

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

4  
5                                   **August 22, 2024**

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7                                   **CALL TO ORDER**

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9                                   The regular meeting of the Minnehaha Creek Watershed District Board of Managers was  
10                                   called to order by Vice President William Olson at 7:02 p.m. on August 22, 2024, at the  
11                                   MCWD offices, 15320 Minnetonka Boulevard, Minnetonka, Minnesota.

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13                                   **MANAGERS PRESENT**

14                                   William Olson, Richard Miller, Jessica Loftus, Eugene Maxwell, and Stephen Sando.

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17                                   **MANAGERS ABSENT**

18                                   Sherry White and Arun Hejmadi.

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21                                   **DISTRICT STAFF AND CONSULTANTS PRESENT**

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23                                   James Wisker, Administrator; Kate Moran, Policy Planning Coordinator; Becky  
24                                   Christopher, Director of Policy Planning; Brian Beck, Research & Monitoring Program  
25                                   Manager; Chris Meehan, District Consulting Engineer; and Louis Smith, District  
26                                   Counsel.

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28                                   **APPROVAL OF AGENDA**

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30                                   *It was moved by Manager Miller, seconded by Manager Maxwell, to approve the*  
31                                   *Agenda as distributed.*

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33                                   *Upon vote, the motion carried 5-0 (White, Hejmadi absent).*

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35                                   **MATTERS FROM THE FLOOR**

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37                                   None.

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39                                   **CONSENT AGENDA**

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41                                   *It was moved by Manager Miller, seconded by Manager Sando, to approve the items on*  
42                                   *the Consent Agenda consisting of approval of the August 8, 2024, Board meeting*  
43                                   *minutes; approval of the General Check Register, including check numbers 42587*  
44                                   *through 42593 in the amount of \$28,755.30, electronic funds withdrawals of*  
45                                   *\$210,059.76, credit card charges of \$5,389.10, managers per diems and*  
46                                   *reimbursements of \$1,390.16, employee reimbursements of \$47.47, and payroll*

47 *electronic funds withdrawals and disbursements of \$156,262.41, for a total of*  
48 *\$401,904.20; the Surety Check Register including payment of \$30.00 in fees to Bremer*  
49 *Bank, and check numbers 2214-2220, for a total of \$66,350.00; wire transfers of \$0;*  
50 *and the following resolutions:*

51  
52 *Resolution 24-045: Adoption of Minor Plan Amendment to Watershed Management*  
53 *Plan*

54  
55 *NOW THEREFORE BE IT RESOLVED that the Minnehaha Creek Watershed*  
56 *District Board of Managers adopts the proposed plan amendment; and*

57  
58 *BE IT FURTHER RESOLVED that the District Administrator is to distribute*  
59 *the revised pages to the required review agencies and otherwise incorporate the*  
60 *amendment into the District WMP in accordance with MN Rules 8410; and*

61  
62 *Resolution 24-046: Selection and Authorization to Enter into Contract for Legal*  
63 *Services*

64  
65 *NOW, THEREFORE, BE IT RESOLVED that the Minnehaha Creek*  
66 *Watershed District Board of Managers hereby authorizes the District*  
67 *Administrator to execute a legal services contract with Smith Partners for the*  
68 *period of September 1, 2024 through August 31, 2026.*

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70 *Upon vote, the motion carried 5-0.*

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

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74 President's Report: None.

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76 Policy Planning Committee Report: Manager Miller reported that the Committee met  
77 earlier in the evening and received progress briefings on the County Road 6 Pond Project  
78 and East Auburn Wetland Restoration Project.

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80 Vice President Olson noted the upcoming meeting schedule presented in the agenda.

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82 **PERMITS REQUIRING A VARIANCE OR DISCUSSION**

83  
84 None.

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86 **PUBLIC HEARINGS & PRESENTATIONS**

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88 2025 Budget and Levy Public Hearing

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90 Mr. James Wisker appeared before the Board of Managers and noted that the MCWD  
91 proposes a 0.5% decrease in expenses for 2025, from \$14,486,255 to \$14,420,445, and a  
92 0% increase in the 2025 levy, in the amount of \$9,869,513. He reviewed the process for  
93 the MCWD to develop its proposed budget and levy, a summary of proposed  
94 expenditures, major projects planned for 2025, and the strategic alignment of the  
95 proposed budget with the MCWD's commitment to Balanced Urban Ecology.

96

97 No one appeared to offer comments on the proposed budget and levy. The managers  
98 thanked Mr. Wisker for his presentation and work on the budget.

