

44 (Manager Miller arrived at this time.)

45

46 Manager Olson reported that the Operations and Programs Committee met this evening. Staff
47 presented on accounting practices and improvements. Implementation is intended in second
48 quarter 2019. Payroll will be discussed at the next committee meeting, and internal controls will
49 be on a later agenda. The Committee discussed the audit contract, which is on tonight's meeting
50 agenda.

51

52 President White reviewed upcoming meetings as stated on the agenda. The November 14, 2018,
53 Citizens' Advisory Committee (CAC) meeting is cancelled. Manager Olson is the Board liaison
54 for the December CAC meeting.

55

56 **Permits Requiring a Variance or Discussion**

57

58 **Permit 18-626: Minnehaha Creek FEMA Repair Project, Minneapolis**

59

60 Ms. Quinn reviewed this application from the District for its own project. The application is
61 submitted jointly with the Minneapolis Park and Recreation Board (MPRB) as landowner, and
62 the permit will be issued to both parties. The work is to repair and stabilize the Minnehaha
63 Creek streambank in 10 locations damaged by 2014 flooding. The work is subject to the
64 District's Erosion Control, Floodplain Alteration, and Streambank Stabilization Rules.

65

66 (Managers Shekleton and Loftus arrived at this time.)

67

68 Ms. Quinn reviewed the regulatory analysis as laid out in a November 8, 2018, staff
69 memorandum in the meeting packet. She focused specifically on sections 4 and 5 of the
70 Streambank Stabilization Rule, which requires that the stabilization method correspond to results
71 of shear stress analysis but allows a deviation where the proposed method is the minimal impact
72 solution for specific conditions at the location. Staff finds that three locations (Sites 5, 26, and
73 30) qualify for alternative techniques under this criterion.

74

75 Ms. Quinn also reviewed the basis for an exception under the District's Variances and
76 Exceptions Rule from the standards of sections 3(a) and 3(b) of the Floodplain Alteration Rule.
77 These sections require that replacement flood storage volume be created for any floodplain fill
78 and that there be no increase in the 100-year flood elevation of a watercourse. Because the
79 existing flood-damaged condition reflects the loss of bank material from the flood event, the
80 bank repair will result in net fill. However the methods of repair will result in a net increase of
81 flood storage volume of some 61.5 cubic yards over the pre-flood condition, as determined by
82 the erosion methodology of the Federal Emergency Management Agency (FEMA). Further,
83 stabilizing without fill in the present condition would require additional bank grading, creek
84 disturbance and riparian tree removal. Staff therefore recommends a Board finding that the
85 proposed approach achieves a greater degree of water resource protection than would strict
86 compliance with the two cited provisions.

87

88 ***Manager Shekleton moved, Manager Rogness seconded approval of an exception from***
89 ***sections 3(a) and 3(b) on the analysis and grounds recommended by staff.***

90

91 Manager Miller observed that some of this work was installed 10 years ago and did not withstand
92 the 2014 flooding. He noted the District is relying on the same consultant that designed the prior
93 improvements and asked whether the present work would withstand the next flood. Ms.

94 Schaufler replied that the FEMA grant allows the District to design in excess of standard criteria
95 to allow for a more resilient approach. She noted also that the District has retained InterFluve, a
96 stream design specialist, for assistance in designing the present project.

97

98 Manager Shekleton asked about the status of conversations with the MPRB regarding the Deer
99 Pen outlet structure. Ms. Schaufler replied that District and MPRB staff have been discussing
100 improvement and maintenance programming on all park lands, and that the potential to remove
101 the Deer Pen outlet structure is a specific conversation that will occur later.

