

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

4
5 **January 13, 2022**
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 January 13, 2022. 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 For this reason, until this determination is withdrawn by the District's presiding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: Absent
28 Olson: Present
29 Maxwell: Present
30 White: Present.
31

32 **DISTRICT STAFF AND CONSULTANTS PRESENT**
33

34 James Wisker, Administrator; Kayla Westerlund, Permitting Program Manager; Grace
35 Barlow, Permitting Technician; Becky Christopher, Policy Planning Manager; Kate
36 Moran, Policy Planning Coordinator; Chris Meehan, District Consulting Engineer; and
37 Louis Smith, District Counsel.
38

39 **MATTERS FROM THE FLOOR**
40

41 None.
42

43 **APPROVAL OF AGENDA**
44

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

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

55
56 **INFORMATION ITEMS**

57
58 **Introduction of New Staff**

59
60 Mr. Wisker introduced Ms. Kayla Westerlund as the new Permitting Program Manager.
61 Ms. Westerlund reviewed her background and interest in the work of the District. The
62 managers welcomed Ms. Westerlund to the District.
63

64 **CONSENT AGENDA**

65
66 *It was moved by Manager Hejmadi, seconded by Manager Loftus, to approve the items*
67 *on the Consent Agenda consisting of approval of the December 16, 2021 Board*
68 *meeting minutes; the General Checking Account consisting of checks 41775 through*
69 *41800 in the amount of \$252,537.51; electronic funds withdrawals in the amount of*
70 *\$6,127.18; manager per diems and reimbursement direct deposits in the amount of*
71 *\$7,531.44; employee reimbursements - direct deposits in the amount of \$118.40; and*
72 *payroll electronic funds withdrawals & disbursements in the amount of \$69,637.94; for*
73 *Total General Checking expenses of \$335,952.47; the surety checking account bank*
74 *service charge totaling \$30.00; and adoption of the following resolution:*

75
76 ***Resolution 21-001: Approval of District Funds Depository:***

77
78 ***NOW, THEREFORE, BE IT RESOLVED that the Minnehaha Creek***
79 ***Watershed District Board of Managers hereby names Bremer Bank as the 2022***
80 ***official depository of District Funds for its four bank accounts;***

81
82 ***Resolution 21-002: Approval of District Depository of Noncash Financial Assurances:***

83
84 ***NOW, THEREFORE, BE IT RESOLVED that the Minnehaha Creek***
85 ***Watershed District Board of Managers hereby names Smith Partners as the***
86 ***2022 official depository of noncash financial assurances for the District;***

87
88 ***Resolution 21-003: Approval of Official District Newspaper***

89

90 *NOW, THEREFORE, BE IT RESOLVED that the Minnehaha Creek*
91 *Watershed District Board of Managers: hereby designates*
92 *the Star Tribune as the official newspaper of the District for 2022; and*
93

94 ***Resolution 21-004: Approval of District Fee Schedule:***

95
96 *NOW, THEREFORE, BE IT RESOLVED that the Minnehaha Creek*
97 *Watershed District Board of Managers hereby approves the following 2022*
98 *District fee schedule.*
99

100 ***2022 District Fee Schedule***

101		
102	<i>District professional staff*</i>	<i>\$ 65.51</i>
103	<i>District administrative staff*</i>	<i>\$ 46.69</i>
104	<i>Consulting Engineer/Technician</i>	<i>\$ Contracted Rate</i>
105	<i>District Counsel</i>	<i>\$ Contracted Rate</i>
106	<i>Permit Application Fee</i>	<i>\$ 10.00</i>
107	<i>B&W Copy Costs (8½ x 11 page)</i>	<i>\$ 0.25 + actual staff time</i>
108	<i>Color Copy (8½ x 11 page)</i>	<i>\$ 1.00 + actual staff time</i>
109	<i>Electronic Records</i>	<i>\$ cost of production</i>
110		

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

113 *The “Application Fee” applies to all permits, including fast track permits.*
114

115 **Blended/burdened professional rate.*
116

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

118
119 Hejmadi: Aye
120 Loftus: Aye
121 Sando: Aye
122 Miller: Absent
123 Olson: Aye
124 Maxwell: Aye
125 White: Aye
126

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

128
129 President’s Report: President White reported on recent meetings held with the 325 Blake
130 Road liaisons and briefings with city council members and Hennepin County
131 Commissioners.
132

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

135
136 Upcoming Meeting and Event Schedule: President White directed the managers to the
137 meetings listed on the agenda and noted that Manager Loftus will be attending the Metro
138 MAWD meeting on January 18 and Manager Maxwell will be attending the Citizens
139 Advisory Committee on January 19.

