

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

**December 28, 2023**

**CALL TO ORDER**

The regular meeting of the Minnehaha Creek Watershed District Board of Managers was called to order by President Sherry White at 7:00 pm on December 28, 2023, at the MCWD offices, 15320 Minnetonka Boulevard, Minnetonka, Minnesota.

**MANAGERS PRESENT**

Sherry White, William Olson, Richard Miller, Arun Hejmadi, Stephen Sando and Eugene Maxwell.

**MANAGERS ABSENT**

Jessica Loftus.

**DISTRICT STAFF AND CONSULTANTS PRESENT**

James Wisker, Administrator; Deb Johnson, Office Manager; Tessa Vacek, Administrative Services Manager; Brian Beck, Research & Monitoring Program Manager; Kailey Cermak, Hydrologist; Chris Meehan, District Consulting Engineer; Chuck Holtman, District Counsel.

**MATTERS FROM THE FLOOR**

None.

**APPROVAL OF AGENDA**

*It was moved by Manager Sando, seconded by Manager Hejmadi to approve the Agenda as distributed. Upon vote, the motion carried 6-0.*

**CONSENT AGENDA**

Manager Miller asked that items 7.1 and 7.2 be removed from the Consent Agenda. President White moved these items to the Regular Agenda. *It was moved by Manager Miller, seconded by Manager Maxwell to approve the items on the Consent Agenda consisting of approval of the December 14, 2023 Board meeting minutes; approval of the General Check Register, including check numbers 42447 through 42472 in the amount of \$307,227.36, electronic funds withdrawals of \$50,068.56, Managers Per Diems and Reimbursements of \$4,760.02, employee reimbursements of \$1,110.16, and*

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*payroll electronic funds withdrawals and disbursements of \$236,485.57, for a total of \$599,651.67; and the Surety Check Register including Bremer Bank fee of \$27.00, payment of \$5,000.00 to Amanjit Baadh for permit 17-501, payment of \$13,000 to Ethan Kindseth for permit 23-311, and payment of \$232,000 to MT Carpenter Landscape for permits 23-081 and 23-423. Upon vote, the motion carried 6-0.*

## **REGULAR AGENDA**

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

Manager Miller noted that the Policy & Planning Committee met this evening and received a presentation on a proposed petition by the Lower Minnesota River Watershed District to adjust its boundary with the District. The matter will come to the Board shortly.

President White directed the Board's attention to the upcoming meeting schedule. She noted that she will serve as the Board's liason to the January Minnesota Metro Watersheds meeting, and that Manager Maxwell will attend the January meeting of the Citizens Advisory Committee on behalf of the Board.

### **Action Items**

#### **Resolution 23-085: Approval of Updated Employee Handbook**

Responding to a question from Manager Miller, Ms. Johnson and Ms. Vacek stated that the principal driver for the proposed Employee Handbook revisions is the requirement to incorporate the Earned Sick and Safe Time (ESST) law taking effect on January 1, 2024. Ms. Johnson also noted that the Handbook last was revised in 2015, and that the present revisions incorporate several policies adopted since that time but not yet incorporated into the Handbook, as well as a number of changes related to internal procedures. She advised that this is the first of a contemplated three phases of Handbook revisions, the third to incorporate changes in the Family and Medical Leave Act that will take effect on January 1, 2026.

*It was moved by Manager Miller, seconded by Manager Olson to adopt Resolution 23-085 as follows:*

***NOW, THEREFORE, BE IT RESOLVED that the Minnehaha Creek Watershed District Board of Managers approves and adopts the MCWD Employee Handbook effective December 28, 2023 and authorizes the District Administrator to administer the policies and procedures as outlined in the updated handbook.***

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

Resolution 23-086: Resolution Honoring Life and Contributions of Eugene Hickock

Manager Olson related that Eugene Hickock was the original foundation of the District's strong science-based approach. With leave of the chair, he read the full text of the proposed resolution into the Board meeting minutes, as follows:

***Resolution Honoring Life and Contributions of Eugene Hickock***

***Whereas, Eugene Hickock served as the first District Engineer of the Minnehaha Creek Watershed District, having also studied the water resource needs and hydrology of the watershed to support the initial petition to establish the District in 1967;***

***Whereas, Mr. Hickock prepared the District's first overall water management plan and regulatory standards, and designed the District's initial capital improvement projects, including the Gray's Bay Headwaters Control Structure and the Painters Creek Improvement Project;***

***Whereas, with the assistance of Mr. Hickock, the MCWD successfully obtained a federal grant from the Environmental Protection Agency to develop one of the nation's first computerized models to calculate flood storage potential in the upper watershed;***

***Whereas, Mr. Hickock served as MCWD's District Engineer for 22 years, as well as consulting engineer to 16 other watershed districts;***

***Whereas, Mr. Hickock contributed to water resources management in many places around the world through the World Health Organization;***

***Whereas, Mr. Hickock's work set the MCWD on a firm foundation of a science-based approach to watershed management, and the MCWD recognized Mr. Hickock's many contributions with its Lifetime Stewardship Award in 2014; and***

***Whereas, Mr. Hickock passed away on December 7, 2023 at age 95;***

***Now, THEREFORE BE IT RESOLVED, that the Minnehaha Creek Watershed District hereby expresses its gratitude for the life of Eugene Hickock and his many contributions to the Minnehaha Creek watershed and to water resources management and protection generally, and expresses condolences and good wishes to his family and loved ones on his passing.***

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***It was moved by Manager Olson, seconded by Manager Miller to adopt Resolution 23-086 as read. Upon vote, the motion carried 6-0.***

The managers asked that District staff mail a copy of the resolution to each of Mr. Hickock's six living children.

