

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

May 8, 2025

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 May 8, 2025, at the MCWD offices, 15320 Minnetonka Boulevard, Minnetonka, Minnesota.

MANAGERS PRESENT

Sherry White, William Olson, Richard Miller, Jessica Loftus, Eugene Maxwell, and Steve Sando.

MANAGERS ABSENT

Arun Hejmadi (monitoring remotely).

DISTRICT STAFF AND CONSULTANTS PRESENT

James Wisker, Administrator; Michael Hayman, Director of Project Planning; Gabe Sherman, Planner-Project Manager; Chris Meehan, District Consulting Engineer; Justin Templin and Shelley Ryan, Litigation Counsel; and Louis Smith, District Counsel.

APPROVAL OF AGENDA

President White requested that the agenda be revised to add a report from Manager Olson on the Wake Board Study, to add the construction dispute with JTS Construction concerning the Minnehaha Preserve Boardwalk as Discussion Item 12.3, and that Discussion Items 12.2 and 12.3 be moved to the end of the meeting. ***It was moved by Manager Miller, seconded by Manager Sando, to approve the agenda with these changes. Upon vote, the motion carried 6-0 (Manager Hejmadi absent).***

MATTERS FROM THE FLOOR

None.

CONSENT AGENDA

It was moved by Manager Olson, seconded by Manager Miller, to approve the items on the Consent Agenda consisting of approval of the April 24, 2025, Board meeting minutes and the following resolution:

Resolution 25-030: Authorization to Contract with Bartlett Tree Experts for Cottageville Park Oak Care

NOW, THEREFORE, BE IT RESOLVED that the Minnehaha Creek Watershed District Board of Managers authorizes the District Administrator to execute a contract with Bartlett Tree Experts, on advice of District Counsel, to provide tree care services in an amount not to exceed \$8,600.00.

Upon vote, the motion carried, 6-0.

BOARD, COMMITTEE AND TASK FORCE REPORTS

President's Report: President White noted that the Minnesota Watersheds Summer Tour will coincide with the Board's June 26 meeting, and the District can look at any schedule conflict closer to the date.

Operations and Planning Committee Report: Manager Loftus reported that the Committee met earlier in the evening and received a briefing on the preliminary 2026 budget.

Wake Boat Study: Manager Olson reported that he attended a meeting where the St. Anthony Falls Lab reported on the latest phase of their study of the impact of wake boats on lake environments. The results of the study so far confirm that larger horsepower boats cause significant damage to lakes to a depth of 15-20 feet. More research is planned, along with recommendations and an awareness campaign in the next year.

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

PUBLIC HEARINGS & PRESENTATIONS

None.

PERMITS REQUIRING A VARIANCE OR DISCUSSION

None.

ACTION ITEMS

None.

BOARD DISCUSSION ITEMS

Cedar Trail Connection 30% Design Update

Mr. Gabe Sherman appeared before the Board of Managers to provide an update on the 30% level design of the Cedar Trail Connection to the Minnehaha Greenway. He reviewed the project background, feasibility analysis, initial design, site assessment, and initial screening for permits. Mr. Sherman reviewed the status of discussions with adjacent landowners, and an updated cost estimate for the project, now totaling \$885,069 with the base project and alternative with additional bank restoration.

In response to questions from Manager Miller and Manager Olson, Mr. Sherman and Mr. Meehan reviewed the bridge conditions and elevations. Manager Maxwell asked whether the intent is to acquire an easement or fee title from Professional Instruments for the portion of their land needed for the project, and Mr. Sherman confirmed that the plan is to acquire fee title. The managers thanked Mr. Sherman for his presentation.

BOARD INQUIRIES, ISSUES, AND IDEAS

Manager Miller asked that staff investigate downed trees in the creek near the Preserve Boardwalk.

STAFF UPDATES

Administrator's Report

Mr. Wisker reported on the following items:

1. Stantec has applied to serve as the municipal engineer for the City of Deephaven; pursuant to their services agreement, Mr. Wisker will work through conflict of interest protections and wanted the Board of Managers to be so apprised;
2. Health Partners recently announced a hospital campus project in Stillwater that recalls the work at Methodist Hospital;
3. The Star Tribune ran an article on the termination of the purchase and sale agreement with Alatus for 325 Blake Road;
4. The Laker Pioneer is working on a story about MCWD's work with the County Road 6 Pond and the larger framework of the Long Lake Improvement Roadmap;

5. MCWD shared a presentation at the annual meeting of the League of Women Voters about land and water partnerships which was well received.

BOARD DISCUSSION ITEMS, continued

325 Blake Road Restoration and Redevelopment

Mr. Michael Hayman appeared before the Board of Managers and reported that Alatus has brought a lawsuit against the MCWD, challenging the MCWD's termination of the Purchase and Sale Agreement. He asked Mr. Smith to guide the Board into closed session. Mr. Smith recommended that the Board of Managers go into closed session for the purpose of receiving confidential legal advice on litigation strategy to respond to the Alatus lawsuit. He noted the presence of Shelley Ryan and Justin Templin who are representing MCWD in this litigation.

Pursuant to legal counsel's recommendation, it was moved by Manager Maxwell, seconded by Manager Sando for the Board to go into closed session for the purpose of receiving confidential legal advice on litigation strategy to respond to the Alatus lawsuit. Upon vote, the motion carried 6-0.

The Board of Managers went into closed session.

The Board of Managers returned to open session.

JTS Construction - Minnehaha Preserve Boardwalk

Mr. Smith recommended that the Board of Managers go into closed session for the purpose of receiving confidential legal advice concerning litigation strategy in responding to the draft complaint received from the attorney for JTS Construction.

Pursuant to legal counsel's recommendation, it was moved by Manager Olson, seconded by Manager Maxwell for the Board to go into a closed session for the purpose of receiving confidential legal advice on litigation strategy to respond to the draft complaint from the attorney for JTS Construction. Upon vote, the motion carried 6-0.

The Board of Managers went into closed session.

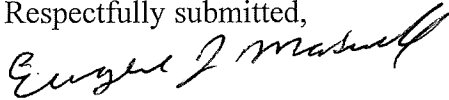
The Board of Managers returned to open session.

Minutes of the Regular Meeting
Minnehaha Creek Watershed District
Board of Managers
5/8/25

Adjournment

There being no further business, President White declared the meeting of the Board of Managers adjourned at 8:58 p.m.

Respectfully submitted,

A handwritten signature in cursive script, reading "Eugene J. Maxwell".

Eugene Maxwell, Secretary