

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

**December 15, 2022**

**CALL TO ORDER**

The regular meeting of the Minnehaha Creek Watershed District was called to order by President Sherry White at 7:10 p.m. on December 15, 2022.

**MANAGERS PRESENT**

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

**MANAGERS ABSENT**

Arun Hejmadi, Stephen Sando.

**DISTRICT STAFF AND CONSULTANTS PRESENT**

James Wisker, Administrator; Tiffany Schaufler, Senior Project Maintenance Coordinator; Kate Moran, Policy Planning Coordinator; Daniel Mock, Planner – Project Manager; Chris Meehan, District Consulting Engineer; and Louis Smith, District Counsel.

**APPROVAL OF AGENDA**

President White noted that a report from legal counsel would be added to the Agenda before the Staff Updates. *It was moved by Manager Miller, seconded by Manager Olson to approve the Agenda with this change. Upon vote, the motion carried 5-0 (Managers Hejmadi and Sando absent).*

**MATTERS FROM THE FLOOR**

None.

**INFORMATION ITEMS**

NOAA and National Weather Service Recognition of MCWD as an Ambassador of Excellence

Mr. James Wisker and Ms. Tiffany Schaufler introduced Mr. Craig Schmidt of the National Weather Service. Mr. Schmidt appeared before the Board of Managers to present MCWD with a certificate recognizing the District as a Weather-Ready Nation Ambassador of Excellence. He thanked Ms. Schaufler and the MCWD staff for excellent

collaboration, noting that this was one of about 60 recognitions around the U.S. among over 12,000 weather stations. He stated that MCWD was one of the most deserving partners reflecting the four tenets of the National Oceanic and Atmospheric Administration Administration's program:

- Inspired other to take action and become ready, responsive, and resilient;
- Created innovative ways to engage their community, their workforce, and/or their social network;
- Formed unique collaborations with NOAA and/or other ambassador organizations to achieve goals they alone could not meet; and
- Embraced building "a Weather-Ready Nation for All" by addressing vulnerable populations' needs.

The managers thanked Mr. Schmidt for this recognition and for the partnership with the National Weather Service.

### **CONSENT AGENDA**

*It was moved by Manager Maxwell, seconded by Manager Miller, to approve the items on the Consent Agenda consisting of approval of the December 1, 2022, Board meeting minutes, approval of the General Check Register, including check numbers 42115 through 42145 in the amount of \$286,686.18, electronic funds withdrawals of \$37,793.82, Managers Per Diems and Reimbursements of \$5,668.99, employee reimbursements of \$952.90, and payroll electronic funds withdrawals and disbursements of \$173,967.76 for a total of \$505,069.65; the Surety Check Register for check numbers 2184 through 2186 in the amount of \$14,630.21; and the Wire Check Register in the amount of \$28,050.00 to Wells Fargo for 325 Blake Road Refinance.*

*Upon vote, the motion carried 5-0 (Managers Hejmadi and Sandol absent).*

### **BOARD, COMMITTEE AND TASK FORCE REPORTS**

President's Report: President White noted that meetings with county commissioners continued this month and more are planned in January. She noted the recent annual conference of the Minnesota Association of Watershed Districts included a well-attended presentation by Michael Hayman on the Arden Park project, and the MCWD's recognition as the DNR's Watershed District of the Year. The Hennepin County chloride management program was selected as program of the year. Two proposed resolutions at the conference were not adopted: the proposed changes to the Open Meeting Law and the proposed resolution on urban irrigation. Manager Olson noted the large turnout at the conference. President White also noted that the recent mediation session on the Minnehaha Preserve Boardwalk litigation was unsuccessful in producing a settlement.

Policy and Planning Committee: Manager Miller noted that the Committee met earlier in the evening and received a presentation from Ms. Samantha Maul and Mr. Joel Carlson on the recent elections and legislative outlook; and a presentation from Mr. Hayman on the 325 Blake Road final design.

Upcoming Meeting and Event Schedule: President White directed the managers to the meetings listed on the agenda.

### **ACTION ITEMS**

#### **Resolution 22-084: Adoption of MCWD's Climate Action Framework**

Ms. Kate Moran appeared before the Board of Managers and reviewed the request for board action. She reviewed the background and context, planning process, situational assessment findings, guiding principles, and next steps for the climate action framework.

