

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

4
5 **November 7, 2019**

6
7 **CALL TO ORDER**

8
9 The regular meeting of the Minnehaha Creek Watershed District was called to order by President
10 Sherry White at 7:07 p.m. on November 7, 2019, at the District offices, 15320 Minnetonka
11 Boulevard, Minnetonka, Minnesota.

12
13 **MANAGERS PRESENT**

14
15 Sherry White, William Olson, Richard Miller, Kurt Rogness, Jessica Loftus, Arun Hejmadi and
16 Eugene Maxwell.

17 **MANAGERS ABSENT**

18
19 None.

20
21 **DISTRICT STAFF AND CONSULTANTS PRESENT**

22
23 James Wisker, Administrator; Cathy Reynolds, Operations Manager; Tom Dietrich, Permitting
24 Program Manager; Anna Brown, Planner – Project Manager; Tom Langer, Aquatic Ecologist;
25 Chris Meehan, Consulting Engineer; Louis Smith, Counsel.

26
27 **MATTERS FROM THE FLOOR**

28
29 Mr. Richie Anderson, Orono, appeared before the Board of Managers. He noted that he owns
30 two marinas on Lake Minnetonka, and is newly appointed to serve as the Orono representative
31 on the Lake Minnetonka Conservation District. Mr. Anderson expressed interest in iron-
32 enhanced sand filter projects as a water quality management practice, and noted that he owns
33 land on Tanager Bay that could potentially serve as a project site if the District is interested in
34 exploring such a partnership. The managers thanked Mr. Anderson for this interest.

35
36 **APPROVAL OF AGENDA**

37
38 *It was moved by Manager Miller, seconded by Manager Rogness to approve the agenda as*
39 *distributed. Upon vote, the motion carried 7-0.*

40
41 **CONSENT AGENDA**

42
43 *It was moved by Manager Hejmadi, seconded by Manager Rogness, to approve the Consent*
44 *Agenda consisting of approval of the October 24, 2019 Board Minutes, and the following*
45 *resolutions:*

46 **Resolution 19-092: Authorization to Release RFQ for Professional Services – Engineer and**
47 **Government Relations**

48
49 *NOW, THEREFORE, BE IT RESOLVED that the Minnehaha Creek*
50 *Watershed District Board of Managers authorizes the staff to post the Request*
51 *for Qualifications for Engineering Services and Government Relations*
52 *Consultant and to forward the requests to firms in the metro area.*

53
54 **Resolution 19-093: Authorization to Solicit Quotes for Water Quality Lab Analysis**

55
56 *NOW, THEREFORE, BE IT RESOLVED that the Minnehaha Creek*
57 *Watershed District Board of Managers authorizes staff to solicit quotes for*
58 *water quality lab analysis for 2020 and 2021.*

59
60 **Resolution 19-094: Adoption of an Interim Maintenance Protocol for the Minnehaha**
61 **Preserve Boardwalk**

62
63 *NOW, THEREFORE, BE IT RESOLVED, that the Board of Managers adopts*
64 *an interim maintenance protocol as follows: bi-weekly inspections of the*
65 *surface structures, marking of failed boards with fluorescent orange spray*
66 *paint, use of safety cones and/or plywood as needed, and replacement of*
67 *decking and handrails with holes promptly, with a goal of doing so within about*
68 *two weeks of observed failure.*

69
70 *Upon vote, the motion carried, 7-0.*

71
72 **REGULAR AGENDA**

73
74 **BOARD, COMMITTEE AND TASK FORCE REPORTS**

75
76 **President's Report:**

77
78 President White reported that she recently attended a meeting with the Citizens Advisory
79 Committee leadership and Mr. Wisker to review CAC activities and plans. She also participated
80 as Board Liaison with Manager Miller on strategic communications planning.

81
82 **Operations and Programs Committee**

83
84 Manager Loftus reported that the committee met earlier in the evening and reviewed insights
85 from the strategic communications review and plans for the CAC appointment process.

86
87 **ACTION ITEMS**

88
89 **Resolution 19-095: Authorization to Transfer Operating Funds from Surety Account**

90
91 Ms. Cathy Reynolds and Mr. Tom Dietrich appeared before the Board of Managers and reviewed
92 the request for board action. ***It was moved by Manager Miller, seconded by Manager Olson, to***
93 ***adopt Resolution 19-095: Authorization to Transfer Operating Funds from Surety Account as***
94 ***follows:***

95
96 ***NOW, THEREFORE, BE IT RESOLVED that the Minnehaha Creek***
97 ***Watershed District Board of Managers authorizes the transfer of \$40,581.68***
98 ***from the surety savings account (XXX3370) to the general operating account***
99 ***(XXX8557).***

100 ***Upon vote, the motion carried, 7-0.***

101
102 Resolution 19-096: Approval of Policy to Transfer Surety Account Interest to General Fund
103 (Permitting) on an Annual Basis

104
105 Ms. Reynolds and Mr. Dietrich reviewed the request for board action. ***It was moved by***
106 ***Manager Miller, seconded by Manager Olson, to adopt Resolution 19-096: Approval of Policy***
107 ***to Transfer Surety Account Interest to General Fund (Permitting) on an Annual Basis as***
108 ***follows:***

