

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

**November 21, 2024**

**CALL TO ORDER**

The regular meeting of the Minnehaha Creek Watershed District Board of Managers was called to order by President Sherry White at 7:00 p.m. on November 21, 2024, at the MCWD offices, 15320 Minnetonka Boulevard, Minnetonka, Minnesota.

**MANAGERS PRESENT**

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

**MANAGERS ABSENT**

None.

**DISTRICT STAFF AND CONSULTANTS PRESENT**

James Wisker, Administrator; Abigail Couture, Permitting Assistant; Becky Christopher, Director of Policy Planning; Kate Moran, Policy Planning Coordinator; Kailey Cermak, Project Planning Manager; Rachel Baker, Planner – Project Manager; Gabe Sherman, Project Planning Manager; Chris Meehan, District Consulting Engineer; and Louis Smith, District Counsel.

**APPROVAL OF AGENDA**

President White suggested moving Item 12.1 Board Discussion of 325 Blake Road, to the end of the Agenda. *It was moved by Manager Maxwell, seconded by Manager Sando, to approve the Agenda with this change. Upon vote, the motion carried, 7-0.*

**MATTERS FROM THE FLOOR**

None.

**CONSENT AGENDA**

*It was moved by Manager Hejmadi, seconded by Manager Sando, to approve the items on the Consent Agenda consisting of approval of the November 7, 2024, Board meeting minutes, approval of the General Check Register, including check numbers 42615 through 42622 in the amount of \$28,254.68, electronic funds withdrawals of \$186,531.51, managers per diems and reimbursements of \$1,852.40, employee*

Minutes of the Regular Meeting  
Minnehaha Creek Watershed District  
Board of Managers  
11/21/24

*reimbursements of \$1,575.15, and payroll electronic funds withdrawals and disbursements of \$161,082.84, for a total of \$379,296.58; the Surety Check Register including payment of \$30.00 in fees to Bremer Bank, and check numbers 2228 - 2234, for a total of \$28,630.00; and wire transfers of \$820,593.75 to Hennepin County for repayment of Hennepin County 2013B and Hennepin County 2020B.*

*Upon vote, the motion carried, 7-0.*

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

President's Report: President White noted that she met with Hennepin County Commissioner Angela Conley, along with Manager Hejmadi and Mr. Wisker, which included a helpful discussion about the 325 Blake Road project.

Projects and Planning Committee Report: Manager Miller noted that the Committee met earlier in the evening and received a presentation on the community engagement plan for the 2027 water resources management planning process. He also noted that he recently attended a meeting that included representatives of the Minneapolis Park & Recreation Board who expressed appreciation for the collaborative work with the District and Mr. Wisker's leadership.

Citizens Advisory Committee Report: Manager Sando reported that he attended the recent CAC meeting on November 13 which included a review of the MCWD's planning goals, an update in the Greenway trail, and planning collaboration with the City of Victoria.

Minnesota Watersheds Annual Meeting Notice and Delegate Appointments: President White noted that the Board of Managers needed to select delegates for the Minnesota Watersheds annual meeting. *It was moved by Manager Loftus, seconded by Manager Maxwell, to appoint President White and Manager Olson as delegates. Upon vote, the motion carried, 7-0.*

Ms. Becky Christopher and Ms. Kate Moran appeared before the Board of Managers to review the resolutions submitted by members of Minnesota Watersheds. Ms. Moran reviewed each resolution, the Resolutions Committee's recommendations, and the analysis provided by MCWD legal counsel. The managers thanked Ms. Moran for her presentation.

President White noted the upcoming meeting schedule presented in the agenda.

## **PERMITS REQUIRING A VARIANCE OR DISCUSSION**

None.

## **PUBLIC HEARINGS & PRESENTATIONS**

### Annual Public Hearing for MCWD's Stormwater Pollution Prevention Plan

President White opened the public hearing to provide an opportunity for public comment on the District's Stormwater Pollution Prevention Plan. Ms. Abigail Couture appeared before the Board of Managers to provide background for the public hearing. She explained that the MCWD is the drainage authority for eight public drainage systems; therefore, it is regulated as a municipal separate storm sewer system (MS4) under the National Pollutant Discharge Elimination System (NPDES) Phase II rules. The NPDES Phase II rules require that a public hearing be held annually to provide an opportunity for public input on the District's Stormwater Pollution Prevent Plan (SWPPP).

President White invited public comments and there were none. Ms. Couture confirmed that no written comments had been received. President White closed the public hearing.

### 2025 MCWD Budget and Levy – Public Comment Period

Mr. James Wisker appeared before the Board of Managers to review the process for establishing the MCWD's 2025 budget and levy with formal adoption in September. He noted that the Board, based on public comment or its own initiative, may adjust the budget and may decrease, but not increase, the levy. If it does not choose to do so, no action is needed. No one appeared to offer comments on the 2025 budget and levy and the Board took no further action.

## **ACTION ITEMS**

### Resolution 24-062: Authorizing Contract for Brose Wetland Restoration Planning

Ms. Kailey Cermak appeared before the Board of Managers to review the request for board action. She reviewed the cooperative planning discussions with the City of Victoria concerning its western growth area, the value of wetland restoration in the area, and the potential to improve water quality for the Turbid-Lundsten management unit. She noted recent coordination with the Carver County Soil and Water Conservation District and engagement with the Pat Brose to explore the potential for a wetland restoration that aligns with MCWD's natural resource goals and the family's long-term property interests. Ms. Cermak reviewed a proposed scope of work with Moore Engineering to explore this potential wetland restoration and a letter of intent with Mr. Brose to outline shared priorities.

