

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

4
5 **July 25, 2019**
6

7 **CALL TO ORDER**

8
9 The regular meeting of the Minnehaha Creek Watershed District Board of Managers was called
10 to order by President Sherry White at 7:02 p.m. at the District office, 15320 Minnetonka
11 Boulevard, Minnetonka, Minnesota.
12

13 **MANAGERS PRESENT**

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

17 **MANAGER ABSENT**

18
19 Arun Hejmadi.
20

21 **DISTRICT STAFF AND CONSULTANTS PRESENT**

22
23 James Wisker, Administrator; Cathy Reynolds, Operations Manager; Brian Beck, Research &
24 Monitoring Program Manager; Tom Langer, Aquatic Ecologist; Chris Meehan, Consulting
25 Engineer; Michael Welch, Counsel.
26
27

28 **MATTERS FROM THE FLOOR**

29
30 None.
31

32 **APPROVAL OF AGENDA**

33
34 *Manager Miller moved and Manager Maxwell seconded approval of the agenda. Upon vote,*
35 *the motion carried 6-0.*
36

37 **INFORMATION ITEMS AND CORRESPONDENCE**

38
39 Introduction of New Staff
40

41 Mr. Brian Beck introduced new staff member Tom Langer, joining the analytical department.
42 Mr. Langer introduced himself and described his educational and professional background in
43 aquatic ecology and biology. He said that he has worked for the last four-and-a-half years at
44 Wenck Associates. The mangers welcomed Mr. Langer.
45

46 **CONSENT AGENDA**

47
48 Michael Welch noted that there is a need for a change to the minutes of the June 25 meeting.
49 Manager White suggested action on the minutes separate from the consent agenda. Mr. Welch
50 noted the need to remove lines 102 to 105.

51
52 *Upon a 6-0 vote, the managers approved the consent agenda, including approval of the check*
53 *register, consisting of checks 39839 through 39878 (check 39809 void) totaling \$596,162.74;*
54 *payroll direct deposits totaling \$148,363.43; and electronic fund withdrawals-general checking*
55 *totaling \$92,763.72, for total expenses of \$837,289.89, and approval of the surety check*
56 *register, consisting of check 1582 for \$400 and electronic fund withdrawal service charge of*
57 *\$10.*

58
59 *Manager Olson moved and Manager Rogness seconded approval of the minutes of the June*
60 *25 meeting as amended. Upon vote, the motion carried 6-0.*

61
62 **REGULAR AGENDA**

63
64 **Board, Committee and Task Force Reports**

65
66 Manager White reported that she, Manager Olson and Manager Rogness attended the Minnesota
67 Association of Watershed Districts' summer tour and that it was an excellent couple of days. She
68 stated that the tour visited many and varied projects. Manager Olson reported on the design and
69 construction specifics of the Fargo-Morehead diversion structure and noted the significance of
70 the size and scope of the project.

71
72 Manager White and Manager Olson reported on the Metropolitan MAWD meeting, stating that a
73 data-sharing project led by Metropolitan Council and a report from the Capital Region
74 Watershed District on its use of the WISKEY data system were provided, along with updates
75 from the state agencies and MAWD.

76
77 Manager White said she has been participating in the on-boarding of Manager Maxwell and
78 working with liaisons to the planning process.

79
80 Manager Loftus reported from the Operations and Programs Committee, stating that the last
81 meeting two weeks ago focused mostly on the 2020 budget, which will go to the Citizens
82 Advisory Committee in early August, then back to the Operations and Programs Committee,
83 then to the Board of Managers in September.

84
85 Manager Miller reported that the Policy and Planning Committee this evening heard a report
86 from Telly Mamayek on the development of the strategic communications plan, specifically the
87 phase one development with Himle Horner and a preview on phase two, which will involve an
88 audience assessment.

89

90 Manager Olson attended the last meeting of the Citizens Advisory Committee, and he reported
91 that the CAC heard the strategic communications report from Ms. Mamayek and received a
92 presentation on the District's responsive model from Becky Christopher; the committee
93 approved the model. He stated that the meeting had good input from members and was well
94 attended.

