

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

4
5 **April 11, 2019**

6
7 **CALL TO ORDER**

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9 The regular meeting of the Minnehaha Creek Watershed District was called to order by President
10 Sherry White at 7:03 p.m. on April 11, 2019, at the MCWD office, 15320 Minnetonka
11 Boulevard, Minnetonka, Minnesota.

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13 **MANAGERS PRESENT**

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15 Sherry White, Richard Miller, William Olson, Kurt Rogness, Brian Shekleton.

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17 **MANAGERS ABSENT**

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19 Jessica Loftus, Bill Becker.

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21 **DISTRICT STAFF AND CONSULTANTS PRESENT**

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23 James Wisker, Administrator; Brian Beck, Research & Monitoring Program Manager; Anna
24 Brown, Planner-Project Manager; Becky Christopher, Policy Planning Manager; Eric Fieldseth,
25 Aquatic Ecologist; Kim LaBo, Education and Engagement Coordinator; Telly Mamayek,
26 Communications and Education Manager; Cathy Reynolds, Operations Manager; Chris Meehan,
27 Consulting Engineer; Michael Welch, Counsel.

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29 **MATTERS FROM THE FLOOR**

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31 None.

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33 **APPROVAL OF AGENDA**

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35 *It was moved by Manager Miller and seconded by Manager Rogness to approve the agenda as*
36 *distributed. Upon vote, the motion carried 5-0.*

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38 **CONSENT AGENDA**

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40 *Manager Miller moved and Manager Olson seconded approval of the consent agenda,*
41 *consisting of the minutes of the March 28, 2019, meeting and adoption of Resolution 19-041:*
42 *Approval of Tort Liability Waiver:*

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44 ***NOW, THEREFORE, BE IT RESOLVED, that the District does not waive the***
45 ***monetary limits on tort liability established by Minnesota Statutes 466.04 and***
46 ***authorizes the Administrator to advise the LMCIT accordingly.***

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Upon vote, the motion carried 5-0.

REGULAR AGENDA

Board, Committee and Task Force Reports

President’s Report: President White stated that she attended the sendoff party for Renee Clark, which was fun, and the Metropolitan Minnesota Association of Watershed Districts meeting, which featured a discussion of a new Metropolitan Council redevelopment stormwater grant program. She stated that Emily Javens, the executive director of MAWD, reported that the developer’s bill that has been introduced to the legislature is not getting a hearing and does not appear to be moving forward at all. She noted that the per diem increase for watershed district managers is included in the omnibus environment bill.

Operations and Programs Committee: Manager Miller noted that the committee had a preliminary discussion of the budget and a report on human resources, including the benefits package that MCWD is looking at. He said that James Wisker provided recommendations on the benefits package, and the committee discussed short-term financing.

Managers: Manager Shekleton stated that his understanding is that there is a 50 percent chance that two new managers will be appointed in two weeks.

Citizens Advisory Committee: The managers acknowledged that Manager Rogness would attend the May 1 Citizens Advisory Committee meeting as board liaison. Manager Olson reported from last Citizens Advisory Committee meeting, stating that the committee is doing a bang-up job and at the last meeting discussed the Minneapolis Greenway extension to the Louisiana pedestrian crossing, as well as the difference between public-entity permits and permitting private entities. He noted that with virtually all MCWD programs and projects, meeting early with the staff is critical.

Action Items

Resolution 19-042: Authorization to Purchase Replacement Computers

Cathy Reynolds said that staff is dealing with computers that are causing delays and lag time. She stated that the new computers proposed to be purchased will integrate into the information technology plan that the District is working on, so there is no danger of purchasing computers that don’t fit into that system once it is designed. She made a correction to the resolution distributed to the managers, noting that 12 computers will be purchased for the price stated in the resolution, not 14. ***Manager Miller moved and Manager Rogness seconded adoption of Resolution 19-042.***

90 Manager Olson inquired about the purchase of seven new iPads that is also included in the
91 resolution and wondered whether that is recommended because there are new features that staff
92 is recommending the managers have. Ms. Reynolds stated that there are no new features
93 recommended; rather the recommendation is just a matter of the iPads getting old and her
94 receiving some comments from managers about their iPads not working as well as they should.
95 ***Upon vote, the motion carried 5-0.***