140
141 **PERMITS REQUIRING A VARIANCE OR DISCUSSION**

142
143 Permit 21-113: City of Shorewood Smithtown Pond Project

144
145 Ms. Grace Barlow appeared before the Board of Managers to review the permit
146 application. She noted that it was before the Board of Managers at the request of a
147 member of the public. She reviewed the project location, area drainage patterns,
148 concerns with flooding and erosion, and the proposed project to construct ponds to
149 address these issues. Ms. Barlow noted the concerns expressed about the project,
150 including loss of trees and vegetation, lack of data on flow and pollutant loading and
151 reliance on modeling for project design.

152
153 Mr. Alan Yelsey appeared before the Board of Managers and described his concerns at
154 length, including the following: adequacy of notice of the meeting; lack of city response
155 to data requests; and merits and design concerns with the project including reliance on
156 models instead of monitoring data, cost/benefit, and intrinsic value of the site in its
157 current state. Mr. Wisker reviewed those concerns and noted that the focus for the
158 MCWD is review of the application under its applicable rules. Mr. Andrew Budde
159 appeared on behalf of the City of Shorewood to note the purpose of the project and his
160 availability to answer any questions. Mr. Yelsey stated that he felt that approving the
161 application was contrary to the MCWD's guiding principles and again noted the city's
162 failure to respond to his data requests. Mr. Smith noted that the project is proposed to
163 serve as a regional stormwater management facility in the future to provide treatment for
164 future projects and therefore counsel recommended one additional condition #3 as
165 follows: "The City must apply to the District for a permit for the Strawberry Road
166 improvements and any other future project intending to use the Smithtown Pond Project
167 facilities to meet compliance requirements, for review in accordance with this approval."

168
169 ***It was moved by Manager Maxwell, seconded by Manager Olson to approve the permit***
170 ***application as recommended by staff with the additional Condition #3 as recommended***
171 ***by counsel.*** In response to a question from Manager Maxell, Mr. Wisker and Mr. Budde
172 reviewed the notice provided of the permit application, and Mr. Budde reviewed the
173 timing for the project and pending permit from the U.S. Army Corps of Engineers.

174

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

180
181 ***Hejmadi: Aye***
182 ***Loftus: Aye***
183 ***Sando: Aye***
184 ***Miller: Absent***
185 ***Olson: Aye***
186 ***Maxwell: Nay***
187 ***White: Aye***

188
189 **ACTION ITEMS**

190
191 **Election of Board Officers and Appointment of Committee Assignments**

192
193 ***Manager Maxwell nominated Sherry White for President. There being no further
194 nominations, upon roll call vote, Sherry White was elected President by a vote of 6-0 as
195 follows:***

196
197 Hejmadi: Aye
198 Loftus: Aye
199 Sando: Aye
200 Miller: Absent
201 Olson: Aye
202 Maxwell: Aye
203 White: Aye

204
205 ***Manager Maxwell nominated William Olson for Vice President, and Manager
206 Hejmadi seconded the nomination. There being no further nominations, upon roll call
207 vote, William Olson was elected Vice President by a vote of 6-0 as follows:***

208
209 Hejmadi: Aye
210 Loftus: Aye
211 Sando: Aye
212 Miller: Absent
213 Olson: Aye
214 Maxwell: Aye
215 White: Aye

216

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

220
221 Hejmadi: Aye
222 Loftus: Aye
223 Sando: Aye
224 Miller: Absent
225 Olson: Aye
226 Maxwell: Aye
227 White: Aye

