

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

4
5 **November 6, 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 7:05 p.m. on November 6, 2025, at the
11 MCWD offices, 15320 Minnetonka Boulevard, Minnetonka, Minnesota.
12

13 **ROLL CALL FOR ATTENDANCE**
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15 President White called the roll to note attendance:

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17 William Olson: Present
18 Richard Miller: Present
19 Jessica Loftus: Present
20 Stephen Sando: Present
21 Eugene Maxwell: Present
22 Arun Hejmadi: Present, participating remotely
23 Sherry White: Present
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26 **DISTRICT STAFF AND CONSULTANTS PRESENT**
27

28 James Wisker, Administrator; Kailey Cermak, Planner – Project Manager; Michael
29 Hayman, Director of Project Planning; Nick Wyers, District Consulting Engineer; Jay
30 Lindgren, Development Counsel; Alex Sellke, Real Estate Counsel; and Louis Smith,
31 District Counsel.
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33 **MATTERS FROM THE FLOOR**
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35 None.
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37 **APPROVAL OF AGENDA**
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39 *It was moved by Manager Olson, seconded by Manager Miller, to approve the agenda*
40 *as distributed. Upon roll call vote, the motion carried, 7-0 as follows:*
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42 *Olson: Aye*
43 *Miller: Aye*
44 *Loftus: Aye*
45 *Hejmadi: Aye*
46 *Maxwell: Aye*

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Sando: *Aye*
White: *Aye*

CONSENT AGENDA

It was moved by Manager Maxwell, seconded by Manager Olson, to approve the items on the Consent Agenda consisting of approval of the October 23, 2025, Board meeting minutes, and the following resolutions:

Resolution 25-063: Approval of the 2026 Board Committee and Board Meeting Schedule

NOW, THEREFORE, BE IT RESOLVED that the Minnehaha Creek Watershed District Board of Managers hereby approves the following 2026 meeting schedule. Unless otherwise posted Committee Meetings will start at 5:15 PM, and Board meetings will start at 7:00 PM. Executive Committee meetings are scheduled as needed and will be held prior to Board meetings;

1/8/2026	Operations & Programs Committee Meeting Board Meeting	7/9/2026	Operations & Programs Committee Meeting Board Meeting
1/22/2026	Policy & Planning Committee Meeting Board Meeting	7/23/2026	Policy & Planning Committee Meeting Board Meeting
2/12/2026	Operations & Programs Committee Meeting Board Meeting	8/13/2026	Operations & Programs Committee Meeting Board Meeting
2/26/2026	Policy & Planning Committee Meeting Board Meeting	8/27/2026	Policy & Planning Committee Meeting Board Meeting
3/12/2026	Operations & Programs Committee Meeting Board Meeting	9/10/2026	Operations & Programs Committee Meeting Board Meeting
3/26/2026	Policy & Planning Committee Meeting Board Meeting	9/24/2026	Policy & Planning Committee Meeting Board Meeting
4/9/2026	Operations & Programs Committee Meeting Board Meeting	10/8/2026	Operations & Programs Committee Meeting Board Meeting
4/23/2026	Policy & Planning Committee Meeting Board Meeting	10/22/2026	Policy & Planning Committee Meeting Board Meeting
5/14/2026	Operations & Programs Committee Meeting Board Meeting	11/5/2026	Operations & Programs Committee Meeting Board Meeting
5/28/2026	Policy & Planning Committee Meeting Board Meeting	11/19/2026	Policy & Planning Committee Meeting Board Meeting
6/11/2026	Operations & Programs Committee Meeting Board Meeting	12/3/2026	Operations & Programs Committee Meeting Board Meeting
6/25/2026	Policy & Planning Committee Meeting Board Meeting	12/17/2026	Policy & Planning Committee Meeting Board Meeting

and

Resolution 25-064: Approve and Adopt the Minnesota Paid Leave Program and Update the MCWD Employee Handbook

NOW, THEREFORE, BE IT RESOLVED that the Minnehaha Creek Watershed District Board of Managers approves and adopts the Minnesota Paid Leave Program and instructs staff to incorporate the policy into the MCWD Employee Handbook effective January 1, 2026 and authorizes the District Administrator to administer the policy accordingly.

