

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

4
5 October 26, 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 6:46 p.m. at the MCWD offices, 15320
11 Minnetonka Boulevard, Minnetonka, Minnesota.

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13 **MANAGERS PRESENT**

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

17
18
19 **MANAGER ABSENT**

20
21 None.

22
23 **DISTRICT STAFF AND CONSULTANTS PRESENT**

24
25 Lars Erdahl, Administrator; James Wisker, Planning and Projects Director; Renae Clark,
26 Planner-Project Manager; Telly Mamayek, Communications and Education Director;
27 Darren Lochner, Education Program Manager; Chris Meehan, District Consulting
28 Engineer; and Louis Smith, District Counsel.

29
30 **PRELIMINARY REMARKS**

31
32 Telly Mamayek, District Communications and Education Director provided members of
33 the public with an overview concerning the logistics of the upcoming public hearing on
34 the Arden Park Improvement Project. Manager Olson welcomed the presence of the Cub
35 Scout Troop from Victoria.

36
37 **MATTERS FROM THE FLOOR**

38
39 None.

40
41 **APPROVAL OF AGENDA**

42
43 President White noted that the Board Committee and Task Force Reports would be
44 deferred on the agenda to follow the Arden Park Public Hearing. President White also
45 noted that Item 7.1 on the Consent Agenda, Resolution 17-066: Authorization to hire
46 Redpath and Company to complete the 2017 Financial Audit, would be moved to Item

47 11.2 on the Action Item Agenda. *It was moved by Manager Rogness, seconded by*
48 *Manager Shekleton, to approve the meeting agenda with these changes. Upon vote,*
49 *the motion carried, 7-0.*

50

51 **CONSENT AGENDA**

52

53 *It was moved by Manager Miller, seconded by Manager Becker, to approve the*
54 *Consent Agenda, including approval of the October 12, 2017 Board minutes; and*
55 *approval of the general checking account, checks numbered 38572 to 38634 for a total*
56 *of \$220,209.41, payroll direct deposits of \$142,603.66 and approve electronic fund*
57 *withdrawals totaling \$134,569.71 for total expenses of \$497,382.78, and surety account*
58 *check registers, as well as acceptance of the 325 Blake Road checking account. Upon*
59 *vote, the motion carried, 7-0.*

60

61 **PUBLIC HEARING: ARDEN PARK IMPROVEMENT PROJECT**

62

63 President White opened the public hearing. Ms. Renae Clark appeared before the Board
64 of Managers to review the background and status of the Arden Park Improvement
65 Project. She introduced Ms. Anne Katreh, Park and Recreation Director from the City of
66 Edina. Ms. Clark reviewed the history of the project and planning processes, several
67 stages of community input, and recent discussions and work with the City of Edina to
68 combine park improvements with creek restoration.

69

70 Ms. Katreh spoke to the managers about the City's interest in partnering with the
71 Watershed District. She renewed the key recommendations of the City's 2015 Strategic
72 Plan for Parks, the goals of the Plan, and the integration of the park improvements with
73 the creek restoration work. She also reported that the Edina City Council has recently
74 approved the project plan.

75

76 President White invited comments from the public.

77

78 Mr. Jim Grotz appeared at the public hearing and expressed his concerns with the project.
79 He suggested that, as with major surgery, it is helpful to get a second opinion. He referred
80 to a handout in which he identified possible title problems with the property, which lead
81 him to question whether the City of Edina had the authority to proceed with the project.
82 Mr. Grotz also stated that he was opposed to removal of the dam structure, that the
83 project would result in a high ecological cost, with impact to trees, and that it would be
84 better to use the existing creek channel rather than remeander.

85

86 Mr. John Crabtree appeared at the public hearing and presented aerials from 1957 and
87 2015. He stated that this provided more information about the parcels affected by the
88 project and agreed with Mr. Grotz that the ownership and title issues should be addressed.

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89 He also stated that the exciting creek bottom should be considered as a better site for the
90 creek work.

91

92 Mr. Geoff Workinger appeared at the public hearing and stated that he is not in favor of
93 the creek restoration. He questions what benefits will result and also what ecological
94 improvements could be measured. He requested that there be baseline data to evaluate
95 whether improvements result from the project. He also asked what the park would look
96 like when the project was completed, and that the current site provides great value with
97 rustic nature.