95
96 President White stated that the schedule is as contained in the agenda and that Manager Loftus is
97 the liaison from the board to the Citizens Advisory Committee for August 14 meeting.

98
99 **PUBLIC HEARINGS AND PRESENTATIONS**

100
101 Legislative Briefing

102
103 Joel Carlson, the District's legislative liaison and Emily Javens, the executive director of the
104 Minnesota Association of Watershed Districts, offered a report on the 2019 legislative session.
105 Mr. Carlson called it a meat and potatoes session, that started off on a tone of compromise and
106 progress when the legislature agreed to a path forward on the completion of the state vehicle-
107 licensing system. He stated that the legislator got a budget completed and mostly on time and that
108 generally much of the more controversial and policy shifting items that were discussed in the
109 legislature got left on the cutting room floor. He reported that the legislative water commission
110 and data practices committees authorizations expired but the legislation is working to put those
111 work of those committees into an ongoing posture.

112
113 Mr. Carlson he reported on his strong and positive experience with the Legislative-Citizen
114 Commission on Minnesota Resources and noted that many members of the LCCMR, which has
115 historically funded research projects out of the University of Minnesota, are increasingly looking
116 at boots-on-the-ground capital projects. He stated that the District may want to look at its 2022
117 project schedule and see which best qualify for funding from LCCMR.

118
119 Ms. Javens reported on the summer tour and the success thereof and thanked the managers for
120 their kind words on the tour. With regard to the legislative session she said MAWD enjoyed very
121 good success, and she referenced a summary that she provided. She stated that a particular
122 highlight was a new house committee dedicating half an hour to hearing general background on
123 watershed districts. She stated that metro watersheds may be called upon to support outstate
124 watersheds' efforts to seek an increase in levy limit, which is a real constraint on their ability to
125 get projects done. She stated that the salt-liability limitation did not get adopted by the
126 Legislature, and she is unclear what exactly happened to it but there was no champion for the
127 measure in the final stages of the promise. She stated that MAWD is continuing to work on
128 counteracting efforts to limit watershed-district authority, and that she is convening a working
129 group of administrators to brain storm on a strategy to address the issues and the related bill,
130 House File 1887. Mr. Carlson added that he judges that the Legislature is unlikely to take up the
131 salt-liability matter again in the next session.

132

133 James Wisker suggested that he would work offline with Mr. Carlson on opportunities for
134 LCCMR funding. Mr. Carlson also touched on the lack of affordable housing as an argument
135 that some are raising with regard to watershed districts presenting difficult regulatory obstacles.
136 He stated that the track record of these complainants with regard to difficulties in the
137 condominium law, which was changed in recent years but did not in fact lead to significant
138 increase in the number of condominiums being constructed, means their credibility is somewhat
139 limited.

140
141 Mr. Welch reported briefly on changes to the open meeting law, contract retainage and the
142 written estimate of consulting fees for permitting matters that applies to cities but not watershed
143 districts. Mr. Carlson said that the written estimate of fees issue is an important one for
144 watershed districts to track.

145
146 In response to a question from Manager Olson, Ms. Javens stated that the watershed district
147 managers per diem rate change went into effect July 1.

148
149 The managers thanked Mr. Carlson and Ms. Javens for their presentation.

