

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

July 25, 2019

CALL TO ORDER

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

MANAGERS PRESENT

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

MANAGER ABSENT

Arun Hejmadi.

DISTRICT STAFF AND CONSULTANTS PRESENT

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

MATTERS FROM THE FLOOR

None.

APPROVAL OF AGENDA

Manager Miller moved and Manager Maxwell seconded approval of the agenda. Upon vote, the motion carried 6-0.

INFORMATION ITEMS AND CORRESPONDENCE

Introduction of New Staff

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

CONSENT AGENDA

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

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

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

REGULAR AGENDA

Board, Committee and Task Force Reports

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

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

Manager White said she has been participating in the on-boarding of Manager Maxwell and working with liaisons to the strategic communications process.

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

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

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

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

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

PUBLIC HEARINGS AND PRESENTATIONS

Legislative Briefing

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

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

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

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

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

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

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

ACTION ITEMS

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

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

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

Staff Updates

Administrator's Report

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

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

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

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

Adjournment

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

Respectfully submitted,

Kurt Rogness, Secretary