96
97 Resolution 19-043: Authorization to Set up ACH Transactions for Recurring Payments

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99 ***Manager Miller moved and Manager Olson seconded adoption of Resolution 19-043. Upon***
100 ***vote, the motion carried 5-0.***

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102 Resolution 19-047: Section and Authorization to Negotiate Contract with Information
103 Technology Consultant

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105 Ms. Reynolds stated that the item before the managers is the selection of an information
106 technology consultant, which is the culmination of a process that staff has engaged in with
107 Manager Shekleton and Manager Olson as liaisons to the staff information technology
108 committee. She said the recommendation is to authorize the administrator to negotiate a contract
109 with the consultant and that the contract itself will come back to the board for approval at a
110 future meeting. She said staff hopes to bring the contract back for approval at the May 9 meeting.
111 Ms. Reynolds explained the goal of the effort is primarily to better integrate District systems
112 with each other so as to improve internal operations, then improve the ability to publish certain
113 information, and to make that process more seamless and better integrated. She stated that there
114 are number of different functions within the District that are on isolated computing systems and
115 software, and the idea is to have the consultant help the District design an integrated system that
116 would be more efficient. Manager Olson added that the emphasis is on the integration of the
117 system rather than islands of operation, as is the current model.

118
119 Ms. Reynolds explained that the District received eight responses to its initial request for
120 qualifications, and after analysis of the responses against the criteria stated in the request for
121 board action, the committee decided to interview three respondents. She said that after the
122 interviews, the committee elected to recommend WSB. ***Manager Olson moved and Manager***
123 ***Rogness seconded adoption of Resolution 19-047.***

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125 In response to questions from Manager Miller as to why the request for board action in the
126 packet does not follow the standard format in that it does not include a budget or reference past
127 board actions, Ms. Reynolds explained that the contract amount and budget will be brought
128 forward with the approval of the contract. Manager Shekleton noted that he had only three days'
129 notice of the meeting at which the interviews were conducted so he could not participate, and he
130 wonders whether, in light of his pending departure from the board, the managers wish him to
131 continue to take part in technology matters. The managers indicated that as long as he can
132 contribute his experience and knowledge to the process they would like him to do so. ***Upon vote,***
133 ***the motion carried 5-0.***

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135 Resolution 19-044: Authorization to Execute Agreements for 2019 Watercraft Inspection Cost-
136 Share Partnerships

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138 Eric Fieldseth reminded the managers that MCWD's cost-share program for supporting
139 watercraft inspections is ramping down. He reviewed the history of the District's aquatic
140 invasive species program and the realignment of the program's efforts away from grants
141 supporting other organizations' AIS-prevention and -management efforts toward high-impact
142 AIS-management strategies such as the work in the Six Mile Creek/Halsted Bay subwatershed to
143 restore habitat and remove carp. He also highlighted the District's ongoing research relationship
144 with the Minnesota Aquatic Invasive Species Research Center and its contribution to the
145 District's work. He explained that the recommended grant amounts in the resolution represent a
146 smaller percentage of those organizations' budgets for such work because the funds appropriated
147 by the legislature to the counties have taken over a significant share of the funding need for these
148 programs. He added, however, that some of the programs are not funded by the state money.

149 ***Manager Olson moved and Manager Shekleton seconded adoption of Resolution 19-044.***

150

151 In response to a question from Manager Miller, Mr. Fieldseth stated that carp are indeed invasive
152 species and the removal of carp from the Six Mile Creek/Halsted Bay subwatershed is one of the
153 high-impact activities the District is pursuing with vigor. In response to a further question from
154 Manager Miller, Mr. Fieldseth explained that there is not yet clear data available on the damage
155 that is done by zebra mussels and other invasive species that are transported on watercraft and
156 related equipment. Perhaps when these data are available the District will better be able to target
157 funding to address damage and threats to resources caused by such AIS. In response to questions
158 from Manager Olson, Mr. Fieldseth explained that the reimbursement to each of these entities
159 would only take place if the entities in fact expended the funds necessary to qualify them for
160 reimbursement. *(Manager Miller departed the meeting.) Upon vote, the motion carried 4-0.*