150
151 **ACTION ITEMS**

152
153 **Item 11.1 Resolution 19-070: Selection and Authorization to Sign Contract for Accounting**
154 **Services**

155
156 Cathy Reynolds reviewed four proposals received in response to the District's solicitation of
157 responses for proposals for accounting services. She noted that the board of managers directed
158 the removal of accounting from the contract for audit services and that a request for independent
159 accounting was developed that attracted four responses replied. She stated that staff interviewed
160 each of the four and recommends Abdo, Eick and Meyers and authorization of the administrator
161 to enter a contract. She stated that the staff recommendation is based on the approach that Abdo,
162 Eick and Meyers described to its work and the references, which show significant experience in
163 working on public-entities accounting services. ***Manager Rogness moved and Manager***
164 ***Maxwell seconded adoption of Resolution 19-070.*** Manager Olson stated that the board action
165 describes what appears to be a three-year agreement. Ms. Reynolds stated that state law requires
166 MCWD to solicit letters of interest every two years, therefore the agreement would be for only
167 two years, but would involve work in 2019, 2020 and 2021. Manager Olson asked about the
168 initial charge that some of the respondents listed and Ms. Reynolds noted that this is a transition
169 charge that in the case of Abdo, Eick and Meyers would only be in place for a month and that the
170 team from Abdo, Eick and Meyers would be in place to account for vacations and other such
171 eventualities as opposed to some of the other respondents, who would have a team approach at
172 the beginning but then would basically assign all responsibilities to an individual. Manager
173 Olson commented on a number of provisions in the proposal from Abdo, Eick and Meyers and
174 Ms. Reynolds responded, noting that District counsel had expressed a preference to use the
175 District's contracting template for the agreement. ***Upon vote, the motion carried 6-0.***

176

177 Manager Miller noted the need in upcoming meetings of the Policy and Planning Committee to
178 discuss the status of the Grandview neighborhood and whether it is within Nine Mile Creek or
179 Minnehaha Creek watershed. He stated that there is a \$40 million addition being developed for
180 Our Lady of Grace Church and it's important to figure out which direction the water drains and
181 which watershed district has jurisdiction. He also stated that he's asked for an analysis of the
182 opportunity to purchase bridgeheads and would like a report on the matter. Finally, Manager
183 Miller stated that a few years ago that the District conducted an expansive wetland assessment
184 and he would like an update that would examine wetland capacity in the watershed for flood
185 storage and whether or not wetlands are a pollutant uptake or discharge system. Mr. Wisker
186 noted that those items would be brought forward on near-future committee agendas.
187

188 **Staff Updates**

189 Administrator's Report

190
191
192 Mr. Wisker stated that the District has been receiving feedback on the Arden Park project, some
193 of it in the form of Twitter notes from a particular resident who is not pleased with the work. He
194 stated that staff has reached out and the individual is not particularly interested in discussing the
195 matter, but that staff has also received very positive feedback on the District work.
196

197 He stated that the District has received a rather shocking 12 responses from entities looking to
198 work on the Wasserman Park design. He stated that staff will be bringing forward
199 recommendations a contract for the work in August and he thinks that the success of the Arden
200 Park project has prompted the flood of interest in Wasserman Park.
201

202 District staff has been working with the Lake Minnetonka Conservation District's technical
203 advisory group on an aquatic-invasive-species master plan. He said there is particular concern
204 about starry stonewort, which has been found in Medicine Lake and is a concern for migration or
205 transfer to Lake Minnetonka. He stated that there is also an evaluation of milfoil harvesting
206 ongoing and that the next meeting will take place in August and he will keep the board up to date
207 on progress. He said that he and President White met with the Citizens Advisory Committee
208 executive team about priorities for CAC attention and that the productive meeting landed on
209 several improvements in the operation of the CAC and that the CAC generally feels that its input
210 is well used and that the CAC feels valued. He said that the CAC will be looking at the way that
211 the District is measuring success and that that seems like a good use of CAC as a resource.
212 Manager White added that the executive team also noted that the 15-member size of the CAC
213 seems to be working well.
214

215 Finally, Mr. Wisker noted that Sarah Bhimani will be leaving the District and that he is working
216 with Telly Mamayek to manage that exit.
217

218 **Adjournment**

219
220 There being no further business, the meeting of the board of managers adjourned at 8:00 p.m.

Minutes of the Regular Meeting
Minnehaha Creek Watershed District
Board of Managers
7-25-2019

221 Respectfully submitted,
222
223
224 Kurt Rogness, Secretary
225
226

DRAFT