of governance materials. He

219 said he will make sure that issue is addressed, but he said much of it has to do with
220 management training. Manager Miller again cautioned against putting too much process
221 and procedure in place in the District's operations such as creates a bureaucracy. He
222 asked about the operations and support services department. Mr. Mandt stated that the
223 operations and support services department, which he heads, is designed to support the
224 other program areas. Manager Miller emphasized that he does not want to create a system
225 that does not allow for rewarding staff for taking risks.

226
227 In response to a question from Manager White, Mr. Unmacht said the District is not
228 creating a bureaucracy by discussing its operations here this evening. He said the process
229 that has been undergone has been one that is adding definition to areas that had no
230 definition, adding clarity where there was very much a lack of clarity and adding
231 structure to elements of the District operations that were very much unstructured. He said
232 the District has not had these things and the District needs them. Mr. Mandt emphasized
233 that the resolution before the managers this evening reaffirms the board's authority to
234 review director-level hires and the addition of full-time equivalent staff positions. In
235 response to a question from Manager Blixt, Mr. Mandt said that the current directors are
236 now himself as the director of operations and support services, James Wisker as director
237 of planning and regulatory, Telly Mamayek as director of education and outreach and
238 Craig Dawson as director of research and analysis. ***Manager White moved and Manager
239 Rogness seconded the adoption of resolution 15-056. Upon vote, the motion carried 4-
240 0-1, Manager Miller abstaining.*** Manager Miller noted that he abstained from voting to
241 emphasize his interest in the managers further discussing ways to ensure that creativity
242 remains part of the District's culture and that the District does not create too much
243 bureaucracy. Manager Miller also asked about a direction Board of Managers gave to
244 staff roughly a year ago to compile all resolutions that the managers have adopted and
245 present them. Mr. Mandt stated that he would look into the status of that effort and report
246 back to the managers. Manager Miller noted that his recollection is that the direction was
247 to look back four years and that the effort was not to involve all resolutions but only
248 those resolutions that provided policy direction to staff.

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250 **DISCUSSION ITEMS**

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252 Administrator's Report

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254 Mr. Erdahl reported that the managers will be getting new iPads later this summer and
255 that they will be accompanied by a new, better process for the managers to receive and
256 manage meeting materials. The managers discussed reuse of the existing iPads and the
257 process of removing all data and possibly either putting the iPads up for auction as is
258 required by state law or providing them to staff for their use. Mr. Erdahl explained the
259 difficulty of disposing of technology. In response to a question from the managers, Mr.
260 Mandt explained that the new iPads will cost between \$500 and \$900, and that a key
261 component of the new system will be the mobile device manager, which Ms. Scharlow is

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262 working on setting up now. In response to a question from Manager Blixt, Mr. Mandt
263 stating that the iPads would be ready for the managers in August or September. Ms.
264 Scharlow added that the process for updating the board meeting material-distribution
265 system will be presented to Executive Committee first in August and will focus on the
266 aforementioned mobile device manager. She said that the process will involve using the
267 managers' iTunes accounts to quickly and easily download materials and to update
268 software so that the managers will not have to leave their iPads at the District office for
269 updating.

270
271 Mr. Erdahl noted that the District meeting-room audio-visual system has experienced
272 some hiccups and problems, and staff are working with the vendor to address them.
273

274 Mr. Erdahl provided an update on District construction projects, noting that the
275 Cottageville Park project is under way and going well, and the Powell Road diversion
276 structure has been started and should be done the second week of August. He said that
277 regarding the effort at Christmas Lake to address the zebra-mussel infestation, District
278 staff have convinced the Department of Natural Resources to treat roughly 11.4 acres of
279 the lake, which is more than DNR wanted to treat in the first instance and that barriers to
280 facilitate the treatment will be installed next week. He said the treatment will be with
281 potash and will be a four-day process starting a few days after the barriers are installed.
282 He said staff met with homeowners last night to explain the process and help them make
283 arrangements for alternative access to the lake. In response to a question from Manager
284 Olson, Mr. Erdahl said that the cost for all this work will be shared among the various
285 agencies contributing to it but that the District had already budgeted for these cost in the
286 aquatic invasive species budget for the year. The District would be spending roughly
287 \$12,000 to \$15,000 for the potash.

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289 **ADJOURNMENT**

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291 *There being no further business, the regular meeting of the Board of Managers*
292 *adjourned at 7:50 p.m.*

293

294 Respectfully submitted,

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299 Kurt Rogness

300 Secretary