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: President White reported on the following items:

1. Along with Mr. Wisker and Ms. Hoppe, she attended a briefing for Minneapolis Council Member Palmisano to update her on the Minneapolis Partnership work;
2. At its next meeting, the Board will select its delegates to the annual meeting of Minnesota Watersheds; and
3. President White would like to designate herself to serve as the Board's liaison to the District Engineer Selection Committee and invited the Board's motion to affirm this designation. ***It was moved by Manager Maxwell, seconded by Manager Loftus to designate President White as the Board's liaison to the District Engineer Selection Committee. 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

Operations & Programs Committee Report: Manager Loftus reported that the Committee met earlier in the evening and received presentations on the role of wetlands in watershed management, an overview of past work related to Halsted Bay watershed load management, and possible next steps in evaluating solutions to phosphorus loading in Six Mile Marsh, and a summary of applications to the Citizens Advisory Committee.

Long Lake Waters Association: Manager Olson reported that he attended the recent meeting of the Association on October 28, along with Mr. Wisker, Mr. Hayman and Ms. Baker. The meeting was well attended, and Ms. Baker's presentation was very well received.

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

PUBLIC HEARINGS & PRESENTATIONS

Public Hearing to Consider Ordering the Acquisition of 6300 Painter Road, Minnetrista

President White opened the public hearing to consider acquisition of property at 6300 Painter Road. Ms. Kailey Cermak appeared before the Board of Managers to provide background information for the public hearing. She reviewed the MCWD's general planning goals for the Painter Creek subwatershed as a priority geography due to its extensive network of heavily altered and degraded wetlands and the high nutrient loads delivered downstream to impaired Jennings Bay on Lake Minnetonka. She reviewed the MCWD's process in learning about the possible acquisition of 6300 Painter Road and a summary of the purchase agreement. Ms. Cermak said that comments about this acquisition to date have come from neighbors to the south of the site seeking to learn the MCWD's short-term and long-term plans for the site. She noted that the site provides opportunities for the MCWD to pursue channel and streambank restoration as well as stormwater volume and pollutant load reduction.

President White invited comments from the public. Mr. Mike McClure, 6320 Painter Road, appeared before the Board of Managers and asked about the MCWD's short-term plans for buildings and hard surfaces on the site. Ms. Cermak stated that the District intends to demolish the existing structures except for the pole barn, keep power poles in place, implement native seeding next Spring, and then take three to five years of planning for what would come next. She noted that the City of Minnetrista has expressed some interest in passive recreation at the site, such as a trail. Mr. McClure noted that Painter Road needs repair and was curious if the MCWD's plans would increase traffic to the site and if the MCWD would pay its share of assessments for any road improvements. Ms. Cermak said that there should not be increased traffic or parking on Painter Road. Mr. Wisker stated that the City intends to assess the property for any street improvements. Ms. Cermak noted that longer term project work would be the subject of an extensive planning process led by MCWD.

Ms. Sandra Yakor, 620 Painter Creek Drive, appeared before the Board of Managers, and asked for a summary of the purchase terms. Ms. Cermak stated that the purchase price is \$825,000 which was supported by an appraisal, and the MCWD anticipates about \$30,000 – 60,000 in additional costs for demolition and capping the well. In response to a further question from Ms. Yakor, Ms. Cermak noted that the MCWD does anticipate stream restoration work in the channel.

Ms. Krista McKinney, 6105 Painter Road, appeared before the Board of Managers and asked if the MCWD intended to later sell some or all of the property. Ms. Cermak stated that the MCWD is acquiring the site with the intention of maintaining ownership.

President White thanked members of the public for their comments and closed the public hearing.

PERMITS REQUIRING A VARIANCE OR DISCUSSION

None.

