

44 *withdrawals totaling \$122,789.15, for total expenses of \$713,356.00. Upon vote, the motion*
45 *carried 6-0.*

46

47 **REGULAR AGENDA**

48 **Board, Committee and Task Force Reports**

49

50 **President's Report:** President White reported that Manager Shekleton, Mr. Wisker joined her in
51 meeting with Joel Carlson, the District's legislative consultant to review the upcoming legislative
52 session. The Executive Committee will review these issues in November and Mr. Carlson will
53 attend a board of managers meeting in January. President White noted the recent meeting of the
54 Metropolitan Chapter of the Minnesota Association of Watershed Districts, which focused on
55 developing a stable approach to the next round of Metro watershed-based funding.

56

57 **Policy and Planning Committee Report**

58

59 Manager Miller reported that the Committee met earlier in the evening and received a staff
60 review of an updated strategic action plan that included specific action steps to implement the
61 District's strategic priorities in the coming 18 months. The Committee also received a staff
62 report on latest activities in coordinating planning with the City of Victoria concerning future
63 land use in the city's western growth area.

64

65 **PERMITS RQURING A VARIANCE OR DISCUSSION**

66

67 **Permit 18-501: Six Mile Creek Carp Management Barriers**

68

69 Ms. Elizabeth Showalter appeared before the Board of Managers and reviewed this application
70 from the District for its own project to construct carp barriers as part of a habitat restoration
71 project in the Six Mile Creek subwatershed. She reviewed the applicable District rules and noted
72 that two exceptions are requested for the project concerning wildlife passage and hydraulic
73 capacity. She explained that section 3(b) of the Waterbody Crossings & Structures rule requires
74 that adequate hydraulic capacity include no increase in flood stage for watercourses. The
75 proposed project will result in an increase in the 100 year flood elevation for Wasserman Lake of
76 0.04 feet and an increase in the 100 year flood elevation of the wetland between Highland Road
77 and Highway 7 of 0.17 feet. The District's application includes a risk analysis in conjunction
78 with their hydraulic modeling demonstrating, the increases in floodplain elevation will not
79 impact any existing structures.

80

81 Ms. Showalter noted that section 3(d) of the Waterbody Crossings & Structures rule requires that
82 aquatic and upland passage must be preserved. The proposed project is designed to prevent
83 passage of carp, which conflicts with the requirement to maintain aquatic passage. The District
84 will be minimizing the impact on other wildlife through regular inspections. Staff will manually
85 assist wildlife to cross the barrier (by net or electrofishing) and raise the barrier as needed to

86 allow other species of fish to pass during spawning times (particularly Northern Pike, which
87 spawn earlier than carp). The design and management of the barrier will allow wildlife passage
88 for all species other than carp. ***Following discussion, it was moved by Manager Olson,***
89 ***seconded by Manager Rogness, to approve the requested exceptions based on staff***
90 ***recommendation as detailed in the report.*** Upon questions from Manager Shekleton, Ms.
91 Showalter and Ms. Anna Brown reviewed more detail the plans and provisions to address
92 adequate wildlife passage. ***Upon vote, the motion carried, 6-0.***

93
94 ***It was moved by Manager Rogness, seconded by Manager Olson, to approve the permit***
95 ***application with the conditions recommended by staff.*** In response to a question from Manager
96 Olson, Ms. Brown reviewed the plans for a mobile portable pulley system to lift the grates in the
97 fish barriers. ***Upon vote, the motion carried, 6-0.***

98
99 Permit 18-535: Pamela Park and Bde Maka Ska Ponds Dredging

100
101 Ms. Showalter noted that this permit application is also on the agenda because the District is the
102 applicant. She noted that the Dredging rule is not implicated for this project because the ponds
103 are not public waters, and only the Erosion Control rule applies. ***It was moved by Manager***
104 ***Shekleton, seconded by Manager Rogness to approve the application with the conditions***
105 ***recommended by staff.*** In response to a question from Manager Shekleton, Ms. Janna Jonely
106 reviewed the accumulation of sediment in the ponds and that the need for sediment removal is
107 consistent with the timetable in the management plans. ***Upon vote, the motion carried, 6-0.***

