

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

**February 23, 2023**

**CALL TO ORDER AND ROLL CALL ATTENDANCE**

The regular meeting of the Minnehaha Creek Watershed District was called to order by President Sherry White 7:00 pm on February 23, 2013.

President White called the roll to note attendance:

|          |   |
|----------|---|
| Sando:   | Present   |
| Miller:  | Present   |
| Olson:   | Present   |
| Maxwell: | Present remotely as duly noticed using interactive technology from Cimarron Golf Resort, 67603 30th Avenue, Cathedral City, California. |
| White:   | Present   |
| Loftus:  | Present   |
| Hejmadi: | Absent but monitored the meeting using interactive technology; did not participate in discussion or vote.                               |

**DISTRICT STAFF AND CONSULTANTS PRESENT**

James Wisker, Administrator; Michael Hayman, Project Planning Manager; Thomas J. Radio, Litigation Counsel; and Louis Smith, District Counsel.

**MATTERS FROM THE FLOOR**

None.

**APPROVAL OF AGENDA**

President White noted that Item 12.1, Discussion of Minnehaha Preserve, would be moved to an Action Item 11.1. *It was moved by Manager Miller, seconded by Manager Olson to approve the Agenda with this change. Upon roll call vote, the motion carried 6-0 as follows:*

|          |        |
|----------|--------|
| Sando:   | Aye    |
| Miller:  | Aye    |
| Olson:   | Aye    |
| Maxwell: | Aye    |
| Loftus:  | Aye    |
| White:   | Aye    |
| Hejmadi: | Absent |

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**CONSENT AGENDA**

*It was moved by Manager Olson, seconded by Manager Miller to approve the items on the Consent Agenda consisting of approval of the February 9, 2023 Meeting Minutes, the February 13, 2023 Special Board Meeting Minutes, approval of the General Check Register, including check numbers 42185 through 42205 in the amount of \$357,839.80, electronic funds withdrawals of \$39,204.92, Managers Per Diems and Reimbursements of \$1,730.36, employee reimbursements of \$4,480.91, and payroll electronic funds withdrawals and disbursements of \$154,361.84 for a total of \$557,617.83; the Surety Check Register Bremer Bank fee in the amount of \$50.00; the Wire Check Register in the amount of \$0; and the following Resolutions:*

*Resolution 23-014: Selection of Vendor and Authorization to Enter into a Contract with IT Managed Services Provider*

*NOW, THEREFORE, BE IT RESOLVED that the Minnehaha Creek Watershed District Board of Managers hereby authorizes the District Administrator to negotiate and execute an IT managed services contract with Solution Builders, Inc. for a period of two years; and*

*Resolution 23-015: 2023 National American Planning Association Conference Attendance*

*NOW, THEREFORE, BE IT RESOLVED that the Minnehaha Creek Watershed District Board of Managers authorize up to two (2) staff to attend the 2023 National American Planning Association conference for a cost not to exceed \$6,400 for registration, travel and accommodations.*

*Upon roll call vote, the motion carried 6-0 as follows:*

|          |        |
|----------|--------|
| Sando:   | Aye    |
| Miller:  | Aye    |
| Olson:   | Aye    |
| Maxwell: | Aye    |
| Loftus:  | Aye    |
| White:   | Aye    |
| Hejmadi: | Absent |

**BOARD, COMMITTEE AND TASK FORCE REPORTS**

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President's Report: President White noted that meetings with county commissioners concluded with a meeting with Commissioner Fernando's aide. Metro Watersheds has requested that MCWD present our climate action framework at the next meeting in April.

Policy and Planning Committee Meeting Report: President White noted that there was no committee meeting this evening.

### **ACTION ITEMS**

#### Minnehaha Preserve Update

*Upon recommendation of Mr. Smith, it was moved by Manager Olson, seconded by Manager Miller that the Board of Managers move into closed session for the purpose of receiving confidential legal advice concerning litigation strategy from Mr. Radio. Upon roll call vote, the motion carried 6-0 as follows:*

|          |        |
|----------|--------|
| Sando:   | Aye    |
| Miller:  | Aye    |
| Olson:   | Aye    |
| Maxwell: | Aye    |
| White:   | Aye    |
| Loftus:  | Aye    |
| Hejmadi: | Absent |

Whereupon the Board of Managers went into closed session.

The Board of Managers returned to open session.

*It was moved by Manager Sando, seconded by Manager Maxwell to approve the settlement agreement and release with HR Green, Inc. and Blackstone Contractors, LLC, dated February 23, 2023. Upon roll call vote, the motion carried 6-0 as follows:*

|          |        |
|----------|--------|
| Sando:   | Aye    |
| Miller:  | Aye    |
| Olson:   | Aye    |
| Maxwell: | Aye    |
| White:   | Aye    |
| Loftus:  | Aye    |
| Hejmadi: | Absent |

### **BOARD DISCUSSION ITEMS**

None.

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**BOARD INQUIRIES, ISSUES, AND IDEAS**

None.

**STAFF UPDATES**

Administrator's Report

Mr. Wisker noted that there was no administrator's report.

**PERFORMANCE EVALUATION**

President White suggested moving into closed session to evaluate Mr. Wisker's performance as Administrator. *It was moved by Manager Miller, seconded by Manager Olson to go into closed session for this purpose. Upon roll call vote, the motion carried 6-0 as follows:*

|          |        |
|----------|--------|
| Sando:   | Aye    |
| Miller:  | Aye    |
| Olson:   | Aye    |
| Maxwell: | Aye    |
| White:   | Aye    |
| Loftus:  | Aye    |
| Hejmadi: | Absent |

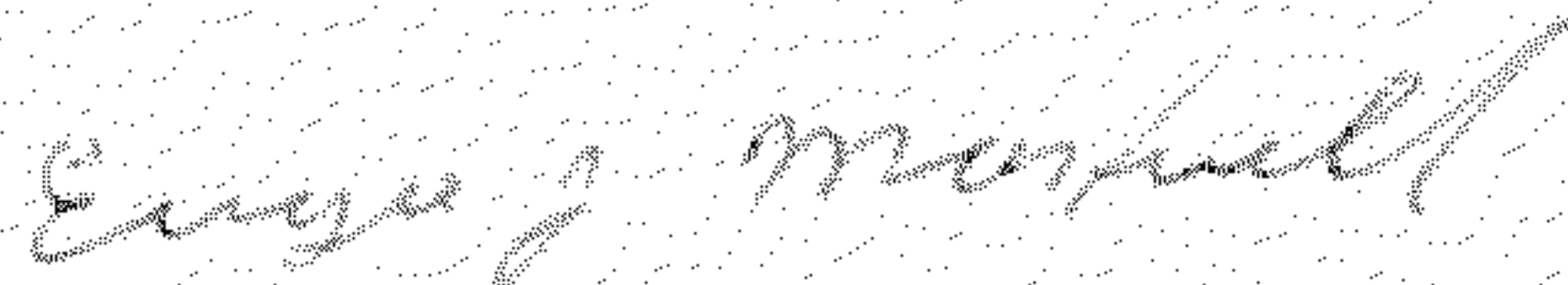
Whereupon the Board of Managers went into closed session.

The Board of Managers returned to open session.

**Adjournment**

There being no further business, President White declared the meeting of the Board of Managers adjourned at 8:36 p.m.

Respectfully submitted,



Eugene Maxwell, Secretary