

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

June 12, 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 7:14 p.m. on June 12, 2025, at the MCWD offices, 15320 Minnetonka Boulevard, Minnetonka, Minnesota.

MANAGERS PRESENT

Sherry White, William Olson, Richard Miller, Jessica Loftus, Arun Hejmadi, and Steve Sando.

MANAGERS ABSENT

Eugene Maxwell.

DISTRICT STAFF AND CONSULTANTS PRESENT

James Wisker, Administrator; Michael Hayman, Director of Project Planning; Rachel Baker, Planner – Project Manager; Gabe Sherman, Planner-Project Manager; and Louis Smith, District Counsel.

APPROVAL OF AGENDA

President White requested that the agenda be revised by moving Discussion Items 12.1 and 12.2 to the end of the meeting. *It was moved by Manager Miller, seconded by Manager Hejmadi, to approve the agenda with these changes. Upon vote, the motion carried 6-0 (Manager Maxwell absent).*

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 May 22, 2025, Board meeting minutes.

Upon vote, the motion carried, 6-0.

BOARD, COMMITTEE AND TASK FORCE REPORTS

President's Report: President White noted that the Legislature recently amended the Open Meeting Law and asked Mr. Smith to provide a summary. Mr. Smith noted that the law was amended to facilitate remote meeting participation using interactive technology. In general, a manager's remote participation no longer requires being in a publicly noticed and accessible location.

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 and a briefing from the Permitting team on recent violations and upcoming projects.

Board Managers/CAC/Staff Field Trip Report: Managers Loftus, Sando, and Hejmadi expressed their appreciation for the staff work in preparing the event.

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

PUBLIC HEARINGS & PRESENTATIONS

None.

PERMITS REQUIRING A VARIANCE OR DISCUSSION

None.

ACTION ITEMS

Resolution 24-035: Authorization to release a Request for Proposals for the Downtown Long Lake Feasibility Study

Ms. Rachel Baker appeared before the Board of Managers to review the request for board action. She noted the development of the Long Lake Creek Roadmap, which identified 34 potential projects to improve the Long Lake Creek Subwatershed. In the downtown Long Lake area, the roadmap identified the need for additional regional treatment and recommended exploration of opportunities at Holbrook Park, Nelson Lakeside Park, and other publicly-owned properties.

In 2023, with the support of the partnership, MCWD applied for and received \$174,940 from the state Board of Water and Soil Resources (BWSR) to conduct a feasibility study for the downtown area to identify potential regional treatment locations, costs, and benefits. MCWD is now ready to initiate this feasibility study in coordination with the city. Ms. Baker noted that at the Tuesday, May 20, 2025, Long Lake City Council

meeting, MCWD staff presented an overview of the partnership history, Roadmap, and proposed feasibility study. The City accepted the Roadmap, supports the ongoing partnership, and supports MCWD's plans to conduct a feasibility study in the downtown Long Lake area.

Ms. Baker noted that the feasibility study will aim to identify cost-effective and technically sound options to reduce phosphorus export from stormwater runoff within downtown Long Lake by examining opportunities at Holbrook Park, Nelson Lakeside Park, and other nearby publicly owned properties. Deliverables may include concept evaluation and feasibility-level design at various project sites, a permitting scan, and a cost-benefit analysis.

It was moved by Manager Miller, seconded by Manager Hejmadi, to adopt Resolution 25-035: Authorization to release a Request for Proposals for the Downtown Long Lake Feasibility Study as follows:

NOW, THEREFORE, BE IT RESOLVED that the Minnehaha Creek Watershed District Board of Managers authorize staff to release a Request for Proposals for the Downtown Long Lake feasibility study.

In response to questions from Manager Hejmadi, Ms. Baker said that the feasibility study should take about six months, and that discussions with Long Lake staff and city council indicate that the City is supportive of this project. In response to a question from Manager Miller, Ms. Baker traced the direction of surface water flows through the Subwatershed to Long Lake. ***There being no further discussion, upon vote the motion carried 6-0.***

Resolution 25-036: Authorization to Amend the Phase II Design Contract with HDR for the 325 Blake Road Restoration and Redevelopment Project

Mr. Gabe Sherman appeared before the Board of Managers to review the request for board action. He traced the original posture of the MCWD's stormwater and greenway project that anticipated parallel redevelopment of the site by Alatus. He noted that with Alatus unable to meet the terms of the purchase and sale agreement, the Board authorized issuing a Notice of Termination of the 325 Blake Road Real Estate Purchase Agreement on March 27, 2025.