102

103 ***Upon vote, the motion carried 7-0.***

104

105 ***Manager Shekleton moved, Manager Rogness seconded approval of Permit 18-625 with the***
106 ***above exception and with staff-recommended conditions. Upon vote, the motion carried 7-0.***

107

108 **Action Items**

109

110 **Resolution 18-114: Selection of Vendor and Authorization to Enter into Contract for Audit** 111 **Services**

112

113 Ms. Reynolds presented the proposed resolution to select the 2018-19 audit provider. The
114 District received six responses to its solicitation of audit services. Staff evaluated submittals
115 with a focus on government/watershed district experience, knowledge, capacity to meet deadline,
116 and cost. Redpath & Company, which provides the District's accounting services and has
117 provided its audit services as well in recent years, and Abdo, Eick & Meyers, LLP, are the two
118 with watershed district experience. The Redpath fee is slightly more than \$9,000 more than the
119 Abdo, Eick & Meyers fee, although some \$5,000-7,000 of that is more for the purpose of year-
120 end accounting. On the basis of the price differential, staff recommends that the Board retain
121 Abdo, Eick & Meyers for audit services.

122

123 Manager Shekleton urged that before the Board makes a decision, it should have more precision
124 as to the comparative fees strictly for audit work. Responding to President White, Ms. Reynolds
125 indicated that postponing the retention decision to the December 13 meeting may create a timing
126 challenge for pre-audit planning actions. Manager Miller averred that continuity is important
127 and that Redpath has an intimate knowledge of the District. He concurs that the fee comparison
128 should be clarified, but he does not support changing auditors without a strong reason. Manager
129 Loftus offered that there also is merit in not having the same firm provide accounting and audit

130 services. Administrator Wisker stated that staff will obtain clarifying fee information for the
131 November 15, 2018 meeting.

132

133 Resolution 18-115: Authorization to Execute an Agreement with Three Rivers Park District for
134 SMCHB Aeration

135

136 Ms. Brown reviewed the proposed resolution authorizing a cooperative agreement with the Three
137 Rivers Park District (TRPD) for installation and maintenance of utilities and facilities for
138 shallow lake aeration of South Lundsten, North Lundsten and Sunny Lakes within the Carver
139 Park Reserve.

140

141 Ms. Brown offered that South Lundsten is the most productive carp nursery within the system
142 and the highest priority to install and commence management. North Lundsten and Sunny also
143 serve as carp nurseries, but to a more moderate degree. Under the agreement, the District and
144 TRPD will coordinate to develop and implement an operation and maintenance plan. The TRPD
145 operates aeration units elsewhere within the park system and it may make sense for TRPD to
146 assume substantial operational responsibility for some or all of these units. The agreement is
147 subject to renewal on a three-year cycle, and the parties will spend the first three-year cycle
148 working to optimize operation and maintenance.

149

150 *Manager Olson moved, Manager Miller seconded adoption of Resolution 18-115, providing as*
151 *follows:*

152

153 ***NOW, THEREFORE, BE IT RESOLVED that the Minnehaha Creek Watershed***
154 ***District Board of Managers authorize[s] the administrator to execute, on advice and***
155 ***consent of counsel, and with any non-substantive adjustments, a cooperative***
156 ***agreement with Three Rivers Park District for utility installation and shallow lake***
157 ***aeration in Carver Park Reserve.***

158

159 Manager Miller noted carp removal programmed for Halsted Bay and asked about migration
160 between Halsted Bay and the rest of Lake Minnetonka. Ms. Brown replied that there certainly is
161 movement, but that the western edge of the lake offers the best conditions for the carp
162 population.

163

164 *Upon vote, the motion carried 7-0.*

165

166 Resolution 18-116: Authorization to Award Contract for Installation of Electricity for SMCHB
167 Aeration

168

169 Ms. Brown presented the proposed resolution authorizing a contract with Telcom Construction,
170 Inc., for installation of utility services for lake aeration, as well as payment of service extension
171 fees to Minnesota Valley Electric Coop and Xcel Energy

172

173 The Telcom contract would cover installation at Mud, South Lundsten, Marsh and Turbid Lakes.
174 Installation at North Lundsten and Sunny Lakes would be deferred owing to the greater distance
175 and more difficult conditions over which to extend service and the consequent substantially
176 higher cost for winter work. Staff is evaluating these sites and whether barriers are a better
177 option. With respect to the four sites, District staff still are working with Marsh and Turbid Lake
178 property owners for access agreements.

