

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

August 24, 2023

CALL TO ORDER

The regular meeting of the Minnehaha Creek Watershed District Board of Managers was called to order by President Sherry White 7:02 pm on August 24, 2023, at the MCWD offices, 15320 Minnetonka Boulevard, Minnetonka, Minnesota.

ROLL CALL FOR ATTENDANCE

President White called the roll to note attendance:

Loftus:	Present
Sando:	Present
Miller:	Present
Olson:	Present
Hejmadi	Present
Maxwell:	Present (participating remotely using interactive technology at Tianna Country Club, 7470 State 34 NW, Walker, MN)
White:	Present

DISTRICT STAFF AND CONSULTANTS PRESENT

James Wisker, Administrator; Josh Wolf, Project and Land Program Manager; Samantha Maul, Acting Outreach Manager; Kailey Cermak, Hydrologist; Brian Beck, Research & Monitoring Program Manager; Marissa Castro, Research & Monitoring Technician; Chris Meehan, District Consulting Engineer; and Louis Smith, District Counsel.

MATTERS FROM THE FLOOR

None.

APPROVAL OF AGENDA

It was moved by Manager Miller, seconded by Manager Hejmadi to approve the Agenda as distributed. Upon roll call vote, the motion carried 7-0 as follows:

<i>Hejmadi:</i>	<i>Aye</i>
<i>Loftus:</i>	<i>Aye</i>
<i>Sando:</i>	<i>Aye</i>
<i>Miller:</i>	<i>Aye</i>
<i>Olson:</i>	<i>Aye</i>

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Maxwell: Aye
White: Aye

CONSENT AGENDA

It was moved by Manager Olson, seconded by Manager Sando to approve the items on the Consent Agenda consisting of approval of the August 10, 2023 Board Meeting Minutes; approval of the General Check Register, including check numbers 42334 through 42363 in the amount of \$199,747.23, electronic funds withdrawals of \$33,533.58, Managers Per Diems and Reimbursements of \$1,351.14, employee reimbursements of \$0, and payroll electronic funds withdrawals and disbursements of \$139,496.62 for a total of \$374,128.57; the Surety Check Register Bremer Bank fee of \$37.00; the Wire Check Register in the amount of \$0; and the following resolutions:

Resolution 23-044: Approving Environment and Natural Resources Trust Fund Grant Agreement and Adopting Conflict of Interest Policy

NOW, THEREFORE, BE IT RESOLVED, that the MCWD Board of Managers hereby approves the grant agreement between the State of Minnesota, acting through its Department of Natural Resources, and the MCWD for appropriated ENRTF funds in the amount of \$738,000 to develop an updated watershedwide hydrologic and hydrology model, and authorizes the District Administrator, with any nonsubstantive changes and on advice of legal counsel, to execute the grant agreement;

BE IT FURTHER RESOLVED that all members of the Board, in making decisions that involve the expenditure of Project grant funds, will follow the requirements and procedures of the MCWD conflict of interest policy with respect to any potential or actual organizational conflict of interest, as defined above, and the MCWD Administrator, in the event of same, will advise the Board in writing and determine in coordination with the Board how the decision at hand will be made so as to avoid an organizational conflict of interest; and

BE IT FURTHER RESOLVED that in the event of an actual, potential or perceived conflict of interest, as defined in the "ENRTF/OHF Pass-Through Grant Agreement Conflict of Interest Disclosure" attached hereto, the MCWD Administrator will notify the State's Authorized Representative for the grant;

Resolution 23-045: Approval of Agreement with Medina for Morningside Ravine Stabilization Project

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NOW, THEREFORE, BE IT RESOLVED that the MCWD Board of Managers authorizes the District Administrator to execute the attached agreement with the City of Medina for the Morningside Ravine Stabilization Project; and

Resolution 23-046: Authorization to Contract with Metro Sales for Document Scanning Services

NOW, THEREFORE, BE IT RESOLVED that the Minnehaha Creek Watershed District Board of Managers hereby authorizes the District Administrator to execute a contract with Metro Sales, in an amount not to exceed \$34,000 subject to nonsubstantative changes on advice of legal counsel.

Upon roll call vote, the motion carried 7-0 as follows:

Hejmadi: Aye
Loftus: Aye
Sando: Aye
Miller: Aye
Olson: Aye
Maxwell: Aye
White: Aye

BOARD, COMMITTEE AND TASK FORCE REPORTS

President's Report: None.

Planning and Policy Committee Report: Manager Miller reported that the committee received a staff briefing on the proposed rules revisions.

2D Model Update: Manager Hejmadi reported that he and Manager Miller participated in the review of proposals and interviews for the next phase of the 2D Model work, and a recommendation will be brought forward to the September 14 Board meeting.

Upcoming Meeting and Event Schedule: President White noted the upcoming meeting schedule.

PUBLIC HEARINGS & PRESENTATIONS

2024 Budget and Levy Public Hearing

Present White opened the public hearing on the MCWD's 2024 budget and levy. Mr. James Wisker appeared before the Board of Managers to present the 2024 proposed budget and levy. He reviewed the budget planning process, past work, and planned

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projects. The proposed 2024 total budget is \$14,486,255 with a proposed levy of \$9,869,513.

No one appeared to present comments on the budget or levy. Mr. Wisker noted that comments may be received until September 14, when the Board of Managers will take action to adopt the budget and levy. The Truth in Taxation process allows for a further public informational meeting and comment in late November or early December. The managers thanked Mr. Wisker for his excellent work on the budget.

