

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

August 28, 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 7:02 p.m. on August 28, 2025, at the MCWD offices, 15320 Minnetonka Boulevard, Minnetonka, Minnesota.

ROLL CALL FOR ATTENDANCE

President White called the roll to note attendance:

William Olson:	Present
Richard Miller:	Present, participating remotely
Jessica Loftus:	Present
Stephen Sando:	Present
Eugene Maxwell:	Present
Arun Hejmadi:	Present
Sherry White:	Present

DISTRICT STAFF AND CONSULTANTS PRESENT

James Wisker, Administrator; Rachel Baker, Planner – Project Manager; Kailey Cermak, Planner – Project Manager; Michael Hayman, Director of Project Planning; Nick Wyers and Erik Megow, District Consulting Engineer; and Louis Smith, District Counsel.

MATTERS FROM THE FLOOR

None.

APPROVAL OF AGENDA

President White suggested moving Item 12.1 the Board Discussion Item concerning 325 Blake Road, to the end of the agenda. *It was moved by Manager Olson, seconded by Manager Hejmadi, to approve the Agenda with this change. Upon roll call vote, the motion carried, 7-0 as follows:*

<i>Olson:</i>	<i>Aye</i>
<i>Miller:</i>	<i>Aye</i>
<i>Loftus:</i>	<i>Aye</i>
<i>Hejmadi:</i>	<i>Aye</i>

Maxwell: Aye
Sando: Aye
White: Aye

CONSENT AGENDA

It was moved by Manager Maxwell, seconded by Manager Hejmadi, to approve the items on the Consent Agenda consisting of approval of the August 14, 2025, Board meeting minutes, approval of the General Check Register, including check numbers 42693 through 42699 in the amount of \$13,086.32, electronic funds withdrawals of \$317,614.21, credit card charges of \$4,281.08, managers per diems and reimbursements of \$1,548.45, employee reimbursements of \$629.38, and payroll electronic funds withdrawals and disbursements of \$185,158.89, for a total of \$522,318.33; the Surety Check Register with payment of \$40.00 in fees to Bremer Bank and check numbers 2246 through 2251 for a total of \$30,736.80; wire transfers of \$0; and the following resolution:

*Resolution 25-044: 2025 Soil and Water Assessment Tool Workshop
Attendance*

NOW, THEREFORE, BE IT RESOLVED that the Minnehaha Creek Watershed District Board of Managers authorizes three (3) staff to attend the Soil and Water Assessment Tool Workshop for a cost not to exceed \$3,300 for registration, travel, and accommodations.

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

Olson: Aye
Miller: Aye
Loftus: Aye
Hejmadi: Aye
Maxwell: Aye
Sando: Aye
White: Aye

BOARD, COMMITTEE AND TASK FORCE REPORTS

President's Report: None.

Policy and Planning Committee Report: Manager Olson reported that the Committee met earlier in the evening and received a staff briefing on planning for the Painter Creek

Subwatershed, including a potential land acquisition, and permitting of the Trunk Highway 5 project in the Arboretum area.

Minnesota Watersheds Meeting on Resolutions: Manager Sando reported that he attended the meeting along with Manager Olson. All three proposed resolutions passed, though Manager Olson noted that they were dissenting votes on the resolution to impose time limits on state agency permitting.

President White noted the schedule of upcoming meetings presented in the agenda.

PUBLIC HEARINGS AND PRESENTATIONS

2026 Budget and Levy Public Hearing

President White convened the public hearing on the MCWD's 2026 budget and levy. Mr. James Wisker provided an overview of the proposed budget and levy, including the process with the Board to develop this budget. He noted that the proposed 2026 budget total is \$14,506,688, a 0.6% increase of \$86,243 from 2025, supported with a flat (0% change) levy of \$9,869,513. This budget will be accomplished through a combination of drawing on previously levied fund balances that were assigned to capital projects, the reallocation of funds from completed projects or programs delivered under budget, an increase in interest revenue, and \$392,940 in grant funds.