98

99 Mr. Jerry O'Brien appeared at the public hearing and referred to a memorandum that he
100 distributed and requested be part of the record, along with a video that described
101 governance concerns that he had relating to the project.

102

103 Ms. Heather Beal appeared at the public hearing and stated that she was very concerned
104 about the impact to up to ninety trees being removed in order to facilitate meandering of
105 the creek. She stated that she felt that any work on the creek should be minimally
106 invasive with the trees, and asked that before a detail plan is approved, that specific
107 evaluation of tree removal be completed.

108

109 Mr. Tom Fletcher appeared at the public hearing and advocated eliminating the creek
110 restoration element of the project. He stated that he felt that restoration was a misnomer
111 because it is really a reconstruction of the creek. He stated that he felt that the \$1.3
112 million estimated cost is expensive, and that the District should ask what is the problem
113 to be solved at this site. He stated that he felt that current trees provide plenty of buffer
114 for the creek.

115

116 Mr. Steve Brown appeared at the public hearing stating that that he had used the park for
117 14 years. He felt that it is a delightful park but poorly developed and in disrepair. He
118 stated that he was excited about the project and complimented the City and the Watershed
119 District for taking the time and listening to input from the neighborhood. He noted that
120 the City had decided after hearing all of the input to support proceeding with the project
121 because it makes sense. He recognized that more design work will be done, but that to
122 date it is a very strong and well-conceived project.

123

124 There being no further comments, President White closed the public hearing at 7:46 p.m.

125

126 President White asked if managers had any further questions. Manager Miller
127 complimented the quality of the presentations and the quality of citizen comments. He
128 stated that everyone should be proud of the community effort concerning this project.
129 Manager Shekleton asked for a clarification of the aerial photography and a clarification
130 about the title issue that had been raised. Ms. Katreh stated that she will look into the title
131 question on behalf of the City.

132 Upon a question from Manager Olson, Ms. Clark explained how the concrete slab had
133 shifted, and that major storm events had altered the flow of the stream. In response to a
134 question from Manager Olson about fish passage, Ms. Clark explained how the design
135 had been revised in light of these changes in site conditions. Manager Olson also asked
136 about the impact to trees and the restoration of any trees that are removed. Ms. Clark
137 reviewed the state of inventory and planning about trees at the site and noted that any
138 trees removed would also be utilized for woody debris. In response to questions from
139 Manager Shekleton and Manager Rogness, Ms. Clark explained that the original concept
140 of a by-pass pipe to facilitate fish passage has been abandoned, and that removal of the
141 dam would be in keeping with an ecological approach to creek restoration.

142
143 Resolution 17-067: Authorization to Execute Master Finance Agreement with Carver
144 County

145
146 Mr. James Wisker appeared before the Board of Managers and noted the history of
147 working with Carver County for a finance agreement concerning projects in the Six Mile
148 Creek-Halsted Bay Subwatershed. He noted that the Carver County Board of
149 Commissioners approved this agreement on October 17, and provided very positive
150 feedback on its working relationship with the District. *Following discussion, it was*
151 *moved by Manager Olson, seconded by Manager Miller, to adopt Resolution 17-067 as*
152 *follows:*

153
154 ***NOW, THEREFORE, BE IT RESOLVED that the Minnehaha Creek***
155 ***Watershed District Board of Managers hereby authorizes the Board***
156 ***President, on advice of counsel, to execute the Carver County – MCWD***
157 ***Master Finance Agreement.***

158
159 *Upon vote, the motion carried, 7-0.*

160
161 2018 MCWD Citizen Advisory Committee Focus

162
163 Mr. Darren Lochner and Mr. James Wisker appeared before the Board of Managers to
164 present discussion about plans for the focus of the Citizen Advisory Committee for 2018.
165 Mr. Lochner noted the evolving role of the CAC and suggested that there is an interest in
166 utilizing the experience and expertise of CAC members in alignment with the District's
167 plan and work plans. Mr. Wisker noted the past work the District has undertaken for
168 strategical alignment, and described how the CAC work could align better with the
169 Boards work plans, policies and planning efforts. The managers thanked Mr. Lochner and
170 Mr. Wisker and stated that they look forward to the input from the CAC in refining this
171 discussion.

