MINUTES OF THE REGULAR MEETING OF 1 THE MINNEHAHA CREEK WATERSHED DISTRICT 2 3 **BOARD OF MANAGERS** 4 5 **December 2, 2021** 6 7 CALL TO ORDER 8 The regular meeting of the Minnehaha Creek Watershed District was called to order by 9 10 President Sherry White at 7:00 p.m. on December 2, 2021. President White noted that this meeting was convened electronically through Zoom, pursuant to Minnesota Statutes 11 13D.021, due to the COVID-19 pandemic and her determination that it is not prudent for 12 the Board of Managers, or any committee thereof, to meet in person, and it is not feasible 13 to provide for any member of the Board, or of the public, to meet at the regular meeting 14 location. For this reason, until this determination is withdrawn by the District's presiding 15 officer, chief legal counsel or chief administrative officer, the meetings of the Board and 16 17 its committees will be convened by telephone or other electronic means as the presiding officer determines appropriate. All such meetings will be noticed and conducted in 18 accordance with §13D.021 and all other applicable terms of the Open Meeting Law. 19 President White noted that, pursuant to §13D.021, all votes will be by roll call. 20 21 President White called the roll to note attendance: 22 23 Hejmadi: 24 Present. 25 Loftus: Present 26 Sando: Present Miller: Present 27 Olson: Present 28 29 Maxwell: Present 30 White: Present. 31 **DISTRICT STAFF AND CONSULTANTS PRESENT** 32 33 James Wisker, Administrator; Becky Christopher, Policy Planning Manager; Kate Moran, 34 35 Policy Planning Coordinator; Chris Meehan, Consulting Engineer; and Louis Smith, District Counsel. 36 37 38 **MATTERS FROM THE FLOOR** 39 None. 40 41 42 APPROVAL OF AGENDA 43 It was moved by Manager Miller, seconded by Manager Maxwell to approve the 44 Agenda as distributed. 45

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

48

49 Hejmadi: Aye

- 50 Loftus: Aye
- 51 Sando: Aye
- 52 Miller: Aye
- 53 Olson: Aye
- 54 Maxwell: Aye 55 White: Aye
- 55 56

57 <u>CONSENT AGENDA</u>

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It was moved by Manager Miller, seconded by Manager Sando, to approve the Consent
 Agenda consisting of approval of the November 18, 2021 Board minutes.

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

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- 64 Hejmadi: Aye 65 Loftus: Aye
- 66 Sando: Aye 67 Miller: Aye
- 67 Miller: Aye 68 Olson: Aye
- 69 Maxwell: Aye
- 70 White: Aye
- 71

72 BOARD, COMMITTEE AND TASK FORCE REPORTS

- 73
- 74 Minnesota Association of Watershed Districts Annual Conference: Manager Olson noted
- that he had attended valuable sessions, including one session that illustrated the
- 76 watershed value of recreation investments such as walking paths. He stated that this
- session affirmed the value of the MCWD investments in recreational infrastructure to
- 78 facilitate access to water resources.
- 79
- 80 Operations and Programs Committee Report: Manager Loftus reported that the
- 81 Committee met earlier in the evening and received a briefing on the MCWD's climate
- 82 action framework.
- 83
- 84 <u>Upcoming Meeting and Event Schedule:</u> President White directed the managers to the
 85 meetings listed on the agenda.
- 86

87 ACTION ITEMS

88

- 89 <u>Resolution 21-080: Approving Funding Agreement with the City of</u>
- 90 Plymouth for the Maple Creek Pond Improvement Project

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91	Resolution 21-081: 2022 Budget Amendment for the Maple Creek		
92	Pond Improvement Project		
93			
94	Ms. Kate Moran appeared before the Board of Managers to review these two requests for		
95	board action concerning the Maple Creek Pond Improvement Project. She noted that the		
96	Board of Managers previously ordered this project as part of the pilot phase of the		
97	Responsive Program. Resolution 21-069 ordered the project conditioned on a funding		
98	agreement with the City of Plymouth and a 2022 Budget amendment.		
99			
100	Ms. Moran noted the proposed funding agreement which had been developed with the		
101	City of Plymouth and based on the term sheet reviewed by the Board. Together with legal		
102	counsel, staff have carefully considered a scale of risk mitigation for this and other		
103	projects in the future, considering such factors as the level of MCWD support, and risks		
104	or uncertainty of technology. This project involves a well-known best management		
105	practice and confidence in performance, and the terms relating to performance		
106	expectations in the agreement are aligned with terms in a maintenance agreement with		
107	the City. Mr. Smith commented on the comparative considerations with this relatively		
108	smaller projects and projects such as Taft Legion. Ms. Moran explained the proposed		
109	budget amendment which would address this project without increasing the 2022 levy.		
110			
111	It was moved by Manager Hejmadi, seconded by Manager Loftus to adopt Resolution		
112	21-080 as follows:		
113			
114	NOW, THEREFORE, BE IT RESOLVED that the Minnehaha Creek		
115	Watershed District Board of Managers hereby authorizes the District		
116	Administrator to execute the Project Funding Agreement, with non-material		
117 118	changes and on advice of counsel.		
118	Upon roll call vote, the motion carried 7-0 as follows:		
120	opon roll cult vole, the motion curried 7-0 us jouows.		
120	Hejmadi: Aye		
121	Loftus: Aye		
123	Sando: Aye		
124	Miller: Aye		
125	Olson: Aye		
126	Maxwell: Aye		
127	White: Aye		
128			
129	It was moved by Manager Hejmadi, seconded by Manager Loftus to adopt Resolution		
130	21-081 as follows:		
131			
132	NOW, THEREFORE, BE IT RESOLVED that the Minnehaha Creek		
133	Watershed District Board of Managers hereby amends the 2022 budget as		
134	recommended by staff for a total 2022 budget of \$15,127,532.		

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

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6

- 137 Hejmadi: Aye
- 138 Loftus: Aye
- 139Sando:Aye140Miller:Aye
- 140Miller:Aye141Olson:Aye
- 141Olson:Aye142Maxwell:Aye
- 142 Maxwell. Aye 143 White: Aye
- 144

145 **STAFF UPDATES**

- 146
- 147 <u>Administrator's Report</u>

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149 Mr. Wisker reported on the following items:

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- 1. He is working with President White to schedule annual outreach meetings with the Hennepin County Commissioners, and with Manager Olson for meetings with the Carver County Commissioners; and
- 2. Other meetings are planned with other newly elected municipal officials.

156 157 <u>Adjournment</u>

- 158
- There being no further business, President White declared the meeting of the Board ofManagers adjourned at 7:29 p.m.
- 161
- 162 Respectfully submitted,
- 163
- 164
- 165
- 166 Eugene Maxwell, Secretary