

46 *\$65,450.00 to Wells Fargo 2018 Note; \$1,744,000.00 for transfer of surety funds to Bremer*
47 *Bank; and \$13,000.00 for transfer of general account funds to Bremer Bank; and the*
48 *following resolutions:*

49 **Resolution 19-103: Authorization to Purchase Water Monitoring Equipment**

50 *NOW, THEREFORE, BE IT RESOLVED, that the MCWD Board of Managers*
51 *authorize MCWD district administrator to purchase an Aqua Troll 600 system from In-*
52 *situ in an amount not to exceed \$7,698;*

53 **Resolution 19-104: Section and Authorization to Contract for Engineering Services**

54 *NOW, THEREFORE, BE IT RESOLVED, the Minnehaha Creek Watershed District,*
55 *Board of Managers hereby selects Wenck as the District engineer; and*

56 *BE IT FURTHER RESOLVED, the Minnehaha Creek Watershed District Board of*
57 *Managers hereby authorizes the District Administrator to execute a contract, on advice*
58 *of counsel and with any non-material changes, with Wenck to provide engineering*
59 *services on retainer for a monthly rate not to exceed \$5,100 in 2020, \$5,300 in 2021*
60 *with additional services to be provided based on an hourly fee structure; and*

61 **Resolution 19-105: Approval of the 2020 Meeting Calendar**

62 *BE IT RESOLVED, that the Minnehaha Creek Watershed District, Board of*
63 *Managers hereby approves the following 2020 meeting schedule [schedule omitted in*
64 *minutes, but available at www.minnehahacreek.org]. Unless otherwise posted,*
65 *Citizens Advisory Committee Meeting will start at 6:30 PM, Committee Meetings will*
66 *start at 5:15 PM, and Board meetings will start at 7:00 PM. Executive Committee*
67 *meetings are scheduled as needed and will be held prior to Board meetings.*

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

69 **REGULAR AGENDA**

70
71 **Board, Committee and Task Force Reports**

72
73 President's Report: President White noted that 2019 has been a very successful year for
74 the District, and thanked the staff, board, CAC, and consultants for their contributions to
75 this success. Manager Miller thanked President White for her leadership in setting a
76 stable direction for the Board and the District.

77
78 MAWD Annual Conference Report: Manager Olson reported that the Minnesota
79 Association of Watershed Districts adopted all resolutions consistent with the policy
80 preferences of the Board of Managers. President White was elected MAWD Treasurer; a
81 record attendance of over 600 people showed strong interest in the work of watershed

82 districts. The MAWD annual budget was approved unanimously, and Mr. Wisker, Mr.
83 Smith and Ms. Schaufler gave presentations that were well attended and received.

84

85 Policy and Planning Committee Report: Manager Miller reported that the committee
86 reviewed the District's strategic communications plan.

87

88 Citizen Advisory Committee Report: Manager Rogness noted that the CAC had an
89 impressive discussion of the strategic communications plan and the CAC members
90 provided valuable feedback.

91

92 Citizen Advisory Committee Board Liaison Assignments for 2020: *It was moved by*
93 *Manager Hejmadi, seconded by Manager Olson to adopt the proposed Board Liaison*
94 *assignments to the CAC for 2020. Upon vote, the motion carried, 6-0.*

95

96 Upcoming Meetings and Events: President White noted upcoming meetings and events as
97 indicated on the agenda. Manager Rogness will attend the next Citizens Advisory
98 Committee (CAC) meeting. Manager Hejmadi will attend the upcoming Metro MAWD
99 meeting; President White may do so as well.

100

101 **Permits Requiring a Variance or Discussion**

102

103 Permit 19-661: Wassermann Lake Park, Victoria

104

105 Ms. Heidi Quinn appeared before the Board of Managers to review the permit
106 application. She explained that this is a permit application for the District's cooperative
107 project with the City of Victoria for the Wassermann Lake Park. The project as proposed
108 meets all of the District rule requirements, except for the wetland buffer provisions, as the
109 project does not provide the required buffer area for Wetland 1 and the does not meet the
110 minimum buffer width requirement for Wetland 1 or Wetland 2. There are several locations
111 where the minimum buffer width is not provided due to the future location of trails, a
112 stormwater filtration basin, and a road expansion to meet safety standards.

