

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

4
5 **May 8, 2025**

6
7 **CALL TO ORDER**
8

9 The regular meeting of the Minnehaha Creek Watershed District Board of Managers was
10 called to order by President Sherry White at 7:00 p.m. on May 8, 2025, at the MCWD
11 offices, 15320 Minnetonka Boulevard, Minnetonka, Minnesota.
12

13 **MANAGERS PRESENT**
14

15 Sherry White, William Olson, Richard Miller, Jessica Loftus, Eugene Maxwell, and
16 Steve Sando.
17

18 **MANAGERS ABSENT**
19

20 Arun Hejmadi (monitoring remotely).
21

22 **DISTRICT STAFF AND CONSULTANTS PRESENT**
23

24 James Wisker, Administrator; Michael Hayman, Director of Project Planning; Gabe
25 Sherman, Planner-Project Manager; Chris Meehan, District Consulting Engineer; Justin
26 Templin and Shelley Ryan, Litigation Counsel; and Louis Smith, District Counsel.
27

28 **APPROVAL OF AGENDA**
29

30 President White requested that the agenda be revised to add a report from Manager Olson
31 on the Wake Board Study, to add the construction dispute with JTS Construction
32 concerning the Minnehaha Preserve Boardwalk as Discussion Item 12.3, and that
33 Discussion Items 12.2 and 12.3 be moved to the end of the meeting. ***It was moved by***
34 ***Manager Miller, seconded by Manager Sando, to approve the agenda with these***
35 ***changes. Upon vote, the motion carried 6-0 (Manager Hejmadi absent).***
36

37 **MATTERS FROM THE FLOOR**
38

39 None.
40

41 **CONSENT AGENDA**
42

43 ***It was moved by Manager Olson, seconded by Manager Miller, to approve the items on***
44 ***the Consent Agenda consisting of approval of the April 24, 2025, Board meeting***
45 ***minutes and the following resolution:***
46

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.

90 **BOARD DISCUSSION ITEMS**

91
92 **Cedar Trail Connection 30% Design Update**

93
94 Mr. Gabe Sherman appeared before the Board of Managers to provide an update on the
95 30% level design of the Cedar Trail Connection to the Minnehaha Greenway. He
96 reviewed the project background, feasibility analysis, initial design, site assessment, and
97 initial screening for permits. Mr. Sherman reviewed the status of discussions with
98 adjacent landowners, and an updated cost estimate for the project, now totaling \$885,069
99 with the base project and alternative with additional bank restoration.

100
101 In response to questions from Manager Miller and Manager Olson, Mr. Sherman and Mr.
102 Meehan reviewed the bridge conditions and elevations. Manager Maxwell asked whether
103 the intent is to acquire an easement or fee title from Professional Instruments for the
104 portion of their land needed for the project, and Mr. Sherman confirmed that the plan is to
105 acquire fee title. The managers thanked Mr. Sherman for his presentation.

106
107 **BOARD INQUIRIES, ISSUES, AND IDEAS**

108
109 Manager Miller asked that staff investigate downed trees in the creek near the Preserve
110 Boardwalk.

111
112 **STAFF UPDATES**

113
114 **Administrator's Report**

115
116 Mr. Wisker reported on the following items:

- 117
118 1. Stantec has applied to serve as the municipal engineer for the City of
119 Deephaven; pursuant to their services agreement, Mr. Wisker will work
120 through conflict of interest protections and wanted the Board of Managers to
121 be so apprised;
122
123 2. Health Partners recently announced a hospital campus project in Stillwater
124 that recalls the work at Methodist Hospital;
125
126 3. The Star Tribune ran an article on the termination of the purchase and sale
127 agreement with Alatus for 325 Blake Road;
128
129 4. The Laker Pioneer is working on a story about MCWD's work with the County
130 Road 6 Pond and the larger framework of the Long Lake Improvement
131 Roadmap;
132

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

135
136 **BOARD DISCUSSION ITEMS, continued**
137

138 **325 Blake Road Restoration and Redevelopment**
139

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

147
148 *Pursuant to legal counsel's recommendation, it was moved by Manager Maxwell,*
149 *seconded by Manager Sando for the Board to go into closed session for the purpose of*
150 *receiving confidential legal advice on litigation strategy to respond to the Alatus*
151 *lawsuit. Upon vote, the motion carried 6-0.*

152
153 The Board of Managers went into closed session.

154
155 The Board of Managers returned to open session.

156
157 **JTS Construction - Minnehaha Preserve Boardwalk**
158

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

162
163 *Pursuant to legal counsel's recommendation, it was moved by Manager Olson,*
164 *seconded by Manager Maxwell for the Board to go into a closed session for the*
165 *purpose of receiving confidential legal advice on litigation strategy to respond to the*
166 *draft complaint from the attorney for JTS Construction. Upon vote, the motion carried*
167 *6-0.*

168
169 The Board of Managers went into closed session.

170
171 The Board of Managers returned to open session.

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

176 **Adjournment**

177

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

180

181 Respectfully submitted,

182

183

184

185 Eugene Maxwell, Secretary