99

100 **ACTION ITEMS**

101

102 **Resolution 24-047: Authorize 2D Model Data Collection Contract Extension and**  
103 **Surveying Equipment Rental**

104

105 Mr. Brian Beck appeared before the Board of Managers to review the request for board  
106 action. He reviewed the MCWD's Climate Action Framework and the status of the  
107 development of the 2D model. He explained the data collection needs for stream  
108 channels, wetlands, and culverts, and the staff recommendation to rent equipment to  
109 assist in this data collection. Specifically, staff recommend extending the contract with  
110 Bolton and Menk from March 15, 2024 to March 15, 2025 to continue collecting stream  
111 channel cross-sections, and to rent survey equipment to collect culvert elevation data in  
112 an amount not to exceed \$8,000.

113

114 *It was moved by Manager Loftus, seconded by Manager Maxwell to adopt Resolution*  
115 *24-047 as follows:*

116

117 ***NOW, THEREFORE, BE IT RESOLVED that the Board of Managers***  
118 ***authorizes the District Administrator, on the advice of District counsel, to***  
119 ***extend the contract with Bolton and Menk to continue the collection of stream***  
120 ***channel cross-sections essential for the 2D watershed-wide model development;***  
121 ***and***

122

123 ***BE IT FURTHER RESOLVED that the Board of Managers authorizes the***  
124 ***District Administrator to rent survey equipment in an amount not to exceed***  
125 ***\$8,000, for MCWD staff to collect the necessary culvert data to address***  
126 ***identified gaps in the watershed model.***

127

128 In response to a question from Manager Maxwell, Mr. Beck explained the process of  
129 locating culverts based on topography and drainage patterns. Manager Olson asked how  
130 all of the work of the various engineering firms is being coordinated, and Mr. Beck  
131 explained the peer review process and staff serving as the hub. Managers Loftus and

132 Miller expressed their appreciation for Mr. Beck’s dedication and insight in guiding this  
133 process. *Upon vote, the motion carried 5-0.*

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135 Resolution 24-048: Authorization to execute contract with Stantec for the Flood Action  
136 Plan

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138 Ms. Kate Moran appeared before the Board of Managers to review the request for board  
139 action. She explained that based on experience over the last decade, staff have  
140 recognized the need for an action plan to follow during a flood event and to provide a  
141 clear delineation of roles and responsibilities by program. Such a plan would ensure that  
142 MCWD can efficiently and effectively act internally and communicate externally to key  
143 stakeholders. During the 2024 season, the MCWD team comprised of staff from  
144 different programs and the District Engineer worked closely together to continue to refine  
145 and improve a system understanding of how the watershed responds during rain events  
146 and a data-driven approach to decision-making. Ms. Moran reviewed the goals for the  
147 proposed flood action plan.

148  
149 *It was moved by Manager Sando, seconded by Manager Miller to adopt Resolution 24-*  
150 *048: Authorization to execute contract with Stantec for the Flood Action Plan as*  
151 *follows:*

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153 ***NOW, THEREFORE, BE IT RESOLVED that the District Administrator is***  
154 ***authorized, on advice of counsel, to enter a contract with Stantec to develop a***  
155 ***Flood Action Plan for an amount not to exceed \$41,591.***

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157 Manager Loftus stated that she questioned the need for this plan, as it seems internally  
158 focused and she was looking for an approach that was more focused externally on key  
159 stakeholders in flood events. Ms. Moran noted that while this plan is focused on staff  
160 response to floods, the Climate Action Framework will provide a larger context for  
161 engagement with community stakeholders. Ms. Becky Christopher appeared before the  
162 Board of Managers and stated that the proposed action plan will address staff needs to  
163 clarify roles and responsibilities, and that some of these responsibilities include external  
164 communications.

165  
166 Manager Olson said that he appreciated the value of clear roles in a flooding crisis. In  
167 response to a question from Manager Loftus, Mr. Meehan gave examples from flooding  
168 events this year when data analysis has been helpful in advising city officials. Manager  
169 Loftus said that she felt the focus should be on building the MCWD’s capacity to manage  
170 flood events. *There being no further discussion, upon vote the motion carried 5-0.*

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172 **BOARD DISCUSSION ITEMS**

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**BOARD INQUIRIES, ISSUES, AND IDEAS**

None.

**STAFF UPDATES**

Administrator’s Report

As Mr. Wisker had left the meeting earlier in the evening, Ms. Christopher reported on the following items:

1. Lake Minnetonka is at elevation 929.35, and Minnehaha Creek at Hiawatha is flowing at 156 cubic feet per second, the lowest rate since mid-June.
2. Recent personnel news includes the upcoming departure of Trey Jonas on August 28 and the arrival of three new staff members in September, including a water resources scientist, permitting manager, and engagement coordinator. The geographic information systems position was recently posted.
3. MCWD staff recently had a productive meeting with Jan Voit, executive director of Minnesota Watersheds, and Justin Hanson from the Board of Water and Soil Resources.

**Adjournment**

There being no further business, Vice President Olson declared the meeting of the Board of Managers adjourned at 8:27 p.m.

Respectfully submitted,

Eugene Maxwell, Secretary