

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

4
5 **November 17, 2022**

6
7 **CALL TO ORDER**

8
9 The regular meeting of the Minnehaha Creek Watershed District was called to order by
10 President Sherry White at 7:07 p.m. on November 17, 2022.

11
12 **MANAGERS PRESENT**

13
14 Sherry White, William Olson, Richard Miller, Arun Hejmadi, Jessica Loftus, and
15 Stephen Sando.

16
17 **MANAGERS ABSENT**

18
19 Eugene Maxwell.

20
21 **DISTRICT STAFF AND CONSULTANTS PRESENT**

22
23 James Wisker, Administrator; Becky Christopher, Policy Planning Manager; Michael
24 Hayman, Project Planning Manager; Chris Meehan, District Consulting Engineer;
25 Thomas Radio, litigation counsel; and Louis Smith, District Counsel.

26
27 **APPROVAL OF AGENDA**

28
29 President White noted that Item 7.1 would be moved from the Consent Agenda to Action
30 Item 11.1. *It was moved by Manager Miller, seconded by Manager Olson to approve*
31 *the Agenda with this change. Upon vote, the motion carried 6-0 (Manager Maxwell*
32 *absent).*

33
34 **MATTERS FROM THE FLOOR**

35
36 None.

37
38 **CONSENT AGENDA**

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40 *It was moved by Manager Miller, seconded by Manager Hejmadi, to approve the items*
41 *on the Consent Agenda consisting of approval of the November 3, 2022, Board meeting*
42 *minutes, approval of the General Check Register, including check numbers 42087*
43 *through 42114 in the amount of \$452,803.30, electronic funds withdrawals of*
44 *\$42,253.47, Managers Per Diems and Reimbursements of \$2,044.25, employee*
45 *reimbursements of \$1,343.74, and payroll electronic funds withdrawals and*
46 *disbursements of \$162,352.62 for a total of \$660,797.38; the Surety Check Register for*

47 *check numbers 2181 through 2183 in the amount of \$8,027.00; and the Wire Check*
48 *Register in the amount of \$798,118.75 to Hennepin County for 2020A Refinance.*

49
50 *Upon vote, the motion carried 6-0 (Manager Maxwell absent).*

51
52 **BOARD, COMMITTEE AND TASK FORCE REPORTS**

53
54 Policy and Planning Committee: Manager Miller noted that the Committee met earlier in
55 the evening and received a presentation from Ms. Becky Christopher on the Long Lake
56 Subwatershed Partnership and a presentation from Mr. Wisker reviewing the transition
57 issues since 2018.

58
59 Citizens Advisory Committee: Manager Hejmadi reported that he attended the recent
60 CAC meeting which included a presentation and lively discussion of the CAC diagnostic
61 survey. The meeting was held in a hybrid format, which worked well. The discussion
62 focused on the CAC's contributions, including what the CAC brings to the Board and
63 staff, how the public learns about MCWD's work, and how neighborhood associations
64 learn about the MCWD's work.

65
66 Minnesota Association of Watershed Districts (MAWD) Annual Meeting: *It was moved*
67 *by President White, seconded by Manager Miller that President White and Manager*
68 *Olson be the authorized delegates to the MAWD annual meeting, and that Manager*
69 *Hejmadi be the alternate. Upon vote, the motion carried 6-0 (Manager Maxwell*
70 *absent).* The managers reviewed and discussed the proposed MAWD resolutions.

71
72 Upcoming Meeting and Event Schedule: President White directed the managers to the
73 meetings listed on the agenda.

74
75 **PUBLIC HEARINGS & PRESENTATIONS**

76
77 Public Comments on the 2023 Budget and Levy

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79 Mr. James Wisker briefly reviewed the 2023 budget and levy adopted on September 8,
80 2022. He noted that the Truth in Taxation law provided this additional opportunity for a
81 public informational meeting and comment.

82
83 President White invited comments from the public and there were none. Mr. Wisker
84 confirmed that no written comments on the budget and levy had been received by staff.
85 President White thanked Mr. Wisker for his presentation.

86
87
88
89

90 **ACTION ITEMS**

91
92 **Resolution 22-071: Authorization to execute an Environmental Response Fund Grant**
93 **Agreement with Hennepin County Environment and Energy Department for 325 Blake**
94 **Road**

95
96 Mr. Michael Hayman appeared before the Board of Managers and explained that there
97 are two pending issues to be resolved in the agreement based on review by legal counsel
98 concerning insurance requirements and document management. Mr. Hayman noted that
99 any substantive concerns would be brought back to the Board of Managers, but otherwise
100 the resolution would authorize execution of the grant agreement with any non-substantive
101 changes in consultation with legal counsel.

102
103 *It was moved by Manager Miller, seconded by Manager Olson to approve Resolution*
104 *22-071: Authorization to execute an Environmental Response Fund Grant Agreement*
105 *with Hennepin County Environment and Energy Department for 325 Blake Road as*
106 *follows:*

107
108 ***NOW, THEREFORE, BE IT RESOLVED that the Minnehaha Creek***
109 ***Watershed District Board of Managers hereby approves the grant agreement***
110 ***between Hennepin County, acting through its Environment and Energy***
111 ***Department for appropriated Environmental Response Funds in the amount of***
112 ***\$287,457, and authorizes the District Administrator to execute the Grant***
113 ***Agreement, with any non-substantive changes in consultation with legal***
114 ***counsel.***

115
116 *Upon vote, the motion carried 6-0 (Manager Maxwell absent).*

117
118 **BOARD DISCUSSION ITEMS**

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120 **Minnehaha Preserve Boardwalk Litigation Update**

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122 Mr. Smith recommended that the Board of Managers go into closed session for the
123 purpose of receiving confidential legal advice from Mr. Radio on litigation strategy in the
124 Minnehaha Preserve Boardwalk litigation.

125
126 *It was moved by Manager Olson, seconded by Manager Hejmadi for the Board to go*
127 *into closed session for this purpose. Upon vote, the motion carried 6-0 (Manager*
128 *Maxwell absent).*

129
130 Whereupon the Board of Managers went into closed session.

131
132 The Board of Managers returned to open session.

133

134 **BOARD INQUIRIES, ISSUES, AND IDEAS**

135

136 None.

137

138 **STAFF UPDATES**

139

140 Administrator's Report

141

142 Mr. Wisker reported on the following items:

143

144 1. Despite 1.5 inches of precipitation in November, precipitation for the year is still about
145 10 inches below normal. Lake Minnetonka is at 927.46.

146

147 2. Staff plans to brief the Minneapolis manager liaisons after Thanksgiving, as staff has
148 completed a review of agency plans and priorities.

149

150 3. The Research & Monitoring Program will issue two requests for proposals in December,
151 for the 2D model GIS data standardization and the East Auburn Wetland restoration
152 feasibility study.

153

154 4. Mike Hayman will be presenting the Arden Park project at the upcoming MAWD
155 conference.

156

157 5. Joshua Wolf has accepted an offer to serve as the new Project Maintenance and Land
158 Manager and will be starting at MCWD on December 19.

159

160 **Adjournment**

161

162 There being no further business, President White declared the meeting of the Board of
163 Managers adjourned at 8:03 p.m.

164

165 Respectfully submitted,

166

167

168

169 Eugene Maxwell, Secretary