



45 **CONSENT AGENDA**

46  
47 *Manager Rogness moved and Manager Miller seconded approval of the consent agenda,*  
48 *consisting of the April 25, 2019, minutes of the meeting of the Board of Managers and*  
49 *Resolution 19-056: Amending the School Lake Preserve Conservation Easement:*

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51 *NOW, THEREFORE, BE IT RESOLVED that the Minnehaha Creek*  
52 *Watershed District Board of Managers hereby authorizes the Board President*  
53 *to execute the First Amendment to the School Lake Preserve Conservation*  
54 *Easement, with non-material changes and on the advice of counsel.*

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

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58 Manager Miller requested clarification on the subject of the School Lake conservation  
59 easement. Michael Hayman explained that the easement is over the Marx property, and  
60 the change addresses revision of the recording information and will bring more of the  
61 property into the operation of the buffer protections in the easement held by MCWD.

62  
63 Manager White reported that she sat in last week on the first session of onboarding for  
64 new manager Arun Hejmadi and that the Minnesota Association of Watershed Districts  
65 Resolutions Committee is already gearing up for the next legislative session. She said  
66 there is an updated Citizens Advisory Committee meeting schedule in the agenda for this  
67 evening's meeting, and she noted that Manager Rogness attended the May 1 meeting of  
68 the CAC. Manager Rogness reported that Tiffany Schaufler presented on hydrology and  
69 flood control in the District and how the District handles calls about high-water levels  
70 and flood risk. She also covered the master plan for the Minnehaha Creek Parkway and  
71 subwatershed. In response to a question from Manager Olson, Manager Rogness stated  
72 that 15 members of the CAC attended.

73  
74 Manager Loftus reported on the Operations and Programs Committee meeting prior to  
75 this evening's Board meeting, noting that there was a report focused on the research and  
76 monitoring program from Brian Beck and that he provided good information on the  
77 strategic direction of the program and on how data collection and assessment fits into the  
78 District's overall strategic direction.

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80 Manager White noted that the schedule for the upcoming meetings is as presented in the  
81 agenda.

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83 **Action Items**

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85 **Resolution 19-057: Approval of Mound Local Water Management Plan**

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87 Becky Christopher provided the managers with an overview of the City of Mound's local water  
88 management plan, which is before the managers for approval. She stated that the city is entirely

89 within Minnehaha Creek Watershed District jurisdiction and the Dutch, Langdon and  
90 Minnetonka subwatersheds. She stated that there are five impaired waters for which Mound has  
91 load assignments and the plan appropriately specifies the city's commitment to reducing  
92 phosphorus loading. She said the plan also has priority on low-impact development, and storm-  
93 sewer and pond maintenance, along with education. **Manager Miller moved and Manager Olson**  
94 **seconded adoption of Resolution 19-057.**

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96 With regard to a question from Manager Miller, Ms. Christopher confirmed that the city has  
97 some stringent development restrictions and that it is entirely on sanitary sewer. Manager  
98 Rogness commented that the city's plan is among the more detailed that have been reviewed by  
99 the District so far. Mr. Wisker said that watershed staff has on a good rapport with city staff. He  
100 added that the city manager is a former public works person and grasps the District's regional  
101 priorities approach. He said that the city is only 3.6 square miles of land and water. **Upon vote,**  
102 **the motion carried 6-0.**

103

104 Resolution 19-052: Approval of Contract for IT Consultant Services

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106 Cathy Reynolds presented a proposed contract with WSB for information technology consulting.  
107 She stated that the amount of the contract, approximately \$40,000, is well within the \$100,000  
108 2019 budget for information technology. She stated that a primary product of this first of two  
109 phases of consulting for information technology will be a budget to be brought forward for phase  
110 II that will be a mixture of additional consulting and purchase of technology and software. She  
111 stated that the consultant is also tasked with providing a report on the phase I work in August and  
112 that the work will be coordinated with the District's geographic information systems and website  
113 work. **Manager Olson moved and Manager Rogness seconded adoption of Resolution 19-052.**

