

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

January 13, 2022

CALL TO ORDER

The regular meeting of the Minnehaha Creek Watershed District was called to order by President Sherry White at 7:00 p.m. on January 13, 2022. President White noted that this meeting was convened electronically through Zoom, pursuant to Minnesota Statutes 13D.021, due to the COVID-19 pandemic and her determination that it is not prudent for the Board of Managers, or any committee thereof, to meet in person, and it is not feasible to provide for any member of the Board, or of the public, to meet at the regular meeting location. For this reason, until this determination is withdrawn by the District's presiding officer, chief legal counsel or chief administrative officer, the meetings of the Board and its committees will be convened by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 accordance with §13D.021 and all other applicable terms of the Open Meeting Law. President White noted that, pursuant to §13D.021, all votes will be by roll call.

President White called the roll to note attendance:

| | |
|----------|----------|
| Hejmadi: | Present |
| Loftus: | Present |
| Sando: | Present |
| Miller: | Absent |
| Olson: | Present |
| Maxwell: | Present |
| White: | Present. |

DISTRICT STAFF AND CONSULTANTS PRESENT

James Wisker, Administrator; Kayla Westerlund, Permitting Program Manager; Grace Barlow, Permitting Technician; Becky Christopher, Policy Planning Manager; Kate Moran, Policy Planning Coordinator; Chris Meehan, District Consulting Engineer; and Louis Smith, District Counsel.

MATTERS FROM THE FLOOR

None.

APPROVAL OF AGENDA

It was moved by Manager Sando, seconded by Manager Maxwell to approve the Agenda as distributed. Upon roll call vote, the motion carried 6-0 as follows:

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

INFORMATION ITEMS

Introduction of New Staff

Mr. Wisker introduced Ms. Kayla Westerlund as the new Permitting Program Manager. Ms. Westerlund reviewed her background and interest in the work of the District. The managers welcomed Ms. Westerlund to the District.

CONSENT AGENDA

It was moved by Manager Hejmadi, seconded by Manager Loftus, to approve the items on the Consent Agenda consisting of approval of the December 16, 2021 Board meeting minutes; the General Checking Account consisting of checks 41775 through 41800 in the amount of \$252,537.51; electronic funds withdrawals in the amount of \$6,127.18; manager per diems and reimbursement direct deposits in the amount of \$7,531.44; employee reimbursements - direct deposits in the amount of \$118.40; and payroll electronic funds withdrawals & disbursements in the amount of \$69,637.94; for Total General Checking expenses of \$335,952.47; the surety checking account bank service charge totaling \$30.00; and adoption of the following resolution:

Resolution 21-001: Approval of District Funds Depository:

NOW, THEREFORE, BE IT RESOLVED that the Minnehaha Creek Watershed District Board of Managers hereby names Bremer Bank as the 2022 official depository of District Funds for its four bank accounts;

Resolution 21-002: Approval of District Depository of Noncash Financial Assurances:

NOW, THEREFORE, BE IT RESOLVED that the Minnehaha Creek Watershed District Board of Managers hereby names Smith Partners as the 2022 official depository of noncash financial assurances for the District;

Resolution 21-003: Approval of Official District Newspaper

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NOW, THEREFORE, BE IT RESOLVED that the Minnehaha Creek Watershed District Board of Managers: hereby designates the Star Tribune as the official newspaper of the District for 2022; and

Resolution 21-004: Approval of District Fee Schedule:

NOW, THEREFORE, BE IT RESOLVED that the Minnehaha Creek Watershed District Board of Managers hereby approves the following 2022 District fee schedule.

2022 District Fee Schedule

| | |
|---|---|
| <i>District professional staff*</i> | <i>\$ 65.51</i> |
| <i>District administrative staff*</i> | <i>\$ 46.69</i> |
| <i>Consulting Engineer/Technician</i> | <i>\$ Contracted Rate</i> |
| <i>District Counsel</i> | <i>\$ Contracted Rate</i> |
| <i>Permit Application Fee</i> | <i>\$ 10.00</i> |
| <i>B&W Copy Costs (8½ x 11 page)</i> | <i>\$ 0.25 + actual staff time</i> |
| <i>Color Copy (8½ x 11 page)</i> | <i>\$ 1.00 + actual staff time</i> |
| <i>Electronic Records</i> | <i>\$ cost of production</i> |

District expenses for postage, mailing labels, contracted services, and other miscellaneous services will be billed at cost.

