



Title:	Adoption of a Revised Interim Maintenance Protocol for the Minnehaha Preserve Boardwalk
Resolution number:	21-022
Prepared by:	Name: Janna Jonely Phone: 952.641.4523 jjonely@minnehahacreek.org
Reviewed by:	Name/Title: Michael Hayman, Project Planning Manager and Chuck Holtman, Legal Counsel
Recommended action:	Adoption of the revised interim maintenance protocol for the Minnehaha Preserve boardwalk to allow for public use of the system during the non-winter months while limiting safety and liability concerns prior to implementation of a long term resolution.
Schedule:	March 2021: Remove winter closure measures for all areas except the cattail overlook March-Summer 2021: Execution of revised interim maintenance protocol
Budget considerations:	No specific funding request at this time
Past Board action:	Res # 17-028 Approval of Minnehaha Preserve Operations and Maintenance Plan Res # 19-094 Adoption of an Interim Maintenance Protocol for the Minnehaha Preserve Boardwalk Res # 20-048 Adoption of the Revised Interim Maintenance Protocol for the Minnehaha Preserve Boardwalk Res # 20-089 Authorize Seasonal Closure of the Minnehaha Preserve Boardwalk

Summary:

The Minnehaha Creek Preserve Boardwalk was constructed in 2014 as part of the Minnehaha Preserve (Reach 20 Stream Restoration) capital project. In April of 2017, the Minnehaha Preserve Operations and Maintenance Plan (Plan) was approved by the Board to fulfill conditions of the Second Cooperative Agreement between Minnehaha Creek Watershed District (District) and the City of St. Louis Park. The Plan outlines specific roles and responsibilities for the periodic and long-term maintenance of project elements associated with the project. Maintenance of the boardwalk is solely the responsibility of the District, as owner, and provides District discretion in elements such as seasonal maintenance and public access.

On November 7, 2019 the Board of Managers adopted an interim maintenance protocol (Res # 19-094) to address ongoing concerns regarding material issues at the Minnehaha Preserve. The interim protocol calls for bi-weekly inspections of the surface structures, marking of deteriorating boards with fluorescent orange spray paint, and replacement of decking and handrail with holes within an approximate two week period after observation. The interim maintenance protocol also establishes a record of the District's efforts to determine and implement a long term resolution of the Minnehaha Preserve boardwalk materials issues, while balancing the nature and extent of the materials deterioration, public use of the boardwalk, public safety risk and cost, along with the options to manage the issue until resolved.

Spring 2020 revealed continued degradation of decking materials identified in 2019, resulting in a limited replacement of 149 decking boards and eight handrail boards in May 2020.

On June 11, 2020, the Board of Managers adopted a revised maintenance protocol (Res # 20-048) in order to efficiently, practically and economically conduct decking replacements. This modification was in response to inspection records that noted that approximately 250 boards remaining in the system were likely to require replacement over the course of the year. Staff found, on the basis of its inspection experience, and in consultation with the District engineer, that the safety risk remained low and was satisfactorily addressed by interim safety measures – the use of orange fluorescent spray paint, safety cones and/or plywood, and signage – until "batch" replacement can occur in a practical and cost-effective manner. These measures are determined based on the particular setting and have been effective in alerting users to decking material issues and uneven surfaces.

During routine inspections in the summer and fall of 2020, staff identified fewer than 50 boards which required replacement for immediate safety concerns. These boards were marked with spray paint and patched with plywood in accordance with the inspection protocol, rendering the system safe and useable. Staff released a request for quotes (RFQ) for limited repair of the Minnehaha Preserve Boardwalk in October 2020 but declined implementing repair work as quotes were substantially higher than anticipated based on previous repair efforts. As such, staff turned to its long term maintenance plan and its interim maintenance protocol to assess the best path forward and determined that seasonal closure of the boardwalk system was the suitable decision for managing safety and liability during the winter months.

Staff, upon advice of legal counsel, determined the enhanced safety risk posed by ice and snow accumulating on top of safety markings (fluorescent paint) and decking boards which are patched with plywood, making it difficult for users to know the condition of the boardwalk surface below their feet warranted limiting public access as a necessary safety precaution for the winter months. On November 19, 2020 the Board of Managers authorized seasonal closure of the boardwalk system (Res # 20-089).

As of early March 2021, snow and ice conditions are no longer present on the boardwalk and the District must reevaluate how to manage the boardwalk as a public facility in the non-winter months. Staff inspection conducted Friday, March 12, 2021 indicated that at this time the boardwalk poses no different safety risk than it did in the fall of 2020 prior to the seasonal winter closure. Because the District is in the process of determining the proper approach to the overall repair of the facility, and all other things being equal, staff continues to believe there is benefit in limiting the investment into isolated repairs, and thus recommends an updated inspection and maintenance protocol.

