

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

4
5 **December 28, 2023**

6
7 **CALL TO ORDER**

8
9 The regular meeting of the Minnehaha Creek Watershed District Board of Managers was
10 called to order by President Sherry White at 7:00 pm on December 28, 2023, at the
11 MCWD offices, 15320 Minnetonka Boulevard, Minnetonka, Minnesota.

12
13 **MANAGERS PRESENT**

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

16
17
18 **MANAGERS ABSENT**

19 Jessica Loftus.

20
21
22 **DISTRICT STAFF AND CONSULTANTS PRESENT**

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

27
28
29 **MATTERS FROM THE FLOOR**

30 None.

31
32
33 **APPROVAL OF AGENDA**

34
35 *It was moved by Manager Sando, seconded by Manager Hejmadi to approve the*
36 *Agenda as distributed. Upon vote, the motion carried 6-0.*

37
38 **CONSENT AGENDA**

39 Manager Miller asked that items 7.1 and 7.2 be removed from the Consent Agenda.
40 President White moved these items to the Regular Agenda. *It was moved by Manager*
41 *Miller, seconded by Manager Maxwell to approve the items on the Consent Agenda*
42 *consisting of approval of the December 14, 2023 Board meeting minutes; approval of*
43 *the General Check Register, including check numbers 42447 through 42472 in the*
44 *amount of \$307,227.36, electronic funds withdrawals of \$50,068.56, Managers Per*
45 *Diems and Reimbursements of \$4,760.02, employee reimbursements of \$1,110.16, and*
46

47 *payroll electronic funds withdrawals and disbursements of \$236,485.57, for a total of*
48 *\$599,651.67; and the Surety Check Register including Bremer Bank fee of \$27.00,*
49 *payment of \$5,000.00 to Amanjit Baadh for permit 17-501, payment of \$13,000 to*
50 *Ethan Kindseth for permit 23-311, and payment of \$232,000 to MT Carpenter*
51 *Landscape for permits 23-081 and 23-423. Upon vote, the motion carried 6-0.*

52

53 **REGULAR AGENDA**

54

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

56

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

61

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

66

67 **Action Items**

68

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

70

71 Responding to a question from Manager Miller, Ms. Johnson and Ms. Vacek stated that
72 the principal driver for the proposed Employee Handbook revisions is the requirement to
73 incorporate the Earned Sick and Safe Time (ESST) law taking effect on January 1, 2024.
74 Ms. Johnson also noted that the Handbook last was revised in 2015, and that the present
75 revisions incorporate several policies adopted since that time but not yet incorporated into
76 the Handbook, as well as a number of changes related to internal procedures. She advised
77 that this is the first of a contemplated three phases of Handbook revisions, the third to
78 incorporate changes in the Family and Medical Leave Act that will take effect on January
79 1, 2026.

80

81 *It was moved by Manager Miller, seconded by Manager Olson to adopt Resolution 23-*
82 *085 as follows:*

83

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

89

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

91
92
93
94
95
96
97
98
99
100
101
102
103
104
105
106
107
108
109
110
111
112
113
114
115
116
117
118
119
120
121
122
123
124
125
126
127
128
129
130
131
132
133
134

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

Manager Olson related that Eugene Hickok 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 Hickok

Whereas, Eugene Hickok 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. Hickok 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. Hickok, 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. Hickok served as MCWD’s District Engineer for 22 years, as well as consulting engineer to 16 other watershed districts;

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

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

Whereas, Mr. Hickok 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 Hickok 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.

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

135
136
137
138
139
140
141
142
143
144
145
146
147
148
149
150
151
152
153
154
155
156
157
158
159
160
161
162
163
164
165
166
167
168
169
170
171
172
173
174
175
176
177

The managers asked that District staff mail a copy of the resolution to each of Mr. Hickok’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.

178 ***BE IT FURTHER RESOLVED that the Minnehaha Creek Watershed District***
179 ***Board of Managers authorizes the District administrator to purchase a***
180 ***workstation computer for an amount not to exceed \$13,000.00.***
181

182 Responding to Manager Hejmadi, Mr. Beck affirmed that there is a sufficient pool of
183 qualified consultants to provide for a meaningful selection process. He added that the
184 District intends to involve the academic community in the review of the consultant’s
185 work. He noted that the project budget doesn’t explicitly provide for this, but that the
186 project team expects that funds will be found within the budget.
187

188 With respect to ongoing work, Ms. Cermak reported that the District will be receiving the
189 Minnehaha Creek cross-section data set next week, that the scripting refinement at
190 watershed scale is about 25 percent completed, and that the culvert data gap assessment is
191 complete, with only about 200 gaps identified.
192

193 Manager Maxwell asked how the model will be maintained. Mr. Beck suggested that this
194 will rest on the District’s conscious determination of the ways in which it wishes to use
195 the model.
196

197 ***Upon vote, the motion carried 6-0.***
198

199 **Board Inquiries, Issues and Ideas**
200

201 Manager Olson asked whether the District ever has dredged within Minnehaha Creek to
202 remove debris. Mr. Wisker replied that the District has worked within the creek as an
203 element of a broader project, for resource restoration purposes, but to his knowledge has
204 not done so for the specific purpose of debris removal.
205

206 Manager Miller asked whether staff has advanced the requested review of public land
207 ownership and possible private land availability along Minnehaha Creek to support a
208 continuation of the District’s corridor work. Mr. Wisker replied that staff has developed
209 “opportunity screening” maps to help operationalize its review. Staff intends to provide
210 an interim presentation to committee.
211

212 **Staff Updates**
213

214 **Administrator’s Report**
215

216 Mr. Wisker related that staff tenure has been positive for the past five or six years, which has
217 prompted work on two new human resources elements in order to provide for career growth for
218 those in the organization: a career ladder policy and an internal hiring process.
219

220 He noted that as an example of supporting the career goals of a valued employee, effective
221 January 2, Ms. Cermak will be moving from her Hydrologist position in the Research &

Minutes of the Regular Meeting
Minnehaha Creek Watershed District
Board of Managers
12-28-23

222 Monitoring Department to a Planner-Project Manager position in the Project Planning
223 Department. He added that Mr. Beck and Becky Christopher will be initiating searches for
224 positions in Research & Monitoring and Policy Planning, respectively.

225

226 **Adjournment**

227

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

230

231 Respectfully submitted,

232

233

234 Eugene Maxwell, Secretary

235

236

237

DRAFT