

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

4
5 **October 7, 2021**

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 7:00 p.m. on October 7, 2021. President White noted that this
11 meeting was convened electronically through Zoom, pursuant to Minnesota Statutes
12 13D.021, due to the COVID-19 pandemic and her determination that it is not prudent for
13 the Board of Managers, or any committee thereof, to meet in person, and it is not feasible
14 to provide for any member of the Board, or of the public, to meet at the regular meeting
15 location. For this reason, until this determination is withdrawn by the District's presiding
16 officer, chief legal counsel or chief administrative officer, the meetings of the Board and
17 its committees will be convened by telephone or other electronic means as the presiding
18 officer determines appropriate. All such meetings will be noticed and conducted in
19 accordance with §13D.021 and all other applicable terms of the Open Meeting Law.
20 President White noted that, pursuant to §13D.021, all votes will be by roll call.

21
22 President White called the roll to note attendance:

23
24 Hejmadi: Present.
25 Loftus: Present
26 Sando: Present
27 Miller: Present
28 Olson: Present
29 Maxwell: Present
30 White: Present.

31
32 **DISTRICT STAFF AND CONSULTANTS PRESENT**
33

34 James Wisker, Administrator; Grace Barlow, Permitting Technician; Kailey Cermak,
35 Hydrologist; Chris Meehan, Consulting Engineer; and Louis Smith, District Counsel.

36
37 **MATTERS FROM THE FLOOR**
38

39 None.

40
41 **APPROVAL OF AGENDA**
42

43 *It was moved by Manager Miller, seconded by Manager Hejmadi to approve the*
44 *Agenda as distributed. Upon roll call vote, the motion carried 7-0 as follows:*
45
46

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47 Hejmadi: Aye
48 Loftus: Aye
49 Sando: Aye
50 Miller: Aye
51 Olson: Aye
52 Maxwell: Aye
53 White: Aye

54

55 **CONSENT AGENDA**

56

57 *It was moved by Manager Olson, seconded by Manager Miller, to approve the Consent*
58 *Agenda consisting of approval of the September 23, 2021 Board minutes. Manager*
59 *Olson noted a typographical error in the spelling of Manager Hejmadi's name at line*
60 *125, which was corrected by unanimous consent.*

61

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

63

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

71

72 **BOARD, COMMITTEE AND TASK FORCE REPORTS**

73

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

76

77 **PERMITS REQUIRING A VARIANCE OR DISCUSSION**

78

79 Permit 19-553: Metropolitan Council Environmental Services L24 Forcemain, Wetland
80 Buffer, St. Bonifacius

81

82 Ms. Grace Barlow appeared before the Board of Managers and reviewed the permit
83 report. She noted that the applicant is seeking a variance from the wetland buffer rule.
84 The City of Minnetrista is the Local Governmental Unit for the Wetland Conservation
85 Act, and the project site is surrounded by Preserve classification wetland, which requires
86 a 75-foot buffer under the MCWD rule. The proposed average buffer is 34 feet. Ms.
87 Barlow reviewed the site constraints, such that any upgrade or expansion to the lift
88 station would be infeasible with the full buffer. She explained that the project will
89 provide stormwater treatment beyond the MCWD requirements.

90

91 ***Following discussion, it was moved by Manager Olson, seconded by Manager Miller to***
92 ***grant the requested variance based on the technical basis and justification identified by***
93 ***staff. Upon roll call vote, the motion carried 6-0 as follows:***

94
95 Hejmadi: Aye
96 Loftus: Aye
97 Sando: Absent for vote
98 Miller: Aye
99 Olson: Aye
100 Maxwell: Aye
101 White: Aye

102
103 ***It was moved by Manager Olson, seconded by Manager Miller to approve the permit***
104 ***with the conditions recommended by staff. Upon roll call vote, the motion carried 6-0***
105 ***as follows:***

106
107 Hejmadi: Aye
108 Loftus: Aye
109 Sando: Absent for vote
110 Miller: Aye
111 Olson: Aye
112 Maxwell: Aye
113 White: Aye

114
115
116 **ACTION ITEMS**

117
118 **Resolution 21-065: Authorization to Release RFP for 2D Model Pilot Build**