172
173
174

175 **ACTION ITEMS**

176

177 **Resolution 17-066: Authorization to Hire Redpath and Company to Complete the 2017**
178 **Financial Audit**

179

180 Mr. Erdahl reviewed the Request for Board Action, noting that the District would like to
181 proceed to retain Redpath and Company to perform the 2018 Audit. Mr. Smith noted that
182 there were several issues that should be addressed in the engagement of Redpath and
183 Company to better align with the District’s practices for engagement of professional
184 services. He recommended amending the resolution to read that the Board of Managers
185 “Hereby Authorizes the District Administrator, following review by legal counsel and
186 any amendments that the Administrator deems necessary on advice of counsel, to sign the
187 attached letter of engagement...”

188

189 *It was moved by Manager Becker, seconded by Manager Miller to adopt Resolution 17-*
190 *066 with the revision recommended by Mr. Smith. Upon vote, the motion carried 7-0.*

191

192 **ADMINISTRATOR’S REPORT**

193

194 Mr. Erdahl reported on the following items:

195

- 196 1. The 50th Anniversary Celebration for the District will be on November 2; and
197 Governor Dayton has proclaimed November 2, 2017 as “Minnehaha Creek
198 Watershed Day” in the State of Minnesota;
- 199 2. The Metropolitan Chapter of the Minnesota Association of Watershed Districts
200 met last week and heard a presentation from the Minnesota Department of Health
201 on the challenges with water reuse and the work of a consortium of state agencies
202 to develop policies on water reuse;
- 203 3. The Minnesota Association of watershed District Annual Conference will be
204 November 30 through December 2, and a new Executive Director should be
205 announced soon;
- 206 4. Mr. Erdahl is proceeding with work to implement the Human Resources Strategic
207 Alignment, including work on the roles and responsibilities of the assistant
208 administrator; work on transition for the education and communications work to
209 be aligned with the planning and projects team; and planning for a review of the
210 salary grid, though it will not be a full compensation and class study. In response
211 to questions from Manager Miller and Manager Loftus, Mr. Erdahl confirmed that
212 the changes are to be implemented in 2017, and that there will be a review of
213 compensation and class structure issues sometime in the future.
- 214 5. Mr. Erdahl is working on an enforcement and action plan for Big Island,
215 including working with legal counsel and District staff to develop further
216 procedures and bring information back to the Board for the November 9 meeting.

217 Mr. Erdahl stated that he had established a good point of contact with the new City
218 Administrator, and that ongoing coordination is envisioned. Manager Becker stated that
219 he felt that meetings of the elected officials would be useful to communication between
220 the District as easement holder and the landowner at least on an annual basis. Manager
221 Miller asked what would be done to take action about destruction of vegetation at the
222 site; Mr. Erdahl stated that there are several concerns with vegetation removal, including
223 vegetation removed near the shoreline improvements and there will be a review next
224 spring to evaluate how vegetation returns at that part of the site; Recent mowing occurred
225 at the site which was later than the management plan provides, but no permanent damage
226 is expected; and Tree limbs were removed on the hillside. Manager Miller asked what
227 legal actions are available to the District given significant State and District investment in
228 public improvements at Big Island and the purpose of the easement to maintain the site in
229 a natural restored state. Manager Miller stated that he felt that merely meeting with
230 Orono representatives is not enough and that expectation and concerns need to be
231 communicated more directly. Manager Becker stated that he felt it was the District's
232 fiduciary duty to enforce the terms of the conservation easement. Following discussion,
233 Mr. Erdahl stated that he would bring a chronology of information of what events have
234 occurred with exhibits, along with proposed procedure to enforce the District's easement
235 for consideration at the meeting of November 9.

236
237 Manager Miller asked Mr. Erdahl about information on attempts of fraudulent wire
238 transfers on the District accounts to be provided to the auditor. Mr. Erdahl stated that this
239 information would be provided for the 2017 audit. Mr. Erdahl reviewed the upcoming
240 meeting schedule.

241
242 **Unemployment Claim - Closed Session**

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244 *It was moved by Manager Rogness, seconded by Manager Becker, to move the meeting*
245 *into closed session for the purposes of discussing an unemployment insurance claim.*
246 *Upon vote, the motion carried, 7-0 and the Managers went into executive session at*
247 *9:22 p.m.*

248
249 **ADJOURNMENT**

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251 The managers came out of closed session, and returned to open session. The meeting of
252 the Board of Managers was adjourned at 9:35 p.m.

253
254 Respectfully submitted,

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256
257 Kurt Rogness, Secretary

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