113

114 Ms. Quinn reviewed the exception analysis, noting that the policy and intent of the
115 Wetland Protection rule is to achieve no net loss in wetland quantity, quality, and
116 biological diversity; to enhance the quality, quantity, and biological diversity of wetlands;
117 and minimize wetland impact. Based on review of the provided materials, staff and the
118 engineer have determined that the proposed 2.14 acres of wetland restoration will result
119 in an enhancement to the quality, quantity, and biological diversity of Wetland 1 by
120 replacing a monoculture of cattails with native vegetation. The 370 feet of stream
121 restoration will improve biological diversity for approximately 0.33 acres of riparian
122 habitat and reduce sediment loading into Wetland 1, and the stormwater management
123 treatment of 0.13 acres of linear impervious surface that would sheet flow into Wetland 1
124 will also reduce sediment loading into Wetland 1.

125

126 ***It was moved by Manager Olson, seconded by Manager Rogness to approve the***
127 ***exception based on the staff recommendation.*** Manager Miller noted the staff request
128 that the Board of Managers consider delegating authority to approve a permit for Phase II
129 of the Wasserman Park project to the District Administrator, and stated that he opposed
130 this suggestion and felt that given the nature of the project, the permit for Phase II should
131 come bac to the Board of Managers for review and consideration. Mr. Smith noted for
132 the record that although the past alum treatment for the Wassermann West Pond in 2019
133 has also provided a water quality benefit in the area, it is not relevant to the exception
134 analysis for the proposed work going forward. ***Upon vote, the motion carried, 6-0.***
135

136 ***It was moved by Manager Olson, seconded by Manager Rogness to approve the permit***
137 ***for Phase I on the conditions recommended by staff. Upon vote, the motion carried, 6-***
138 ***0.***
139

140 **Action Items**

141
142 **Resolution 19-106: Wassermann Lake Park 90% Plan Approval and Authorization to**
143 **Solicit Bids; Approval of the Wassermann Lake Park Operations and Maintenance Plan;**
144 **and Contract Approval for Boardwalk Construction and Winter Oak Work**
145

146 Ms. Anna Brown appeared before the Board of Managers and reviewed the request for
147 board action. She reviewed the background on the public process, design update,
148 revisions to proposed easements, and the proposed contract award for boardwalk
149 construction and tree work. ***It was moved by Manager Olson, seconded by Manager***
150 ***Rogness to adopt Resolution 19-106 for Wassermann Lake Park 90% Plan Approval***
151 ***and Authorization to Solicit Bids; Approval of the Wassermann Lake Park Operations***
152 ***and Maintenance Plan; and Contract Awards for Boardwalk Construction and Winter***
153 ***Oak Work.*** Upon a question from President White about the depth of the helicle posts,
154 Mr. Meehan explained the depth and torque resistance in the design. Upon a question
155 from Manager Miller, Ms. Brown reviewed the details of the easement and natural area.
156 ***Upon vote the motion carried, 6-0.***
157

158 **Resolution 19-107: Approval of CAC Appointments**
159

160 Ms. Kim LaBo appeared before the Board of Managers and reviewed the request for
161 board action. She noted that nine members of the Citizens Advisory Committee are
162 seeking reappointment, and three residents have submitted new applications. ***It was***
163 ***moved by Manager Miller, seconded by Manager Loftus to adopt Resolution 19-107***
164 ***approving the proposed CAC appointments. Upon vote, the motion carried, 6-0.***
165

166 **Resolution 19-108: Selection and Authorization to Contract for Water Quality Lab**
167 **Analysis**
168

169 Ms. Kailey Cermak appeared before the board of managers to review the request for
170 board action. She explained the key metrics developed in the request for proposals for
171 lab analysis, and the review of the responses submitted. ***Following discussion, it was***
172 ***moved by Manager Rogness, seconded by Manager Loftus to adopt Resolution 19-108***
173 ***to approve the proposed selection and authorization to contract for water quality lab***
174 ***analysis. Upon vote the motion carried, 6-0.*** Manager Olson complemented Ms.
175 Cermak on the staff work in this process.

