

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

November 17, 2022

CALL TO ORDER

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

MANAGERS PRESENT

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

MANAGERS ABSENT

Eugene Maxwell.

DISTRICT STAFF AND CONSULTANTS PRESENT

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

APPROVAL OF AGENDA

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

MATTERS FROM THE FLOOR

None.

CONSENT AGENDA

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

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

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

BOARD, COMMITTEE AND TASK FORCE REPORTS

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

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

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

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

PUBLIC HEARINGS & PRESENTATIONS

Public Comments on the 2023 Budget and Levy

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

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

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ACTION ITEMS

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

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

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

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

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

BOARD DISCUSSION ITEMS

Minnehaha Preserve Boardwalk Litigation Update

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

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

Whereupon the Board of Managers went into closed session.

The Board of Managers returned to open session.

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BOARD INQUIRIES, ISSUES, AND IDEAS

None.

STAFF UPDATES

Administrator's Report

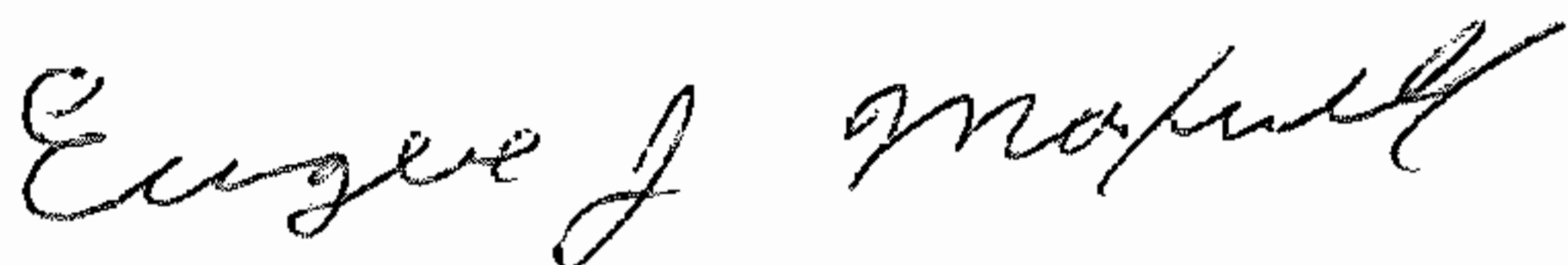
Mr. Wisker reported on the following items:

1. Despite 1.5 inches of precipitation in November, precipitation for the year is still about 10 inches below normal. Lake Minnetonka is at 927.46.
2. Staff plans to brief the Minneapolis manager liaisons after Thanksgiving, as staff has completed a review of agency plans and priorities.
3. The Research & Monitoring Program will issue two requests for proposals in December, for the 2D model GIS data standardization and the East Auburn Wetland restoration feasibility study.
4. Mike Hayman will be presenting the Arden Park project at the upcoming MAWD conference.
5. Joshua Wolf has accepted an offer to serve as the new Project Maintenance and Land Manager and will be starting at MCWD on December 19.

Adjournment

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

Respectfully submitted,



Eugene Maxwell, Secretary