

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

4
5 September 28, 2017
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 6:56 p.m. on September 28, 2017, at the
11 MCWD offices, 15320 Minnetonka Boulevard, Minnetonka, Minnesota.
12

13 **MANAGERS PRESENT**

14
15 Sherry White, Brian Shekleton, Richard Miller, Kurt Rogness, William Olson, and
16 Jessica Loftus.
17

18 **MANAGER ABSENT**

19
20 Bill Becker.
21

22 **DISTRICT STAFF AND CONSULTANTS PRESENT**

23
24 Lars Erdahl, Administrator; James Wisker, Planning and Projects Director; Becky
25 Christopher, Lead Planner-Project Manager; Chris Meehan, District Consulting Engineer;
26 and Louis Smith, District Counsel.
27

28 **MATTERS FROM THE FLOOR**

29
30 None.
31

32 **APPROVAL OF AGENDA**

33
34 *It was moved by Manager Loftus, seconded by Manager Miller, to approve the agenda*
35 *as distributed. Upon vote, the motion carried, 4-0 (Managers Shekleton and Rogness*
36 *absent for vote).*
37

38 **CONSENT AGENDA**

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40 *It was moved by Manager Miller, seconded by Manager Olson to approve the items on*
41 *the Consent Agenda as follows: approval of the minutes of the September 14, 2017*
42 *meeting of the Board of Managers; approval of the general checking account, checks*
43 *numbered 38491 to 38571 for a total of \$210,009.83, payroll direct deposits of*
44 *\$239,064.56 and approve electronic fund withdrawals totaling \$2,648,706.77 for total*
45 *expenses of \$3,097,781.16, and surety account check registers, as well as acceptance of*
46 *the 325 Blake Road checking account; and adoption of the following resolutions:*

47 ***Resolution 17-060: Authorization to execute a second amendment to the Memorandum***
48 ***of Agreement (MOA) with Gateway Knollwood, LLC***

49

50 ***NOW, THEREFORE, BE IT RESOLVED that the District***
51 ***Administrator is authorized to execute an agreement amendment to***
52 ***extend the date to substantially complete the stormwater management***
53 ***facilities, and to execute and record a perpetual maintenance instrument***
54 ***for those facilities, to November 17, 2017***

55

56 ***Upon vote, the motion carried, 4-0 (Managers Shekleton and Rogness absent for vote).***

57

58 **BOARD, COMMITTEE, AND TASK FORCE REPORTS**

59

60 **President's Report**

61

62 President White reported that she attended the prairie see collection event, and the State
63 of the Lake event with Friends of the Mississippi River; both were very successful
64 events. President White noted that Managers Becker and Olson had completed their
65 service as board liaisons for the human resources strategic planning process, and thanked
66 them for their service.

67

68 **Operations and Programs Committee Report**

69

70 Manager Loftus reported on the Operations and Programs Committee meeting held
71 earlier in the evening (Managers Rogness and Shekleton arrived at this point in the
72 meeting, 7:01 p.m.). The OPC Committee reviewed file storage and record retention
73 issues in relation to the transition planned at the Cold Storage facility, affirming that the
74 District's existing record retention policy provides appropriate guidance. Managers are
75 invited to forward to Mr. Erdahl any suggestions for policy resolutions to be considered
76 by the Minnesota Association of Watershed Districts. The Committee reviewed the
77 status of implementation of the human resources strategic plan and affirmed with
78 confidence that it will be implemented well and in a timely manner. The Committee also
79 reviewed several banking issues.

80

81 President White noted the upcoming meeting schedule listed on the agenda.

82

83 **Southwest LRT Community Works Blake Road Subcommittee**

84

85 Manager Miller reported that the Blake Road Subcommittee met on September 25. The
86 meeting included a review of the various studies that inform multiple projects in this area.
87 A draft request for qualifications for a master developer will be prepared for the October
88 12 board meeting and then reviewed by the City of Hopkins and the Subcommittee at the
89 end of October.

90 **ACTION ITEMS**

91

92 **Resolution 17-061: Authorization of Comment Responses for Watershed Management**
93 **Plan**

94

95 Ms. Becky Christopher appeared before the Board of Managers and reviewed the request
96 for board action to authorize responses to comments received by the District during the
97 60 day review period for the Watershed Management Plan. Ms. Christopher noted that
98 34 letters were received and reflected strong support for the substance of the Plan,
99 suggestions for minor technical or textual revisions, and the need for clarification on
100 several policy issues. Ms. Christopher summarized the comments and the major policy
101 issues reflected in the comments, along with recommended responses as set forth in the
102 request for board action.

103

104 In response to a question from Manager Olson, Ms. Christopher explained that each
105 commenting party would receive a letter, along with a table that summarized all
106 comments and responses. In response to a question from Manager Miller, Ms.
107 Christopher explained that although the District does not consider alum treatment and
108 carp removal to be capital improvement projects, the District typically follows project
109 procedures.