ACTION ITEMS

Resolution 23-047: Budget Amendment for the Project Maintenance and Land Management Program

Mr. Josh Wolf appeared before the Board of Managers to review the request for board action. He reviewed the changes to the project budget due to delays in construction and payments from the litigation settlement. He noted that during the 2023 budget development cycle, it was anticipated that construction would begin in November or December 2022. Boardwalk construction ultimately began in January 2023. No funds from the 2022 Project budget were used, and the \$1,365,430 from that year remain in the program fund. With all construction costs being billed to the 2023 budget, the Project Maintenance and Land Management Program budget currently shows a significant deficit. As the 2022 budget dollars remain in the project fund, no transfer will be required. Administrative action is needed to amend the 2023 budget to include the unspent funds from the 2022 budget.

It was moved by Manager Miller, seconded by Manager Hejmadi to adopt Resolution 23-047 as follows:

NOW, THEREFORE, BE IT RESOLVED that the MCWD Board of Managers hereby amends the 2023 Project Maintenance and Land Management Budget (2003) by \$1,623,612.

Upon roll call vote, the motion carried 7-0 as follows:

Hejmadi: Aye
Loftus: Aye
Sando: Aye
Miller: Aye
Olson: Aye
Maxwell: Aye
White: Aye

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Resolution 23-048: Authorization to Launch New Website

Ms. Samantha Maul appeared before the Board of Managers to review the new website and request board authorization for its formal launch. She reviewed the development process and beta testing, as well as the launch communications plan. ***It was moved by Manager Olson, seconded by Manager Hejmadi to adopt Resolution 23-048 as follows:***

NOW, THEREFORE, BE IT RESOLVED that the Minnehaha Creek Watershed District Board of Managers hereby authorizes the launch of the new MCWD website, effective August 28, 2023.

Upon roll call vote, the motion carried 7-0 as follows:

Hejmadi: Aye
Loftus: Aye
Sando: Aye
Miller: Aye
Olson: Aye
Maxwell: Aye
White: Aye

Resolutions 23-049 and 23-050: Equipment Purchases to Implement the Real-time Sensor Network

Ms. Kailey Cermak and Ms. Marissa Castro appeared before the Board of Managers to review the request for Board action. They explained the background and need for refining how and where data are collected to better support project identification, improve public communication, and inform high-water decision-making. Following consecutive years of above average precipitation between 2014 and 2019, Research & Monitoring staff determined the existing methods for measuring water level and flow were not providing enough information to District staff, concerned public, and partner agencies. They explained the partnership with Hennepin County Emergency Management and related proposed equipment purchase.

It was moved by Manager Hejmadi, seconded by Manager Maxwell to adopt Resolution 23-049: Authorization to Enter into Equipment Purchase Agreement with Hennepin County Emergency Management as follows:

NOW, THEREFORE, BE IT RESOLVED that the Minnehaha Creek Watershed District Board of Managers authorizes the District Administrator, with any non-substantive changes and on advice of legal counsel, to

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execute an agreement with Hennepin County Emergency Management for District purchase of water-level monitoring equipment and HCEM reimbursement of the purchase cost.

Upon roll call vote, the motion carried 7-0 as follows:

*Hejmadi: Aye
Loftus: Aye
Sando: Aye
Miller: Aye
Olson: Aye
Maxwell: Aye
White: Aye*

It was moved by Manager Miller, seconded by Manager Hejmadi to adopt Resolution 23-050: Authorization to Purchase Equipment for the Real-time Sensor Network as follows:

NOW, THEREFORE, BE IT RESOLVED that the Minnehaha Creek Watershed District Board of Managers authorizes the District Administrator to purchase real-time sensor network equipment from In-situ, Inc. in a total amount not to exceed \$23,500.

Upon roll call vote, the motion carried 7-0 as follows:

*Hejmadi: Aye
Loftus: Aye
Sando: Aye
Miller: Aye
Olson: Aye
Maxwell: Aye
White: Aye*

Mr. Brian Beck appeared before the Board of Managers to express the staff's appreciation for Ms. Castro's work over the past two years. He noted that she will be leaving the MCWD and moving back to California, and praised Ms. Castro for her commitment to continuous improvement, ingenuity in computer coding to build a "system to monitor our monitoring system," and for her positive attitude, passion, and professionalism. The managers expressed their thanks to Ms. Castro for her service to the MCWD. *It was moved by Manager Miller, seconded by Manager Olson, to direct staff to prepare a resolution of appreciation for Ms. Castro's work for action at the next board meeting. Upon roll call vote, the motion carried 7-0 as follows:*

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Hejmadi: Aye
Loftus: Aye
Sando: Aye
Miller: Aye
Olson: Aye
Maxwell: Aye
White: Aye

BOARD DISCUSSION ITEMS

None.

BOARD INQUIRIES, ISSUES, AND IDEAS

Manager Loftus inquired about the status of the District’s adoption and use of the WISKI database.

STAFF UPDATES

Administrator’s Report

Mr. Wisker reported on the following items:

1. In response to Manager Loftus’ question, all of the data from the Real Time Sensor Network is managed through the WISKI data management system.
2. The Minnehaha Creek watershed continues to experience moderate drought, with precipitation to date about 5 inches below normal at 17 inches total. Lake Minnetonka is at elevation 928.2, and the lake level has declined 4.8 inches since the Gray’s Bay dam closed in July due to evaporation.
3. A recent email from Mr. Wisker summarized staffing updates, including the hiring of Ms. Sophia Green as a project planner, and Ms. Maggie Menden as permitting assistant. MCWD is interviewing candidates for the communications coordinator position and has posted for an administrative services manager.
4. Mr. Wisker expressed his gratitude to the Board of Managers and staff team for cohesive work together to advance the MCWD’s mission.

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Adjournment

There being no further business, President White declared the meeting of the Board of Managers adjourned at 8:40 p.m.

Respectfully submitted,

Eugene Maxwell, Secretary