179

180 *Manager Olson moved, Manager Becker seconded adoption of Resolution 18-116, providing*
181 *as follows:*

182

183 *NOW, THEREFORE, BE IT RESOLVED that the Minnehaha Creek Watershed*
184 *District Board of Managers authorizes the District Administrator to execute a contract*
185 *for utility installation in the Six Mile Creek-Halsted Bay subwatershed with Telcom*
186 *Construction, Inc. in the amount of \$56,252.75;*

187

188 *BE IT FURTHER RESOLVED that the MCWD Board of Managers establishes a*
189 *utility installation budget in the not-to-exceed amount of \$61,877.00 and authorizes the*
190 *Administrator, in his judgment, to authorize change orders obligating the District up to*
191 *that amount; and*

192

193 *BE IT FINALLY RESOLVED that the MCWD Board of Managers authorizes the*
194 *Administrator to pay the associated fees for utility installation to Minnesota Valley*
195 *Electric Coop and Xcel Energy, for an estimated cost of \$13,900, and establishes a not*
196 *to exceed budget of \$16,680.*

197

198 Manager Loftus asked if the District planned for winter charges and other contingencies. Ms.
199 Brown replied that staff did not do contingency planning, since utility charges were largely
200 unknown in any event. She noted that South Lundsten and Mud Lakes are the higher priority on
201 the basis of carp reproduction productivity and the greatest likelihood for winter kill, so it is most
202 important to proceed at these sites. Responding to Manager Olson, Ms. Brown advised that the
203 service extension would use trenched lines.

204

205 *Upon vote, the motion carried 7-0.*

206

207 Staff Updates

208

209 Administrator Wisker presented the Administrator's Report, noting the following:

210

- 211 • Water levels are trending down. Lake Nokomis is at 815.4 elevation; Lake Minnetonka
212 is at 928.60 elevation; and Mooney Lake is at 989.3 elevation. Mooney Lake is being
213 pumped now, and under the agreement may continue until elevation declines to 988.

214

- 215 • The District continues to provide technical support and to coordinate with the MPRB,
216 City of Minneapolis and Minnesota Department of Natural Resources with respect to
217 Nokomis neighborhood groundwater issues. Meetings continue with the Metropolitan
218 Council, the citizens' group and Representative Wagenius. Administrator Wisker and
219 Ms. Schaufler will attend an upcoming meeting.
220
- 221 • The Board Executive Committee will meet next week.
222
- 223 • Responding to Manager Olson's earlier inquiry, staff communicated with the
224 Metropolitan Council and has learned that its contractor fairly quickly contained the
225 sewage discharge near CSAH 44 at the northeast corner of Halsted Bay. The leak
226 resulted from a cracked valve. Bacteria levels are now within standard.
227
- 228 • Administrator Wisker met with President White and Manager Loftus regarding human
229 resources matters. Springsted provided a briefing on the status of its job classification
230 and preliminary market data analysis. They will meet once more, and then it is planned
231 to provide an Operations and Programs Committee presentation on December 13 and a
232 presentation at the December 20 Board of Managers meeting.
233
- 234 • Education staff borrowed pedestrian counters from the Minnesota Department of
235 Transportation to measure usage at Minnehaha Preserve and Arden Park. Staff is
236 developing an approach to assess use of District projects for future project design and
237 programming.
238
- 239 • Becky Christopher will reach her 10-year anniversary with the District this week.
240 Administrator Wisker offered praise for her contributions to the District's work. The
241 Board added its congratulations.
242

243 **Board Discussion Items**

244
245 **Redevelopment and Sale of 325 Blake Road Property**

246
247 *Manager Rogness moved, Manager Olson seconded, to convene in closed session to discuss an*
248 *offer for the sale of the District property at 325 Blake Road, Hopkins. Upon vote, the motion*
249 *carried 7-0.*

250
251 The Board reconvened in open session.

252
253 **ADJOURNMENT**

254
255 There being no further business, the regular meeting of the Board of Managers was adjourned at
256 8:40 p.m.

Minutes of the Regular Meeting
Minnehaha Creek Watershed District
Board of Managers
11-8-2018

257 Respectfully submitted,
258
259
260
261 Kurt Rogness, Secretary
262

DRAFT