110

111 Ms. Christopher noted several edits to Resolution 17-061, noting that a public hearing
112 will be held on October 12, and on October 25 the District will release an updated draft of
113 the plan for 90 day review.

114

115 *There being no further discussion, it was moved by Manager Rogness, seconded by*
116 *Manager Olson, to adopt Resolution 17-061 as follows:*

117

118 ***NOW, THEREFORE, BE IT RESOLVED that the Minnehaha Creek***
119 ***Watershed District Board of Managers authorizes staff to distribute the***
120 ***comment responses, including any final non-substantive edits.***

121

122 *Upon vote, the motion carried, 6-0.*

123

124 **DISCUSSION ITEMS**

125

126 **Carver County Finance Agreement Draft Review**

127

128 Mr. James Wisker appeared before the Board of Managers and reviewed the background
129 leading to a draft finance agreement with Carver County to support the funding of
130 projects in the Six Mile Creek – Halsted Bay subwatershed. Mr. Wisker noted that the
131 Carver County Board of Commissioners is scheduled to approve this agreement on

132 October 17, and that staff is seeking approval of the Board of Managers to advance this
133 agreement to the October 12 meeting for final Board action.

134

135 ***Following discussion, it was moved by Manager Rogness, seconded by Manager Olson,***
136 ***to advance the Master Finance Agreement with Carver County to the agenda of the***
137 ***October 12 meeting of the Board of Managers for final action. Upon vote, the motion***
138 ***carried, 6-0.***

139

140 **ADMINISTRATOR'S REPORT**

141

142 Mr. Erdahl reported on the following items:

143

144 1. Consistent with earlier Board direction, Mr. Erdahl requested a motion for the
145 Board to approve an opening deposit in the Surety Savings Account at Alerus
146 Financial. ***It was moved by Manager Miller, seconded by Manager Rogness, to***
147 ***direct the Administrator to make an opening deposit that maintains a balance of***
148 ***\$25,000 in the Surety Checking account, with the balance to be transferred to***
149 ***the new Surety Savings account. Since the MCWD Board of Managers***
150 ***approves any and all payments issued from the Surety Checking account, the***
151 ***District Administrator would request transfers between Surety Checking and***
152 ***Savings accounts as needed. Account balances are monitored online and also***
153 ***via monthly statement. Upon vote, the motion carried, 6-0.***

154

155 2. Mr. Erdahl attended the meeting of the Minnesota Association of Watershed
156 Administrators in Fergus Falls and reviewed plans for the upcoming annual
157 conference, the status of the search for a new MAWD executive director, and
158 plans for the Summer Tour in 2018.

159

160 3. The Edina City Council recently voted 4-0 to approve the concept plan and
161 partner with the District on the Arden Park Project. The Board will hold a public
162 hearing on October 12, followed by consideration to approve the project
163 agreement and authorize the contract for design services.

164

165 4. The Lessard Sams Outdoor Heritage Council met on September 28 to allocate
166 funding recommendations, and \$567,000 was recommended for the District's
167 project to manage carp in the Six Mile Creek – Halsted Bay Subwatershed, which
168 represents 71% of the funding requested. The staff will work on a revised project
169 budget, and the Legislature will make final funding allocations in the 2018
170 legislative session.

171

172 5. MCWD staff are monitoring and assisting with local partners as zebra mussels
173 have been detected in Lake Harriet and Lake Minnewashta.

174

175 6. Approximately 35 people attended the Prairie Seed Collection event at Six Mile
176 Marsh Prairie. The District will move the celebration of Public Lands Day to
177 Minnehaha Falls, where Wilderness Inquiry will host guided tours. The 50th
178 Anniversary Sunset Celebration will be held on November 2.

174 7. In response to a question from President White, Mr. Erdahl noted that Manager
175 Loftus and Mr. Erdahl met with Gabriel Jabbour to follow ongoing discussions
176 about Big Island.

177
178 The managers thanked Mr. Erdahl for his report.

179
180 **Closed Session – DEED Unemployment Claim**

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182 Mr. Smith requested that the Board go into closed executive session for the purpose of
183 receiving legal advice on litigation strategy and possible settlement on an unemployment
184 compensation claim from the Minnesota Department of Employment and Economic
185 Development. *It was moved by Manager Miller, seconded by Manager Rogness, to*
186 *authorize a closed session as requested. Upon vote, the motion carried, 6-0.* The Board
187 of Managers went into closed session.

188
189 **ADJOURNMENT**

190
191 There being no further business, the meeting of the Board of Managers was adjourned at
192 8:45 p.m.

193
194 Respectfully submitted,

195
196
197
198 Kurt Rogness, Secretary

199