176

177 Resolution 19-109: Authorization to Release RFP for MCWD Campus Improvements
178 Design Services

179

180 Ms. Laura Domyancich appeared before the Board of Managers to review the request for
181 board action. ***It was moved by Manager Miller, seconded by Manager Rogness to adopt***
182 ***Resolution 19-109 to authorize the release of the RFP for campus improvements***
183 ***design services. Upon vote, the motion carried, 6-0.***

184

185 Administrator Vacation, Sick Leave

186

187 Mr. Smith reviewed the question that had arisen about the administration of Mr. Wisker's
188 vacation and sick leave in light of his employment agreement. He referred to his memo
189 of December 19 reviewing this question and counsel's interpretation of the employment
190 agreement in further detail. He noted that as to item #3 in the memo, a further question
191 had arisen about whether there should be specific caps on vacation and sick leave within
192 the total, but his view is that the allocation to vacation or sick leave within the total of
193 1080 hours is to be at Mr. Wisker's discretion. ***It was moved by Manager Miller,***
194 ***seconded by Manager Olson to confirm legal counsel's interpretation of the vacation***
195 ***and sick leave provisions of Mr. Wisker's employment agreement pursuant to counsel's***
196 ***memorandum of December 19, 2019. Upon vote, the motion carried, 6-0.***

197

198 Discussion Items

199

200 Report on Boundary Change Analysis

201

202 Ms. Becky Christopher presented a review of the watershed district boundary with the Nine Mile
203 Creek Watershed District. She explained that the analysis used GIS and assigned parcels based
204 on having 50% or more in the respective watershed. Following discussion and managers'
205 questions about various boundary areas, Mr. Wisker proposed to have more detailed segment-by-
206 segment review of proposed boundary changes in committee. The Board concurred in this
207 direction.

208

209 Preserve Boardwalk Update

210

211 Ms. Janna Jonely and Mr. Michael Hayman appeared before the Board of Managers to provide
212 an update on the construction and materials issues with the Minnehaha Preserve boardwalk.

213 They described the District's regular inspection protocol and ongoing discussions to seek a
214 remedy with the contractor and other parties. The managers thanked Ms. Jonely and Mr.
215 Hayman for this update.

216

217 MCWD's Partnership Model for Predicting, Measuring, Managing and Communicating Water
218 Levels

219

220 Ms. Tiffany Schaufler appeared before the Board of Managers and provided a detailed
221 presentation of the District's partnership work with precipitation data and water level and flow
222 monitoring. The managers thanked Ms. Schaufler for her presentation.

223

224 Staff Updates

225

226 Administrator's Report

227

228 Mr. Wisker reported on the following items:

229

230 1. The District recently hosted a case study discussion for Professor Gulliver's class at the
231 University of Minnesota Water Resource Center;

232

233 2. District work on climate adaptation continues:

234

235 a. District staff are in discussions with state agency representatives, including the
236 Environmental Quality Board staff working on a ten year plan with a climate focus,
237 using an interagency team and selecting case studies like the District;

238

239 b. Staff recently met with representatives from the Department of Natural Resources to
240 discuss water levels and climate adaptation;

241

242 c. The Citizens Advisory Committee is planning discussions of climate adaptation in the
243 coming year; and

244

245 d. Ms. Schaufler will be presenting o the Climate Adaptation conference on January 22;

246

247 3. President White and Mr. Wisker will be meeting in January with Hennepin County
248 commissioners to provide an update on District activities;

249

250 4. Representatives from the Lake Minnetonka Conservation District are reaching out to
251 meet with District staff to discuss planning and the District's past experience and ongoing
252 role with aquatic invasive species.

253

254 Mr. Wisker thanked the Board of Managers for a very successful year in 2019.

255

256

Minutes of the Regular Meeting
Minnehaha Creek Watershed District
Board of Managers
12-19-2019

257 **Adjournment**

258

259 There being no further business, President White declared the meeting of the Board of Managers
260 adjourned at 9:30 p.m.

261

262 Respectfully submitted,

263

264

265

266 Kurt Rogness, Secretary

267

DRAFT