***It was moved by Manager Miller, seconded by Manager Olson to adopt Resolution 22-084: Adoption of MCWD's Climate Action Framework as follows:***

***NOW, THEREFORE, BE IT RESOLVED that the Minnehaha Creek Watershed District Board of Managers hereby adopts the Climate Action Framework; and***

***BE IT FURTHER RESOLVED that the Board directs the District Administrator and staff to take steps necessary to implement the strategy outlined in the Climate Action Framework, including development of detailed plans for stakeholder engagement and other near-term actions.***

Manager Miller stated that he was pleased with this comprehensive analysis, and science focus to how the MCWD can address climate issues within our mission. He noted that rather than detract from the MCWD's core mission, the framework identifies more opportunities and the need for partnership. Manager Olson noted that the framework relates to the core purpose of flood control. Upon a question from Manager Maxwell, Ms. Moran reviewed the plan for rolling out this framework with city partners through planned conversations. President White states that it was great to see this work come together.

***Upon vote, the motion carried 5-0 (Managers Hejmadi and Sando absent).***

#### **Resolution 22-085: Authorization to Award Contract for East Auburn Wetlands Feasibility Study**

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Mr. Daniel Mock appeared before the Board of Managers to review the request for board action. He noted the RFP process, the four proposals received, the review process and recommendation to select Moore Engineering for this contract.

*It was moved by Manager Olson, seconded by Manager Miller to adopt Resolution 22-085: Authorization to Award Contract for East Auburn Wetlands Feasibility Study as follows:*

***NOW, THEREFORE, BE IT RESOLVED that the Minnehaha Creek Watershed District Board of Managers authorizes the District Administrator, on the advice of Counsel, to execute a contract with Moore Engineering to conduct a feasibility study for East Auburn, in accordance with the developed scope of work as the Administrator may refine it, and in an amount not to exceed 110 percent of the amount set forth in the proposal.***

*Upon vote, the motion carried, 5-0 (Managers Hejmadi and Sando absent).*

#### **BOARD INQUIRIES, ISSUES, AND IDEAS**

None.

#### **LEGAL COUNSEL REPORT**

Mr. Smith reported that Anoka County District Court recently ruled that a Rice Creek Watershed District manager's appointment was void. While the court found that the City of Columbus properly nominated the manager, it also found that the Anoka County Board failed to consider whether her reappointment would fairly represent the various hydrologic areas within the watershed district, and thus the appointment was void. Mr. Smith noted that while this is a district court decision, it reflects the requirement in the statute to consider hydrologic areas in watershed manager appointments. In many cases, counties may appreciate information from watershed districts concerning the definition of "hydrologic areas" in this context. For MCWD, this may simply be a matter of distinguishing the area above Gray's Bay dam from the area below the dam.

#### **STAFF UPDATES**

##### Administrator's Report

Mr. Wisker reported on the following items:

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1. Recent meetings with Hennepin County commissioners have reflected interest and support for the MCWD's work at 325 Blake Road, Long Lake Subwatershed, and climate action;
2. The Research & Monitoring staff are attending a data science conference, and Brian Beck was recently appointed to the Minnesota Stormwater Research Advisory Board;
3. Lumber has been secured for the reconstruction of the Minnehaha Preserve Boardwalk, and the work is scheduled for late February or early March;
4. The Technical Advisory Committee held its third meeting to discuss the Land and Water Partnership program and proposed rule revisions; there is good relationship energy with cities and great alignment of shared goals;
5. As President White noted, the Department of Natural Resources awarded MCWD as the Watershed District of the Year, noting our partnership work on climate action and study of issues around Lake Nokomis;
6. The rollout of the Climate Action Framework will include discussion of cities' issues with the Technical Advisory Committee and work to build the 2D model; the outreach staff will issue a media release noting the DNR and National Weather Service awards, and will distribute the Climate Action Framework sometime in February or so.

**Adjournment**

There being no further business, President White declared the meeting of the Board of Managers adjourned at 8:10 p.m.

Respectfully submitted,



Eugene Maxwell, Secretary