***It was moved by Manager Olson, seconded by Manager Hejmadi, to adopt Resolution 24-062: Authorizing Contract for Brose Wetland Restoration Planning as follows:***

***NOW, THEREFORE, BE IT RESOLVED that the Minnehaha Creek Watershed District Board of Managers concurs in staff's signing of the letter of interest with the Brose Family regarding their property at 8575 and 8577 Scandia Road, Waconia;***

***BE IT FURTHER RESOLVED that the MCWD Board of Managers authorizes the District Administrator, on advice of counsel, to execute a contract with Moore Engineering for wetland restoration planning, in accordance with the proposed scope of work and in an amount not to exceed, \$23,400.***

In response to a question from Manager Olson, Ms. Cermak noted that while so far there has been no formal engagement with Laketown Township, there have been ongoing staff discussions with Mike Klingelhutz, a member of the Township's board of supervisors, and there are plans to reach out to Carver County as well. Mr. Wisker noted ongoing communication with the Carver Soil and Water Conservation District, and plans for an update to the Carver County Board in early 2025. ***Upon vote, the motion carried 6-0 (Manager Hejmadi absent for vote).***

Resolution 24-063: Contract Amendment for East Auburn Wetland Restoration

Ms. Rachel Baker appeared before the Board of Managers to review the request for board action. She explained that due to the higher-than-expected geotechnical costs, the City's request for boardwalk design modifications, and additional coordination costs related to site access and a geotechnical bid addendum process, staff is requesting \$19,000 to be added to the design budget. ***It was moved by Manager Sando, seconded by Manager Hejmadi to adopt Resolution 24-063: Authorization to amend the design budget for the East Auburn Wetland Restoration Project as follows:***

***NOW, THEREFORE, BE IT RESOLVED that the Minnehaha Creek Watershed District Board of Managers authorizes the District Administrator to amend the agreement between MCWD and Moore Engineering, Inc. (East Auburn Wetland Restoration Project) to include additional geotechnical engineering services, boardwalk design, and coordination in an amount not to exceed \$19,000.***

In response to a question from Manager Sando, Ms. Baker noted that the lighter maintenance equipment is used by the City at Wassermann Park. Manager Miller noted the MCWD's history of bad experiences with boardwalks and asked how we plan to avoid these problems going forward. Mr. Wisker said that the MCWD had a positive boardwalk experience with Arden Park, and has learned the importance of specifications, quality construction oversight and field observation. Manager Maxwell asked if an eight-

foot-wide boardwalk meets ADA requirements, and Ms. Baker replied that it would.  
*There being no further discussion, upon vote, the motion carried 7-0.*

### **BOARD INQUIRIES, ISSUES, AND IDEAS**

Manager Sando noted recent correspondence about a wetland fill violation in the City of Plymouth and asked if Mr. Wisker could provide an update.

### **STAFF UPDATES**

#### Administrator's Report

Mr. Wisker reported on the following items:

1. In response to Manager Sando's question, Mr. Wisker noted that a neighbor had reported concern with wetland filling in the City of Plymouth, where the City is the Local Government Unit responsible for implementation of the Wetland Conservation Act. The City is sending a notice of violation and will pursue voluntary compliance action.
2. The Minneapolis Park & Recreation Board and MCWD have been in discussion with Ms. Nancy Gibson about maintenance needs at Cedar Meadows. A site visit is planned soon with MPRB Commissioner Shaffer.
3. While the Gray's Bay dam had been considered previously closed for the winter, a recent 1.5-inch rain event followed by snow resulted in an increase in the elevation of Lake Minnetonka and City of Minnetonka Public Works staff assisted in re-opening the dam to facilitate flow at 75 cubic feet per second.
4. MCWD staff met recently with Minnetrista Mayor Whelan to discuss vegetation concerns for Lake Saunders and general conservation corridor planning.
5. Staff will participate tomorrow with concerned parties and the City of Orono to discuss modeling and alternatives for a culvert and crossing in which a variance request had been denied at a recent board meeting.

### **BOARD DISCUSSION ITEMS**

#### 325 Blake Road Restoration and Redevelopment

Minutes of the Regular Meeting  
Minnehaha Creek Watershed District  
Board of Managers  
11/21/24

Mr. Michael Hayman appeared before the Board of Managers to provide an update on negotiations with Alatus and the City of Hopkins concerning redevelopment and the MCWD project at 325 Blake Road in Hopkins.

He recommended that the Board of Managers ask counsel to guide them into closed session to consider the ongoing negotiations, and the potential termination of the Agreement on November 1. ***Pursuant to legal counsel's recommendation, it was moved by Manager Olson, seconded by Manager Miller for the Board to go into a closed session for the purpose of discussing the potential expiration or revision of terms of the Purchase and Sale Agreement of 325 Blake Road in Hopkins. Upon vote, the motion carried 7-0.***

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 9:15 p.m.

Respectfully submitted,

 11.5.2025

Eugene Maxwell, Secretary