ACTION ITEMS

Resolution 25-065: Ordering the Acquisition of 6300 Painter Road, Minnetrista

It was moved by Manager Miller, seconded by Manager Sando to adopt Resolution 25-065: Ordering the Acquisition of 6300 Painter Road, Minnetrista as follows:

NOW, THEREFORE, BE IT RESOLVED that pursuant to Minnesota Statutes §103B.251, the acquisition of the Property is ordered, with closing subject to the terms and contingencies outlined in the executed purchase agreement.

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

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

Ms. Cermak provided an update addressing the contingencies in the purchase and sale agreement, including property inspection, environmental site assessment, title correction of an error in the legal description, and unanimous adoption of a resolution of support

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from the Minnetrista City Council. Ms. Cermak reviewed various options for financing the purchase and noted that the MCWD also had adequate cash on hand in its capital finance fund. Manager Miller suggested that the District nevertheless consider private placement options. Mr. Smith noted that Hennepin County should still be a financing option with larger acquisitions in the future. Ms. Cermak noted plans for a closing on December 5, a site management plan in January, and site clearing activities in the Spring.

Resolution 25-066: Minnehaha Preserve: Engineering Services for Design and Construction Procurement

Mr. Wisker reviewed the request for board action. He reviewed the project background, work deficiencies leading to MCWD to declare default, the contractor JTS's lawsuit against MCWD, and MCWD's claim on JTS's performance bond with Granite Re. Separately from the JTS lawsuit and Granite Re's processing of the MCWD bond claim, MCWD intends to proceed to retain a contractor to perform the corrective work and otherwise complete the Minnehaha Preserve Boardwalk Reconstruction Project. He reviewed the proposed scope of work and the recommendation to retain SRF for engineering services in this process.

It was moved by Manager Sando seconded by President White, to adopt Resolution 25-066: Minnehaha Preserve: Engineering Services for Design and Construction Procurement as follows:

NOW, THEREFORE, BE IT RESOLVED that the Minnehaha Creek Watershed District Board of Managers hereby authorizes the MCWD Administrator to enter into an amendment to the SRF professional services contract for the Project to incorporate the October 31, 2025, scope of work, with any non-substantive changes and on advice of counsel.

In response to a question from Manager Hejmadi, Mr. Smith stated that proceeding with this work aids in the resolution of the outstanding issues and will not prejudice the MCWD's interests as to the JTS lawsuit or the Granite Re bond claim. Manager Maxwell asked if the MCWD plans to close the boardwalk for the winter. Mr. Wisker stated that SRF has confirmed that the boardwalk is generally safe for use, notwithstanding the defects which will seriously impact its useful life, and that the MCWD does not intend to clear snow in the winter or otherwise install barriers to winter use.

There being no further discussion, upon roll call vote, the motion carried, 7-0 as follows:

Olson: Aye
Miller: Aye

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Loftus: Aye
Hejmadi: Aye
Maxwell: Aye
Sando: Aye
White: Aye

BOARD INQUIRIES, ISSUES, AND IDEAS

None.

STAFF UPDATES

Administrator's Report

Mr. Wisker reported on the following items:

1. The Laker Pioneer published an article on November 5 about a controversy concerning the redesign of North Arm Bay launch. A permit application for the project is in review and may come to the Board of Managers at an upcoming meeting;
2. Staff released the Request for Proposals for District Engineering services. Stantec has informed the MCWD that it will not be submitting a proposal.

BOARD DISCUSSION ITEMS

None.

CLOSED SESSION DISCUSSION

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 Olson, seconded by Manager Miller 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, 7-0 as follows:*

Olson: Aye
Miller: Aye

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284 *Loftus: Aye*

285 *Hejmadi: Aye*

286 *Maxwell: Aye*

287 *Sando: Aye*

288 *White: Aye*

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290 The Board of Managers went into closed session.

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292 The Board of Managers returned to open session.

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295 **Adjournment**

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297 There being no further business, President White declared the meeting of the Board of
298 Managers adjourned at 9:07 p.m.

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300 Respectfully submitted,

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304 Eugene Maxwell, Secretary