108
109 **ACTION ITEMS**

110
111 Resolution 18-108: Authorization to Award Construction Contract for Carp Barriers

112
113 Resolution 18-109: Authorization to Execute Land Rights Agreements for Carp Barrier
114 Installation

115
116 Ms. Anna Brown appeared before the Board of Managers to review the request for board action.
117 Manager Miller suggested that the Board address Resolution 18-109 first concerning the land
118 rights, prior to awarding the construction contract. Ms. Brown reviewed the latest developments
119 in costs and bidding for the project, and the status of acquiring land rights. She noted that the
120 bids came in higher than expected and that staff intends to work on value engineering and cost
121 savings. Before proceeding with the contract, staff will discuss with the Board proposed design
122 changes to reduce cost, or options for budget adjustments to absorb cost above budget.
123 Staff recommends the District Board of Managers award the contract for carp barrier
124 construction to Blackstone Contractors in the amount of \$169,690.00. Ms. Brown also noted that
125 the proposed easements are recommended for approval with Waterbrooke Fellowship,
126 Creekview Investments, LLC, and the City of Minnetrista. Staff is continuing discussions with
127 Crown College concerning one additional easement.

128

129 ***It was moved by Manager Olson, seconded by Manager Shekleton to adopt Resolution 18-109,***
130 ***Authorization to Execute Land Rights Agreements for Carp Barrier Installation. Upon vote,***
131 ***the motion carried, 6-0.***

132
133 ***It was moved by Manager Miller, seconded by Manager Shekleton to adopt Resolution 18-108,***
134 ***Authorization to Award Construction Contract.*** Mr. Smith noted the status of discussions with
135 Crown College concerning an easement and recommended that the Resolution be amended as
136 follows:

137
138 BE IT FURTHER RESOLVED that before the District Administrator issues a notice to proceed,
139 District staff will advise the Board either of design adjustments to reduce construction cost, or of
140 budget adjustments to accommodate the cost, and advise the Board on the status of acquiring
141 Crown College land rights, recommend any necessary adjustment to the contract, and obtain
142 Board approval of any necessary contract amendment.

143
144 ***It was moved by Manager Shekleton, seconded by Manager Miller to amend Resolution 18-***
145 ***108 accordingly. Upon vote, the motion to adopt the amendment carried, 6-0. Upon vote, the***
146 ***motion to adopt the resolution as amended carried, 6-0.***

147
148 Resolution 18-110: Authorization to Execute Cooperative Agreement with the City of Edina for
149 Pamela Park Maintenance

150
151 Ms. Janna Jonely and Ms. Tiffany Schaufler appeared before the Board of Managers to review
152 the request for board action. Ms. Jonely noted that this agreement reflects continued partnership
153 with the City of Edina, and that the Edina City Council approved the agreement on October 16.
154 ***It was moved by Manager Miller, seconded by Manager Shekleton to adopt Resolution 18-110,***
155 ***Authorization to Execute Cooperative Agreement with the City of Edina for Pamela Park***
156 ***Maintenance.*** Mr. Doug Engelke, Philbrook Lane appeared before the Board of Managers and
157 inquired about maintenance plans for the other two ponds at the park. Ms. Jonely noted that Cell
158 2 has about 39% accumulated sediment and so will be dredged at some point in the future when
159 monitoring shows that it is around 50%, and Cell 1 may never need to be dredged based on the
160 maintenance activities for the other cells. ***Upon vote, the motion carried, 6-0.***

161
162 Resolution 18-111: Authorization to Award Construction Contract for 2018-19 Pamela Park Cell
163 1 and Bde Maka Ska Pond Dredging