161

162 Resolution 19-045: Authorization to Participate in 2019 Clean Water MN and Adopt-A-Drain
163 Program

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165 Telly Mamayek presented the background and history of the District's involvement with the
166 Metro Watershed Partners Clean Water MN program and the newly launched Adopt-A-Drain
167 program. She noted that the cost of the participation in the program is based on population for
168 cities and on budget size for other entities. Ms. LaBo continued, noting that the Adopt-A-Drain
169 program is a new effort that has proliferated quickly around the Twin Cities and involves
170 engaging citizens of all ages in targeted watershed engagement and stewardship via cleaning
171 storm drains. The program involves identification of storm drains that are available to be adopted
172 on web-based geographic-information systems. She offered a demonstration of the system and
173 noted that it is possible not only to find a drain that you can adopt but also give it a name. Ms.
174 Mamayek noted that membership in Metro Watershed Partners and participation in the Adopt-A-
175 Drain program are covered under the suggested board action of a commitment of \$6,000.

176 ***President White moved and Manager Rogness seconded adoption of Resolution 19-045.***

177 Manager Shekleton stated that he supports the program, but notes that it also could be a way to

178 explore options for green infrastructure that could divert phosphorous from storm drains. In
179 response from questions from the managers, Ms. Mamayek noted that she has been on the board
180 of the Metro Watershed Partnership since 2013 but this is the first year that the contribution for
181 the District is more than the administrator's contracting authority limit, therefore the matter is
182 before the managers. In response to questions from Manager Miller, Ms. Mamayek noted that the
183 program is working with cities and other GIS data sources to fine-tune the location and drain
184 information. **Manager Miller moved to amend the motion to require a summary of the results
185 of the project be presented to the board of managers. Manager Shekleton seconded. Upon
186 vote, the motion to amend carried 5-0.** In response to a question from Mr. Wisker, Ms.
187 Mamayek said that eight communities in the Minnehaha Creek Watershed participate in the
188 program, four from the upper watershed and four from the lower watershed. **Upon vote, the
189 motion as amended carried 5-0.**

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191 Resolution 19-046: Approval of Spring Park Local Water Management Plan

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193 Becky Christopher provided the managers with background on the City of Spring Park's local
194 water management plan. She stated that the city is adjacent to the west arm of Lake Minnetonka,
195 which is impaired for phosphorous and the city has been assigned a load reduction. Ms.
196 Christopher provided additional background on Spring Park's ongoing relationship with the
197 watershed district, noting that the city does not wish to assume sole regulatory authority for the
198 MCWD rules or with regard to the Wetland Conservation Act. **Manager Miller moved and
199 Manager Shekleton seconded adoption of Resolution 19-046.** With regard to a question from
200 President White, Ms. Christopher stated that in working on the city's plan, MCWD staff have
201 worked with both city staff and the consulting engineer who worked on the plan for the city. In
202 implementing the city's local water management plan she anticipates engaging with the city
203 administrator and having the administrator coordinate with the consultant as necessary. Manager
204 Olson noted that Spring Park, along with Minnetonka Beach, are the only cities in the watershed
205 that are completely surrounded by Lake Minnetonka. **Upon vote, the motion carried 5-0.**

206

207 Staff Updates

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209 Administrator's Report

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211 James Wisker stated that as is usually the case at this time of year he has updates on water levels
212 around the watershed. He stated that the District survived the first snow melt without flooding
213 around the watershed and that this was in part accomplished and accommodated by aeration
214 around Gray's Bay Dam. The aeration allowed the dam to be opened a bit early and thereby
215 allow for drawdown of the lake to accept snowmelt runoff. He said staff expects the lake to rise
216 and crest in the coming few days and looking at the expected melt the District will send out
217 another email tomorrow providing details of expected water-level increases. He said the good
218 news is that the District got less snow than expected in the most recent storm and that right now
219 Lake Minnetonka is at 929.78 feet above sea level; at the dam there is a steady and consistent
220 flow of 225 cubic feet per second. He stated that the emergency spillway is engaged at elevation
221 930. He said at Lake Hiawatha flow rate is 300 cubic feet per second and that at Lake Nokomis