228
229 ***Manager Hejmadi nominated Eugene Maxwell for Secretary. There being no further***
230 ***nominations, upon roll call vote, Eugene Maxwell was elected Secretary by a vote of 6-***
231 ***0 as follows:***

232
233 Hejmadi: Aye
234 Loftus: Aye
235 Sando: Aye
236 Miller: Absent
237 Olson: Aye
238 Maxwell: Aye
239 White: Aye

240
241 ***President White appointed Managers Miller, Maxwell and Sando to serve on the Policy***
242 ***and Planning Committee, and Managers Loftus, Olson, and Hejmadi to serve on the***
243 ***Operations and Programs Committee. It was moved by Manager Olson, seconded by***
244 ***Manager to confirm these appointments. Upon roll call vote, the motion carried by a***
245 ***vote of 6-0 as follows:***

246
247 Hejmadi: Aye
248 Loftus: Aye
249 Sando: Aye
250 Miller: Absent
251 Olson: Aye
252 Maxwell: Aye
253 White: Aye

254
255 ***President White appointed Manager Miller to serve with President White and Manager***
256 ***Hejmadi as liaisons to the City of Minneapolis and the Minneapolis Park and***
257 ***Recreation Board. It was moved by Manager Maxwell, seconded by Manager Sando to***
258 ***confirm this appointment. Upon roll call vote, the motion carried by a vote of 6-0 as***
259 ***follows:***

260
261 Hejmadi: Aye
262 Loftus: Aye
263 Sando: Aye
264 Miller: Absent
265 Olson: Aye
266 Maxwell: Aye
267 White: Aye

268
269 **BOARD DISCUSSION ITEMS**

270
271 Responsive Program Name

272
273 Ms. Becky Christopher and Ms. Kate Moran appeared before the Board of Managers to
274 review updated staff recommendations for the name of the Responsive Program. Ms.
275 Moran noted that following the Board’s initial discussion on December 16, further review
276 produced three top names for consideration, and the staff recommends “Land & Water
277 Partnership.” Each of the managers expressed their support for this recommendation. ***It***
278 ***was moved by Manager Sando, seconded by Manager Hejmadi that the program name***
279 ***be “Land & Water Partnership.” Upon roll call vote, the motion carried by a vote of 6-***
280 ***0 as follows:***

281
282 Hejmadi: Aye
283 Loftus: Aye
284 Sando: Aye
285 Miller: Absent
286 Olson: Aye
287 Maxwell: Aye
288 White: Aye

289
290
291 **STAFF UPDATES**

292
293 Administrator’s Report

294
295 Mr. Wisker reported on the following items:

- 296
297 1. The MCWD will host a virtual public meeting to present updated (60%)
298 designs for its stormwater and Greenway project at 325 Blake Road; the
299 comments received at this meeting will be available for the Board’s
300 consideration in February;
301

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- 302 2. President White and Mr. Wisker held productive briefing sessions with
303 Hennepin County Commissioners, and the commissioners offered encourage
304 feedback on the 325 Blake Road project, climate action framework, and the
305 responsive program; and
306
307 3. There has been a major increase in COVID-19 cases locally and nationally
308 and the MCWD staff has been affected with infections and exposures;
309 accordingly, Mr. Wisker would like action by the Board of Managers to
310 authorize closure of the MCWD office for ten business days, providing for
311 staff to work remotely. Mr. Wisker stated that he would foresee minimal
312 disruption for the public, given the significant decrease in walk-in office visits
313 and increased reliance of the permitting portal. The managers expressed their
314 concurrence with this action. *It was moved by Manager Olson, seconded by*
315 *Manager Hejmadi to authorize the Administrator to close the MCWD office*
316 *for ten business days and reconsideration of the situation at the January 27*
317 *board meeting. Upon roll call vote, the motion carried by a vote of 6-0 as*
318 *follows:*
319

320 Hejmadi: Aye
321 Loftus: Aye
322 Sando: Aye
323 Miller: Absent
324 Olson: Aye
325 Maxwell: Aye
326 White: Aye

327
328 **Adjournment**
329

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

332
333 Respectfully submitted,
334

335
336
337 Eugene Maxwell, Secretary