Resolution 23-083: Authorization to Release RFP for Watershed-wide Model Build and Purchase of Watershed Modeling Hardware

Mr. Beck reviewed the District's Climate Action Framework (CAF) and noted that the present project is to implement Pillar 1 of the CAF, "Understand and Predict." He reviewed the steps to build the watershed-wide two-dimensional model, and reminded the Board that the District decided to begin by constructing a pilot model to test model methodology on a smaller scale and select the best model for the purpose. The District completed this element earlier in the year. At that time, it commenced work to start building and standardizing data sets for the watershed-wide effort. The Request for Proposals (RFP) is for the purpose to now retain a consultant to build, run, and calibrate the watershed-wide model.

Mr. Beck related as an unusual element of the work plan that the consultant would construct the model for the lower watershed while, in coordination, District staff would do so for the upper watershed. He emphasized the importance of District staff familiarity with and understanding of the model in order for the District to be able to use and maintain it effectively over time.

He then reviewed the elements of the RFP, including project-specific elements of developing the model approach, and creating a pond/wetland storage data set. He related as well staff's identification of model run time as an important aspect of a useful model. To that end, staff performed a model run on several computers and found that run time varied by ten-fold. The resolution includes an authorization to purchase computer equipment that will provide for efficient run time.

Mr. Beck noted that the contract budget is in the range of \$580 to \$620 thousand, to be funded through the Legislative-Citizen Commission on Minnesota Resources grant awarded to the District. Staff intends to release the RFP very soon and to bring a recommendation for award to the Board at the end of February.

***It was moved by Manager Hejmadi, seconded by Manager Olson to adopt Resolution 23-083 as follows:***

***NOW, THEREFORE, BE IT RESOLVED that the Minnehaha Creek Watershed District Board of Managers authorizes the District administrator to release a request for proposals for the watershed-wide model build, as presented and with final edits on the advice of counsel.***

***BE IT FURTHER RESOLVED that the Minnehaha Creek Watershed District Board of Managers authorizes the District administrator to purchase a workstation computer for an amount not to exceed \$13,000.00.***

Responding to Manager Hejmadi, Mr. Beck affirmed that there is a sufficient pool of qualified consultants to provide for a meaningful selection process. He added that the District intends to involve the academic community in the review of the consultant's work. He noted that the project budget doesn't explicitly provide for this, but that the project team expects that funds will be found within the budget.

With respect to ongoing work, Ms. Cermak reported that the District will be receiving the Minnehaha Creek cross-section data set next week, that the scripting refinement at watershed scale is about 25 percent completed, and that the culvert data gap assessment is complete, with only about 200 gaps identified.

Manager Maxwell asked how the model will be maintained. Mr. Beck suggested that this will rest on the District's conscious determination of the ways in which it wishes to use the model.

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

### **Board Inquiries, Issues and Ideas**

Manager Olson asked whether the District ever has dredged within Minnehaha Creek to remove debris. Mr. Wisker replied that the District has worked within the creek as an element of a broader project, for resource restoration purposes, but to his knowledge has not done so for the specific purpose of debris removal.

Manager Miller asked whether staff has advanced the requested review of public land ownership and possible private land availability along Minnehaha Creek to support a continuation of the District's corridor work. Mr. Wisker replied that staff has developed "opportunity screening" maps to help operationalize its review. Staff intends to provide an interim presentation to committee.

### **Staff Updates**

#### **Administrator's Report**

Mr. Wisker related that staff tenure has been positive for the past five or six years, which has prompted work on two new human resources elements in order to provide for career growth for those in the organization: a career ladder policy and an internal hiring process.

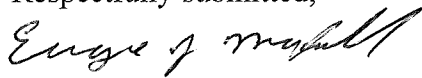
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He noted that as an example of supporting the career goals of a valued employee, effective January 2, Ms. Cermak will be moving from her Hydrologist position in the Research & Monitoring Department to a Planner-Project Manager position in the Project Planning Department. He added that Mr. Beck and Becky Christopher will be initiating searches for positions in Research & Monitoring and Policy Planning, respectively.

**Adjournment**

There being no further business, President White declared the meeting of the Board of Managers adjourned at 7:44 p.m.

Respectfully submitted,



Eugene Maxwell, Secretary