President White asked if any comments on the proposed budget had been received by staff, and Mr. Wisker replied there had been none. President White invited comments from the public and no one appeared to present comments. President White closed the public hearing.

PERMITS REQUIRING A VARIANCE OR DISCUSSION

None.

ACTION ITEMS

Resolution 25-045: Authorization to Contract for Downtown Long Lake Feasibility Study

Ms. Rachel Baker appeared before the Board of Managers and reviewed the request for board action. She noted the development of the Long Lake Creek Roadmap, which identified potential projects to improve water quality. She traced the expansion of the potential scope of project sites in the downtown Long Lake area and the process to issue a request for proposals for a feasibility study 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 properties. She reviewed the MCWD's receipt and evaluation of proposals from five firms and explained the staff recommendation to award the contract to HDR.

It was moved by Manager Hejmadi, seconded by Manager Sando to adopt Resolution 25-045: Authorization to Contract for Downtown Long Lake Feasibility Study 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 execute a contract with HDR Inc. for engineering, design, and consulting services for the Downtown Long Lake Feasibility study, in accordance with the developed scope of work as the Administrator may refine it, and in an amount not to exceed the amount set forth in the proposal, and authorizes the Administrator to execute contract amendments in his discretion up to an additional 10 percent, in aggregate, of the contract amount.

Manager Olson asked about the extent of outreach concerning this feasibility study to the Long Lake Association. Ms. Baker noted that the Association representatives were present when the project was discussed recently at a Long Lake City Council meeting, and that further outreach to the Association is planned. Manager Hejmadi asked if the City and Association would be involved in the design charette, and Ms. Baker stated that this had not yet been considered, noting that the City administrator will be leaving City employment soon. In response to a question from Manager Loftus, Ms. Baker reviewed the evaluation of the various proposals and explained that HDR's proposal stood out with a more holistic approach. She introduced Mr. Ryan Fucci from HDR who noted his past experience with green infrastructure in Philadelphia and recent experience in Minnesota for the past three years. ***There being no further discussion, upon roll call vote the motion carried 7-0 as follows:***

Olson: Aye
Miller: Aye
Loftus: Aye
Hejmadi: Aye
Maxwell: Aye
Sando: Aye
White: Aye

County Road 6 Pond Retrofit Project

Resolution 25-046: Awarding Construction Contract for County Road 6 Pond Retrofit Project to Minger Construction

Resolution 25-047: Authorization to Amend the Stantec Design Contract to Include Construction Support Services for the County Road 6 Pond Retrofit

Ms. Kailey Cermak appeared before the Board of Managers to review these two requests for board action concerning the County Road 6 Pond Retrofit Project. She reviewed the key components of the project to improve the performance of the County Road 6 Pond, revisions to the project design, and the bid solicitation process. She noted that all agreements have been executed, and all permits have been obtained. Ms. Cermak stated that staff recommends awarding the construction contract to Minger Construction as the lowest responsive and responsible bidder. She also explained the need to amend the Stantec agreement to provide for construction administration and oversight services.

It was moved by Manager Hejmadi, seconded by Manager Olson to adopt Resolution 25-046: Awarding Construction Contract for County Road 6 Pond Retrofit Project to Minger Construction as follows:

NOW, THEREFORE, BE IT RESOLVED that the Minnehaha Creek Watershed District Board of Managers awards the contract for the construction of County Road 6 Pond Retrofit Project to Minger Construction for the contract price of \$487,344;

BE IT FURTHER RESOLVED that the MCWD Administrator is authorized, on advice of MCWD legal counsel, to enter into a contract with Minger Construction for construction services for the stated contract price, and further is authorized to execute change orders in his discretion up to an additional 10 percent, in aggregate, of the contract price; and

BE IT FINALLY RESOLVED that the Administrator is authorized to issue a formal notice to proceed to Minger Construction, on advice of counsel and after receipt of a signed contract and required bonds and insurance documentation.