Mr. Sherman noted that while MCWD determines how to best advance its critical stormwater capital improvements at 325 Blake Road, contingency planning efforts identified the Gateway to Greenway as a portion of the overall 325 Blake Road Restoration and Redevelopment that could move forward as a standalone project. Construction of the Gateway to Greenway would complete Cottageville Park north/west of Lake St NE, with the final Cottageville parcels south/east of Lake St NE (Nature Play)

being constructed as part of the 325 Blake Road main site. He noted that MCWD and Hopkins have already executed an agreement to guide the construction and maintenance of Cottageville Park, including the Gateway to Greenway and Nature Play areas. Mr. Sherman summarized the revised scope and budget of design work for HDR to focus on this specific project.

It was moved by Manager Miller, seconded by Manager Loftus, to adopt Resolution 25-036: Authorization to Amend the Phase II Design Contract with HDR for the 325 Blake Road Restoration and Redevelopment Project as follows:

NOW, THEREFORE, BE IT RESOLVED that the Minnehaha Creek Watershed District Board of Managers authorizes the District Administrator, on advice of legal counsel, to amend the Agreement between Minnehaha Creek Watershed District and HDR Engineering, Inc. (entitled “325 Blake Road Regional Stormwater and Greenway / Cottageville Park Phase II Riparian Restoration Schematic Design – Phase II Contract Amendment for 60/ 90/ 100% Design”) to produce a separate construction bid package and provide bidding support and construction services for the Gateway to Greenway, and authorizes the Administrator to execute contract amendments in his discretion up to an additional 10 percent of the amended contract amount.

In response to a question from Manager Sando, Mr. Sherman explained that the Gateway project will not be significantly affected by the rest of the 325 Blake Road site, though there will be construction staging questions and the ongoing issue with parking for the Chorus apartment residents. In response to a question from Manager Olson, Mr. Sherman traced the evolution of the design of the wall near the pergola. Manager Sando asked when the ideal time is to break ground on the project and Mr. Sherman said once the frost is gone, likely April 2026. Manager Sando noted that completion of this project would likely make the site more attractive for other future developers. In response to a question from Manager Loftus, Mr. Sherman noted that the placement of public art in the circle area is quite flexible and can be placed there at any time. Manager Hejmadi asked about communication and coordination with the City of Hopkins for this project, and Mr. Sherman noted that the Cooperative Agreement spells out all of the responsibilities, including maintenance obligations for various components, and the staff will be reviewing these elements with City staff as the project proceeds. ***There being no further discussion, upon vote, the motion carried, 6-0.***

BOARD INQUIRIES, ISSUES, AND IDEAS

None.

STAFF UPDATES

Administrator's Report

Mr. Wisker reported on the following items:

1. Since June 2, the staff has made moderate adjustments to the Gray's Bay control structure, with dam discharge set recently at 75 cubic feet per second; weather forecasts have been volatile recently, but rain has been predicted through next week and staff is monitoring the situation closely to make appropriate adjustments to the outlet structure; Lake Minnetonka is currently at an elevation of 929.25 and Minnehaha Creek is flowing at around 80 cubic feet per second;
2. The Orono City Council voted recently to support the Stubbs Bay Lake Improvement District formation, and the process will now go to Hennepin County;
3. James O'Brien recently provided a presentation to the Minnesota Department of Veteran's Affairs Sustainability Workgroup. He covered MCWD's balanced urban ecology approach to integrated project implementation approach, MCWD's past work with the Minneapolis Veteran's Home, and ongoing project efforts in partnership with the City of Minneapolis and Minneapolis Park & Recreation Board; he was joined by a project manager from MPRB, who presented on proposed improvements to the Falls and Glen area; the presentation was well received, with the workgroup appreciating the context and plans for work in Minneapolis; it was nice that Mr. O'Brien was able to make the presentation as an Army veteran himself.

BOARD DISCUSSION ITEMS

325 Blake Road Restoration and Redevelopment: Alatus v. MCWD, City of Hopkins

JTS Construction - Minnehaha Preserve Boardwalk

Mr. Smith noted the pending litigation brought by Alatus concerning the MCWD's termination of the purchase and sale agreement for Alatus' failure to meet the agreement's terms. He noted the draft complaint received from the attorney for JTS Construction concerning the MCWD's dispute with JTS in the construction problems with the Minnehaha Preserve Boardwalk. Mr. Smith recommended that the Board of Managers go into closed session for the purpose of receiving confidential legal advice on litigation strategy concerning both matters.

Pursuant to legal counsel's recommendation, it was moved by Manager Olson, seconded by Manager Sando for the Board to go into closed session for the purpose of

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receiving confidential legal advice on litigation strategy to respond to the Alatus lawsuit and the JTS Construction draft complaint. Upon vote, the motion carried 6-0.

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 9:29 p.m.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Eugene Maxwell". The signature is written in a cursive, flowing style.

Eugene Maxwell, Secretary