164
165 Ms. Jonely reviewed the request for board action, noting that Sunram is the low bid and the City
166 of Edina and District staff concur that the bid is responsive. ***Following discussion, it was moved***
167 ***by Manager Miller, seconded by Manager Shekleton to adopt Resolution 18-111,***
168 ***Authorization to Award Construction Contract for 2018-19 Pamela Park Cell 1 and Bde Maka***
169 ***Ska Pond Dredging to Sunram Construction for an amount not to exceed \$305,717. Upon***
170 ***vote, the motion carried, 6-0.***

171

172 Resolution 18-112: Authorization to Award Construction Contract for the Minnehaha Creek
173 FEMA Repair Project

174
175 Ms. Tiffany Schaufler appeared before the Board of Managers to review the request for board
176 action. She reviewed the bid tabulation and noted that Sunram Construction is the low bid. ***It***
177 ***was moved by Manager Miller, seconded by Manager Rogness to adopt Resolution 18-112,***
178 ***Authorization to Award Construction Contract for the Minnehaha Creek FEMA Repair***
179 ***Project. Upon vote, the motion carried, 6-0.***

180
181 Resolution 18-113: Authorization to Execute a Contract with Wenck Associates for Continued
182 Environmental Investigation at 325 Blake Road

183
184 Mr. Michael Hayman appeared before the Board of Managers to review the request for board
185 action. He explained that the Minnesota Pollution Control Agency has identified the need for
186 continued investigation for locations previously inaccessible due to the presence of the industrial
187 facility. ***It was moved by Manager Miller, seconded by Manager Rogness to adopt Resolution***
188 ***18-113, Authorization to Execute a Contract with Wenck Associates for Continued***
189 ***Environmental Investigation at 325 Blake Road. Upon vote, the motion carried, 6-0.***

190
191 Staff Updates

192
193 President White turned to the Administrator's Report, prior to going into closed session for the
194 Administrator's performance review. Mr. Wisker reported on the following items:

- 195
196 a. Mr. Wisker invited comment from the managers concerning the potential reappointment
197 of current members of the Citizens Advisory Committee. Polling of managers indicates
198 that it seems wise to continue next year with 12 CAC members who have expressed
199 desire to continue serving;
200
201 b. 15 contractors attended the pre-bid meeting for Arden Park project; the contract award is
202 planned for November;
203
204 c. Telly Mamayek and Darren Lochner presenting to Board of Water and Soil Resources
205 Academy on the District's 50th anniversary event planning;
206
207 d. Telly Mamayek will be presenting to American Association of University Women on
208 November 5;
209
210 e. Tiffany Schaufler and a National Weather Service representative presented to the
211 University of Minnesota Water Resources conference;
212
213 f. A Lake Nokomis area high water open house on October 24 was well attended;

Minutes of the Regular Meeting
Minnehaha Creek Watershed District
Board of Managers
10-25-2018

- 214 g. Nokomis weir open since October 11 at 815.8; Lake Minnetonka at 928.6 and 20 cfs
215 discharge; Mooney Lake pumps operated by City of Plymouth were turned on in
216 response to recent rains;
217
- 218 h. In response to a question from Manager Olson, Mr. Wisker will work with Wenck to
219 obtain more detailed information on status of spill remediation related to interceptor work
220 near CSAH 44.
221

222 3rd Quarter Administrator Performance Review

223 *It was moved by Manager Olson, seconded by Manager Shekleton to move into closed session*
224 *for the purpose of conducting the Administrator's quarterly performance review. Upon vote,*
225 *the motion carried, 6-0.* Whereupon the Board of Managers went into closed session at 8:15
226 p.m. The Board of Managers returned to open session at 9:08 p.m.

227 **ADJOURNMENT**

228
229 There being no further business, the meeting of the board of managers was adjourned at 9:08
230 p.m.

231 Respectfully submitted,

232

233

234

235 Kurt Rogness, Secretary