In response to a question from Manager Maxwell, Ms. Cermak reviewed the design plans and ongoing maintenance responsibilities for the landowner's path to the pond. In response to a question from Manager Olson, Ms. Cermak confirmed that the resolution authorized change orders up to an additional 10 percent of the contract price. *There being no further discussion, upon roll call vote the motion carried 7-0 as follows:*

Olson: Aye
Miller: Aye
Loftus: Aye
Hejmadi: Aye
Maxwell: Aye
Sando: Aye

White: Aye

It was moved by Manager Maxwell, seconded by Manager Hejmadi to adopt Resolution 25--047: Authorization to Amend the Stantec Design Contract to Include Construction Support Services for the County Road 6 Pond Retrofit as follows:

NOW, THEREFORE, BE IT RESOLVED that the Minnehaha Creek Watershed District Board of Managers authorizes the MCWD Administrator, on advice of counsel, to amend the design contract with Stantec to include construction support services for the County Road 6 Pond Retrofit Project in an amount not to exceed \$49,340.

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

*Olson: Aye
Miller: Aye
Loftus: Aye
Hejmadi: Aye
Maxwell: Aye
Sando: Aye
White: Aye*

BOARD INQUIRIES, ISSUES, AND IDEAS

In response to an inquiry from Manager Miller, Mr. Smith confirmed that the Board has the flexibility and authority to transfer funds within its adopted budget to address expenses such as litigation.

STAFF UPDATES

Administrator's Report

Mr. Wisker reported on the following items:

1. Mr. Wisker and staff have continued discussions with Stuart and Rosalind Loomis concerning their complaints about floodplain fill at 60 Crabapple Lane in Tonka Bay. Staff conducted another site visit on August 18, and Mr. Wisker had an extensive phone conversation to follow up on August 21. In listening to the Loomis' concerns, and asking what they seek for resolution, staff has confirmed that the berm has been removed and the fill underneath the sod likely meets the landscaping exception in the Floodplain rule and regardless will not result in displacement or exacerbation of flooding. Mr. and Mrs. Loomis are clear that they do not seek any enforcement action against their current

neighbor at 60 Crabapple Lane, but they are deeply dissatisfied with what they see as gaps in regulatory policy and misapplication of enforcement discretion. Staff is exploring change in policy to provide further guidance on the details of the application of the landscaping exception to the Floodplain rule. Manager Miller stated that he felt the District should be extremely careful in revising policy based on limited input concerning one case.

2. Lake Minnetonka is currently at an elevation of 929.38. The Grays Bay dam is currently discharging at 100 cubic feet per second, and further downstream, Minnehaha Creek is flowing at 175 cubic feet per second.

The managers thanked Mr. Wisker for this report.

BOARD DISCUSSION ITEMS

Manager Miller excused himself and departed from remote participation at this point in the meeting.

325 Blake Road Restoration and Redevelopment

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 lawsuit of Alatus v. MCWD, City of Hopkins. ***Pursuant to legal counsel's recommendation, it was moved by Manager Maxwell, seconded by Manager Hejmadi 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 roll call vote, the motion carried, 6-0 as follows:***

<i>Olson:</i>	<i>Aye</i>
<i>Miller:</i>	<i>Absent</i>
<i>Loftus:</i>	<i>Aye</i>
<i>Hejmadi:</i>	<i>Aye</i>
<i>Maxwell:</i>	<i>Aye</i>
<i>Sando:</i>	<i>Aye</i>
<i>White:</i>	<i>Aye</i>

The Board of Managers went into closed session.

The Board of Managers returned to open session.

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Adjournment

There being no further business, President White declared the meeting of the Board of Managers adjourned at 10:08 p.m.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Eugene Maxwell".

Eugene Maxwell, Secretary