119
120 Ms. Kailey Cermak appeared before the Board of Managers to review the request for
121 board action. She briefly reviewed the background in development of an updated model
122 with higher resolution using real-time data to characterize how water moves through the
123 watershed. She noted that the pilot model project has been designed to meet three
124 objectives: (1) develop automated workflows for transforming geospatial datasets into
125 model input formats that enable the District to scale the process watershed-wide; (2)
126 understand benefits and drawbacks associated with the development and usability of the
127 two selected software; and (3) identify which of the two selected modeling software is
128 best suited to scale watershed-wide. ***It was moved by Manager Miller, seconded by***
129 ***Manager Olson to adopt Resolution 21-065 as follows:***

130
131 ***NOW, THEREFORE, BE IT RESOLVED that the Minnehaha Creek***
132 ***Watershed District Board of Managers authorizes the release of the request for***
133 ***proposals for the 2D pilot model build, and allows for the administrator to make***

134 *non-substantive edits to the document and schedule based on advice of MCWD*
135 *legal counsel.*
136

137 Manager Olson noted the projected budget for the project identified in the request for
138 proposals and asked if that was a firm not-to-exceed number for the work. Ms. Cermak
139 noted that the projected budget is offered as a guide to proposers. Upon a question from
140 Manager Maxwell, Ms. Cermak explained that this is a pilot effort that will inform the
141 ultimate development of a model for all cities in the watershed through a learning
142 process. Manager Hejmadi recalled a presentation about 2D modelling at the conference
143 of the Minnesota Association of Watershed Districts, and Mr. Wisker noted this was a
144 presentation by the City of Minneapolis on GIS modelling; the City has affirmed support
145 for the MCWD pilot effort. Upon a further question from Manager Hejmadi concerning
146 the challenge of this undertaking, Ms. Cermak explained that staff envisions a national
147 search to yield proposals with the necessary expertise.
148

149 Upon a question from Manager Hejmadi, Ms. Cermak explained that real time sensors
150 would validate and feed the machine learning models to allow more precise prediction.
151 Ms. Cermak also reviewed the evaluation framework to judge progress in this work.
152 Manager Hejmadi asked whether the consultant working on the pilot may then be chosen
153 to work on the watershed-wide model, and Ms. Cermak stated that the RFP indicates the
154 overall vision that should also attract interest among consultants. Manager Hejmadi
155 noted the impact of this project and wondered whether it would be helpful to designate a
156 board liaison to the project. Manager Miller invited Mr. Wisker to develop a
157 recommendation in this regard.
158

159 Upon a question from Manager Olson, Mr. Wisker noted that this work can be of use to
160 other watersheds by demonstrating the process to scale 2D modelling.
161

162 ***Upon roll call vote, the motion carried 7-0 as follows:***
163

164 Hejmadi: Aye
165 Loftus: Aye
166 Sando: Aye
167 Miller: Aye
168 Olson: Aye
169 Maxwell: Aye
170 White: Aye
171

172 **STAFF UPDATES**
173

174 **Administrator's Report**
175

176 Mr. Wisker reported on the following items:
177

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- 178 1. Staff is continuing to engage with assistance of legal counsel in the closing of the
179 sale of the Schaper property to address the District's interest. While the closing
180 has been delayed, the buyers have begun to invest in the property and publicized
181 the effort;
182
- 183 2. As requested by the Board of Managers, staff is planning to present the schematic
184 design of the public realm improvements for 325 Blake Road to the Hopkins City
185 Council on October 12; the preliminary development agreement is still under
186 review by Alatus;
187
- 188 3. Staff have engaged with the City of Edina concerning streambank erosion south
189 of Arden Park at 54th Street. This is essentially work at the private residential
190 scale and not rising to the level of significant involvement for the city or the
191 MCWD. A meeting has been scheduled to discuss the situation further on
192 October 19; and
193
- 194 4. Mr. Wisker noted that he intends to waive conflict of interest concerns regarding
195 the potential engagement of Stantec with the City of Victoria for a road
196 improvement project. Mr. Wisker noted minimal risk of a conflict problem and
197 the potential connection to future developments in the city. *It was moved by*
198 *Manager Miller, seconded by Manager Olson to affirm the administrator's*
199 *waiver of a conflict concern in Stantec's response to an RFP with the City of*
200 *Victoria as described above.* In response to a question from Manager Maxwell,
201 Mr. Smith noted there was no legal concern with this matter; upon a question
202 from Manager Miller, Mr. Smith affirmed that if there were a legal concern
203 counsel would express it without prompting.
204

205 **Adjournment**

206
207 There being no further business, President White declared the meeting of the Board of
208 Managers adjourned at 8:06 p.m.

209 Respectfully submitted,
210

211
212
213
214 Eugene Maxwell, Secretary