The revised interim maintenance protocol will consist of bi-weekly inspections of the surface structures, marking boards with signs of deterioration with fluorescent orange spray paint, patching holes with plywood, and posting signage. Staff will employ these and similar measures as it determines appropriate based on the setting to alert users to deteriorating decking material. Staff may contract for inspection and maintenance services per the terms of this protocol. Staff recommends the adoption of this revised interim maintenance protocol as it allows the District to limit public safety risk, while preserving public use of the boardwalk and efficiently using public funds, during the period prior to implementation of the long term resolution of the Minnehaha Preserve Boardwalk materials issues.



RESOLUTION

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- WHEREAS the Minnehaha Creek Watershed District (MCWD) engages in regional capital improvement projects as described in its Water Resources Management Plan and in 2013-2014 constructed the Minnehaha Preserve project ("Project") on the Minnehaha Greenway in St. Louis Park;
- WHEREAS these facilities require routine inspection and regular maintenance to continue functioning as designed and to limit loss of public use and prevent safety hazard in areas with public access;
- WHEREAS MCWD entered into a cooperative agreement with the City of St. Louis Park to maintain the Project, and the cooperative agreement as well as the 2017 Operations and Maintenance Plan assign specific maintenance responsibility and frequency of inspection and maintenance to each entity;
- WHEREAS the Project Maintenance and Land Management (PMLM) Program annually budgets for, inspects, and maintains District projects, infrastructure, and lands;
- WHEREAS through the PMLM Manual, regular maintenance is guided by inspection of specific project elements and annualized costs associated with this maintenance are budgeted through the annual PMLM budget process;
- WHEREAS on November 7, 2019 the Board of Managers adopted an interim maintenance protocol to address ongoing concerns regarding material issues at the Minnehaha Preserve, which calls for bi-weekly inspection of the surface structures, marking of failed boards with fluorescent orange spray paint, and replacement of decking and handrail with holes within approximately two weeks of observation;
- WHEREAS On June 11, 2020 the Board of Managers adopted a revised maintenance protocol in order to efficiently, practically and economically conduct decking replacements while maintaining a low safety risk through the use of interim safety measures – orange fluorescent spray paint, safety cones and/or plywood, and signage – until "batch" replacement can occur in a practical and cost-effective manner;
- WHEREAS routine inspections over the course of the summer and early fall (July-October 2020) identified a reasonable "batch" of approximately 50 boards requiring replacement, marked in accordance with the inspection protocol, and the MCWD released a request for quotes (RFQ) for limited repair of the Minnehaha Preserve Boardwalk in October 2020 and received quotes which were substantially higher than anticipated based on previous repair efforts;
- WHEREAS on November 19, 2020 the Board of Managers authorized seasonal closure of the Minnehaha Preserve boardwalk system, in consideration of the MCWD's long term maintenance plan, its interim maintenance protocol, and the considerations reflected in that protocol, based on limited winter use and the importance of protecting user safety during winter months when ice and snow become a challenging surface to traverse, particularly given the accumulation on top of safety markings (fluorescent paint) and decking boards that have been patched with plywood, rendering it difficult for potential users to know the condition of the surface below their feet;

WHEREAS routine inspection on March 12, 2021 observed snow and ice conditions are no longer present and MCWD must reevaluate how to manage the boardwalk as a public facility during non-winter months,

WHEREAS a revised interim maintenance protocol is recommended by staff that consists of bi-weekly inspections of surface structures, marking boards with signs of deterioration with fluorescent orange spray paint, patching holes with plywood, posting signage and other, similar measures staff may determine appropriate, on the basis of the setting, to alert users to deteriorating decking material;

WHEREAS the Board finds that the protocol recommended by staff balances District interests including the nature and extent of materials deterioration, the benefit of maintaining public use of the boardwalk, public safety risk, cost, and the District's pending determination as to the long-term correction of the facility's materials issues;

NOW, THEREFORE, BE IT RESOLVED that the Minnehaha Creek Watershed District Board of Managers adopts the revised interim maintenance protocol, as recommended by District staff, for the Minnehaha Preserve boardwalk system.

Resolution Number 21-022 was moved by Manager _____, seconded by Manager _____. Motion to adopt the resolution ___ ayes, ___ nays, ___ abstentions. Date: 3/25/2021

Secretary Date: March 25, 2021