114

115 In response to questions from Manager Loftus, Ms. Reynolds stated that the difference between  
116 phase I and phase II, and the reason for the separation between the two is that the exact scope  
117 and parameters of phase II won't be known until the phase I work is completed. She stated that  
118 the phase I work primarily involves assessing the District's needs and developing options for  
119 vendors to provide the services, software and hardware that the District needs. Phase II will  
120 involve applying the requirements developed in phase I and beginning implementation. In  
121 response from a further question from Manager Loftus, Ms. Reynolds said that the proposal is to  
122 amend the contract to include phase II rather than contracting for both now because it is unclear  
123 right now what the exact scope of work will be for phase II. Manager Miller emphasized the  
124 importance of coming up with a system that supports the District's organizational strategic  
125 structure. Mr. Wisker responded, noting that the District is looking for plug-and-play technology  
126 that will not involve a great deal of customization but rather will use existing and known  
127 capabilities and plug them into the District's technology. He emphasized that the District is  
128 pursuing a framework that other watersheds are using, though it will have its unique elements.  
129 **Upon vote, the motion carried 6-0.**

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131 Resolution 19-055: Authorization to Execute Contract with Consultant to Conduct the Long  
132 Lake Creek Subwatershed Nutrient Assessment

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134 Brian Beck again came forward to discuss the preparation of the Long Lake Creek subwatershed  
135 nutrient assessment. He stated that this is part of the District's responsive program, and the work  
136 will address the excess nutrients in Long Lake and as well as flooding issues. He stated that  
137 through a Clean Water Fund accelerated implementation grant the District is pursuing two parts  
138 of the strategy, namely carp management, and watershed and in-lake nutrient management. The  
139 work will also result in a road map for implementation that will largely be carried out by the city.  
140 **Manager Miller moved and Manager Rogness seconded adoption of Resolution 19-055.**

141  
142 In response to a question from Manager Miller, Mr. Wisker stated that this is really the first  
143 instance of the District implementing a responsive project and that there isn't really a model or  
144 system or framework developed for such work. This project is unique and to some degree the  
145 District will be figuring out what commonalities there will be to implementation of the District's  
146 responsive program. Manager Miller emphasized that it is critical that the District not get into the  
147 habit of spreading projects around the District randomly or just to spread them around. Mr.  
148 Wisker stated that the assistance that the District is bringing on this particular project is squarely  
149 within its wheelhouse and is appropriate to its mission and vision. Manager Olson added that the  
150 CAC had a detailed discussion of the planned versus responsive model and that the CAC made  
151 recommendations that are being implemented in this project. **Upon vote, the motion carried 6-0.**

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153 **Staff Updates**

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155 **Administrator's Report**

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157 Mr. Wisker stated that over May 8-9 the District received an average of 1.5 inches of rain. Lake  
158 Minnetonka is up to 929.87 feet, which is 1.96 feet below the emergency overflow level. He said  
159 a flow of 250 cubic feet per second will be maintained at Gray's Bay dam in order to maintain  
160 room for additional rain as may be needed. He stated that flow is at 370 cubic feet per second at  
161 Lake Hiawatha. Second, he stated that he encountered a gentleman at a recent real estate  
162 professionals' conference who provided him with promotional materials on an organization  
163 dedicated to the premise that watershed district regulations are overburdening development  
164 project. Mr. Wisker provided copies of the materials to the managers. Mr. Wisker stated he was  
165 on a panel with a land-use attorney and a professional from Westwood, who talked further about  
166 the issues this particular individual, Mark Lambert, has with watershed district regulation, which  
167 stem from some projects he has proposed and the regulatory requirements imposed by Brown's  
168 Creek Watershed District. Mr. Wisker stated that he will keep the managers up to speed with his  
169 interaction on this topic. Finally, Mr. Wisker stated that as the managers have heard there will be  
170 a transition in the education and communications department and that Darren Lochner had his  
171 last day at MCWD Tuesday of last week. He said that he is working with Telly Mamayek to  
172 determine how to fill that position.

173

Minutes of the Regular Meeting  
Minnehaha Creek Watershed District  
Board of Managers  
5-9-2019

174 Mr. Wisker turned to Michael Welch for a report on the decision in the state court of appeals  
175 regarding the suit against the Department of Natural Resources for permitting the degradation of  
176 White Bear Lake water levels. Mr. Welch stated that the decision will not directly affect MCWD,  
177 but the court's determination that the public trust doctrine does not extend to groundwater was  
178 not necessary to make under the facts of the case and, in his view, not correctly made. The  
179 decision would send the matter back to DNR to re-review the water-appropriations permits  
180 around the lake, but the homeowners' association that brought the suit has stated it will appeal to  
181 the state supreme court.

182

183 **Adjournment**

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185 There being no further business, the meeting of the board of managers adjourned at 8.05 p.m.

186

187 Respectfully submitted,

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189

190 Kurt Rogness, Secretary