109
110 ***NOW, THEREFORE, BE IT RESOLVED that the Minnehaha Creek***
111 ***Watershed District Board of Managers hereby adopts a policy directing that the***
112 ***interest accrued on surety accounts be transferred on an annual basis to the***
113 ***general fund account.***

114
115 ***BE IT FURTHER RESOLVED that these transfers occur in January of the***
116 ***year, and the amount transferred be equal to the amount of interest earned***
117 ***during the previous fiscal year minus bank fees and services charges.***

118
119 Upon a question from Manager Loftus, Ms. Reynolds confirmed that this policy and resolution
120 had been reviewed by legal counsel. Ms. Loftus expressed her preference that the transferred
121 interest be utilized with a connection to the permitting program.

122
123 ***Upon vote, the motion carried, 7-0.*** Manager Miller thanked Ms. Reynolds and Mr. Dietrich for
124 this management improvement.

125
126 Resolution 19-097: Review and Approval of Wasserman Lake Park 60% Design, and Approval
127 of 90% Boardwalk Design and Authorization to Solicit Bids for Boardwalk Construction

128
129 Ms. Anna Brown appeared before the Board of Managers to review the request for board action.
130 She explained the various phases of design and work elements, and the timing considerations
131 with commencing the boardwalk construction earlier than the other phases. She noted that the

132 City of Victoria has expressed concurrence in the early advance of the boardwalk work, and the
133 city council will be reviewing these same issues in the coming week.
134

135 **It was moved by Manager Olson, seconded by Manager Maxwell, to adopt Resolution 19-097:**
136 **Review and Approval of Wasserman Lake Park 60% Design, and Approval of 90% Boardwalk**
137 **Design and Authorization to Solicit Bids for Boardwalk Construction as follows:**

138
139 ***NOW, THEREFORE, BE IT RESOLVED that the MCWD Board of Managers***
140 ***approves 60% design for the Wassermann Lake Park Project; and***

141
142 ***BE IT FURTHER RESOLVED that the MCWD Board of Managers approves***
143 ***90% design for the boardwalk component of the Wassermann Lake Park***
144 ***Project, and authorizes staff to solicit bids for construction of the boardwalk***
145 ***and island tree removal, contingent on approval by Victoria City Council.***
146

147 Upon a question from Manager Maxwell, Ms. Brown explained that most of the project is ADA
148 accessible, with the exception of certain natural-surfaced trails. Upon a question from Manager
149 Olson, Ms. Brown reviewed the road access and shoulder width. Manager Rogness expressed
150 his concern that the renderings of the park buildings did not appear to be convincingly sound
151 structures. Upon a question from Manager Olson, Ms. Brown noted the ongoing discussions
152 about the use of lighting at night and the balance of safety and neighbor considerations.
153 Manager Miller expressed his concern about the posture of the project with the city council,
154 noting the critical importance of this project in the subwatershed master plan. Manager Loftus
155 expressed concern about the timing of partner commitments. Upon a question from President
156 White, Ms. Brown reviewed the planting plans on the island and access to the creek channel.
157

158 ***There being no further discussion, upon vote, the motion carried, 7-0.***

159
160 **Board Discussion Items**

161
162 **Fishing Contract with Commercial Fisherman**

163
164 Mr. Thomas Langer appeared before the Board of Managers and reviewed past efforts to manage
165 carp and the various considerations with the commercial fishing licensing with the Department
166 of Natural Resources. He noted that staff are currently working to develop a contract with the
167 commercial fisherman to conduct both open water seining to occur this fall and under-ice seining
168 to occur this winter. Authorization to execute this contract will be before the Board of Managers
169 on November 21. The managers thanked Mr. Langer for his presentation.
170

171 **Staff Updates**

172
173 **Administrator's Report**

174
175 Mr. Wisker reported on the following items:

176
177
178
179
180
181
182
183
184
185
186
187
188
189
190
191
192
193
194
195
196
197
198
199
200
201

1. The City of Orono is seeking a grant for work on Big Island, and the District staff are reviewing the proposed design and long-term maintenance issues;
2. The City of Wayzata hosted the Minnesota Senate Capital Investment Committee to review the Lake Effect plans;
3. Anna Brown recently presented to the Minnesota Park and Recreation Association meeting on creative funding approaches and the integration of water resources, land use, and recreation planning;
4. Total precipitation year to date is 39.2 inches, which is 11.25 inches over annual average. Lake Minnetonka is at 929.03, and the Gray’s Bay outlet structure is discharging at 150 cubic feet per second; the Nokomis weir opened on October 25;
5. The Lake Minnetonka Conservation District has distributed an aquatic invasive species vegetation master plan; other commenters have expressed similar concerns as expressed by the District, seeking more context and shared understanding in this planning effort; the LMCD will convene a meeting on November 21 to discuss this work.

ADJOURNMENT

There being no further business, the meeting of the Board of Managers was adjourned at 8:46 p.m.

Respectfully submitted,

Kurt Rogness, Secretary