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222 the level at the weir is 816.04 feet, which is a good foot above the ordinary high water elevation
223 of the lake. He said at Lake Mooney the water level is 990 feet which meets the threshold for
224 pumping and right now District staff is in discussion with staff at the cities to see if the
225 downgradient portions of the creek can handle pumping from Mooney Lake.

226
227 He stated that the Six Mile Creek prairie underwent a prescribed burn this week that was
228 completed successfully. With regard to updates on project management, he said that a large ash
229 tree was downed at the Excelsior Townhomes at the District's Minnehaha Creek recreational
230 area and staff is discussing with contractors on how to repair damage to the boardwalk.

231
232 He stated that staff has upcoming presentations to the Sensible Land Use Coalition and for a
233 conference that will be held by the Minneapolis Real Estate Journal.

234
235 He said that with regard to information technology he wanted to add just a bit to the presentation
236 of Ms. Reynolds earlier in the evening, stating that the staff IT team feel that it has never been
237 clearer than it is now how the IT function of the District will provide benefit to the staff and
238 facilitate staff operations. He stated that the internal collaboration among staff members has been
239 a big help and that the District will be using out-of-the-box solutions to solve many of the
240 connectivity and integration problems discussed earlier. He said staff confidence is high that the
241 District is on the right track with regard to its information technology function.

242
243 Mr. Wisker asked Michael Welch to provide the managers with a report on the regulatory record
244 for the dredging that took place in the outflow from Lake Zumbra this winter. Mr. Welch stated
245 that the regulatory analysis is meant to accompany Chris Meehan's presentation of the technical
246 analysis of the dredging in the channel below Sunny Lake and Lake Zumbra to Lake Auburn that
247 was presented several meetings ago. He said with regard to Minnehaha Creek Watershed District
248 permitting, counsel and staff did not find much in the record in terms of analysis of the work
249 against the District's dredging rule criteria. But it is not clear that such analysis would have been
250 helpful as to the question of downstream flood risk or hydraulic impacts, because those criteria
251 are not included in the Dredging Rule and therefore would not have been analyzed. He said the
252 District did issue a permit, but only for dredging in what's called channel one and not for channel
253 two. He stated that District staff worked with and had correspondence with the Department of
254 Natural Resources that shows that DNR determined that the excavation of channel one could
255 proceed as maintenance under the general permit that is issued to applicants who complete work
256 in compliance with District regulatory criteria. But DNR determined that the proposed work in
257 channel two needed further analysis and may not be maintenance and will require an individual
258 DNR permit. He stated Tom Dietrich of the District staff stated a couple of weeks ago that the
259 work in channel two has not advanced, but the work in channel one was completed in January
260 and February. He stated that the record indicates that the applicant secured a National Pollutant
261 Discharge Elimination System construction permit, and somewhat oddly the United States Army
262 Corps of Engineers did not make either a regulatory determination or issue a permit for the work.
263 MCWD staff corresponded with USACE, which indicated that no jurisdictional determination or
264 permit was necessary.

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266 Mr. Wisker added to President White's presentation of the update and report from the Metro
267 MAWD meeting, noting that there would be a show and tell element with regard to projects at
268 future Metro MAWD meetings. He said watershed-based funding is going to a HUC-8 model
269 and will be based on a land-area and tax-base formula, however the exact formula has not yet
270 been determined. He stated that the Board of Water and Soil Resources indicated that by 2025 it
271 wants to be awarding 80 percent of Clean Water Legacy grants on this block-grant basis.

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273 **Adjournment**

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275 There being no further business, the meeting of the board of managers adjourned at 8.28 p.m.

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277 Respectfully submitted,

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280 Kurt Rogness, Secretary

DRAFT