The “Application Fee” applies to all permits, including fast track permits.

****Blended/burdened professional rate.***

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

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

BOARD, COMMITTEE AND TASK FORCE REPORTS

President’s Report: President White reported on recent meetings held with the 325 Blake Road liaisons and briefings with city council members and Hennepin County Commissioners.

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Operations and Programs Committee: Manager Loftus reported that the committee received a presentation from Mr. Wisker on the climate action framework.

Upcoming Meeting and Event Schedule: President White directed the managers to the meetings listed on the agenda and noted that Manager Loftus will be attending the Metro MAWD meeting on January 18 and Manager Maxwell will be attending the Citizens Advisory Committee on January 19.

PERMITS REQUIRING A VARIANCE OR DISCUSSION

Permit 21-113: City of Shorewood Smithtown Pond Project

Ms. Grace Barlow appeared before the Board of Managers to review the permit application. She noted that it was before the Board of Managers at the request of a member of the public. She reviewed the project location, area drainage patterns, concerns with flooding and erosion, and the proposed project to construct ponds to address these issues. Ms. Barlow noted the concerns expressed about the project, including loss of trees and vegetation, lack of data on flow and pollutant loading and reliance on modeling for project design.

Mr. Alan Yelsey appeared before the Board of Managers and described his concerns at length, including the following: adequacy of notice of the meeting; lack of city response to data requests; and merits and design concerns with the project including reliance on models instead of monitoring data, cost/benefit, and intrinsic value of the site in its current state. Mr. Wisker reviewed those concerns and noted that the focus for the MCWD is review of the application under its applicable rules. Mr. Andrew Budde appeared on behalf of the City of Shorewood to note the purpose of the project and his availability to answer any questions. Mr. Yelsey stated that he felt that approving the application was contrary to the MCWD's guiding principles and again noted the city's failure to respond to his data requests. Mr. Smith noted that the project is proposed to serve as a regional stormwater management facility in the future to provide treatment for future projects and therefore counsel recommended one additional condition #3 as follows: "The City must apply to the District for a permit for the Strawberry Road improvements and any other future project intending to use the Smithtown Pond Project facilities to meet compliance requirements, for review in accordance with this approval."

It was moved by Manager Maxwell, seconded by Manager Olson to approve the permit application as recommended by staff with the additional Condition #3 as recommended by counsel. In response to a question from Manager Maxwell, Mr. Wisker and Mr. Budde reviewed the notice provided of the permit application, and Mr. Budde reviewed the timing for the project and pending permit from the U.S. Army Corps of Engineers.

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In response to a question from Manager Hejmadi, Mr. Meehan provided his review of the application pursuant to MCWD rules, design standards, reliance of models in stormwater facility design, and stated that the project meets requirements and is in an appropriate location for a regional solution of stormwater issues. *Following discussion, upon roll call vote, the motion carried 5-1 as follows:*

Hejmadi: Aye
Loftus: Aye
Sando: Aye
Miller: Absent
Olson: Aye
Maxwell: Nay
White: Aye

ACTION ITEMS

Election of Board Officers and Appointment of Committee Assignments

Manager Maxwell nominated Sherry White for President. There being no further nominations, upon roll call vote, Sherry White was elected President by a vote of 6-0 as follows:

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

Manager Maxwell nominated William Olson for Vice President, and Manager Hejmadi seconded the nomination. There being no further nominations, upon roll call vote, William Olson was elected Vice President by a vote of 6-0 as follows:

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

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Manager Hejmadi nominated Jessica Loftus for Treasurer, and Manager Maxwell seconded the nomination. There being no further nominations, upon roll call vote, Jessica Loftus was elected Treasurer by a vote of 6-0 as follows:

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

Manager Hejmadi nominated Eugene Maxwell for Secretary. There being no further nominations, upon roll call vote, Eugene Maxwell was elected Secretary by a vote of 6-0 as follows:

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

President White appointed Managers Miller, Maxwell and Sando to serve on the Policy and Planning Committee, and Managers Loftus, Olson, and Hejmadi to serve on the Operations and Programs Committee. It was moved by Manager Olson, seconded by Manager to confirm these appointments. Upon roll call vote, the motion carried by a vote of 6-0 as follows:

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

President White appointed Manager Miller to serve with President White and Manager Hejmadi as liaisons to the City of Minneapolis and the Minneapolis Park and Recreation Board. It was moved by Manager Maxwell, seconded by Manager Sando to confirm this appointment. Upon roll call vote, the motion carried by a vote of 6-0 as follows:

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

BOARD DISCUSSION ITEMS

Responsive Program Name

Ms. Becky Christopher and Ms. Kate Moran appeared before the Board of Managers to review updated staff recommendations for the name of the Responsive Program. Ms. Moran noted that following the Board's initial discussion on December 16, further review produced three top names for consideration, and the staff recommends "Land & Water Partnership." Each of the managers expressed their support for this recommendation. *It was moved by Manager Sando, seconded by Manager Hejmadi that the program name be "Land & Water Partnership." Upon roll call vote, the motion carried by a vote of 6-0 as follows:*

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

STAFF UPDATES

Administrator's Report

Mr. Wisker reported on the following items:

1. The MCWD will host a virtual public meeting to present updated (60%) designs for its stormwater and Greenway project at 325 Blake Road; the comments received at this meeting will be available for the Board's consideration in February;

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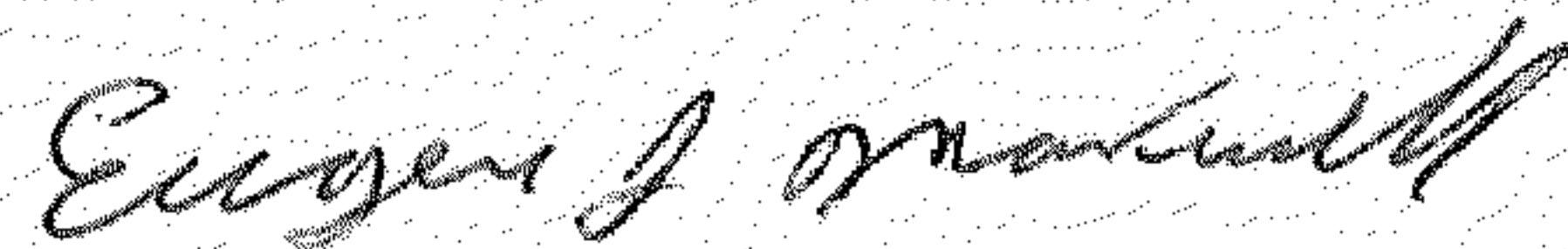
2. President White and Mr. Wisker held productive briefing sessions with Hennepin County Commissioners, and the commissioners offered encourage feedback on the 325 Blake Road project, climate action framework, and the responsive program; and
3. There has been a major increase in COVID-19 cases locally and nationally and the MCWD staff has been affected with infections and exposures; accordingly, Mr. Wisker would like action by the Board of Managers to authorize closure of the MCWD office for ten business days, providing for staff to work remotely. Mr. Wisker stated that he would foresee minimal disruption for the public, given the significant decrease in walk-in office visits and increased reliance of the permitting portal. The managers expressed their concurrence with this action. ***It was moved by Manager Olson, seconded by Manager Hejmadi to authorize the Administrator to close the MCWD office for ten business days and reconsideration of the situation at the January 27 board meeting. Upon roll call vote, the motion carried by a vote of 6-0 as follows:***

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

Adjournment

There being no further business, President White declared the meeting of the Board of Managers adjourned at 8:52 p.m.

Respectfully submitted,



Eugene Maxwell, Secretary