

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

4
5 **October 9, 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 October 9, 2025, at the MCWD
11 offices, 15320 Minnetonka Boulevard, Minnetonka, Minnesota.
12

13 **ROLL CALL FOR ATTENDANCE**
14

15 President White called the roll to note attendance:

16
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
24

25
26 **DISTRICT STAFF AND CONSULTANTS PRESENT**
27

28 James Wisker, Administrator; Maggie Menden, Permitting Technician; Jill Sweet,
29 Research & Monitoring Technician; Kate Moran, Policy Planning Coordinator; Kailey
30 Cermak, Planner – Project Manager; Nick Wyers, District Consulting Engineer; and
31 Louis Smith, District Counsel.
32

33 **MATTERS FROM THE FLOOR**
34

35 None.
36

37 **APPROVAL OF AGENDA**
38

39 *It was moved by Manager Miller, seconded by Manager Maxwell, to approve the*
40 *agenda as distributed. Upon roll call vote, the motion carried, 7-0 as follows:*
41

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

Manager Loftus requested that item 7.3, Resolution 25-056: Approval of MCWD Employee Logo Wear and Merchandise Purchase Policy, be pulled from the Consent Agenda. *It was moved by Manager Olson, seconded by Manager Miller, to approve the remaining items on the Consent Agenda consisting of approval of the September 25, 2025, Board meeting minutes, and the following resolutions:*

Resolution 25-054: Authorization to Release RFP for Government Relations Services

NOW, THEREFORE, BE IT RESOLVED that the Minnehaha Creek Watershed District Board of Managers hereby authorizes staff to release the Request for Proposals for Government Relations services;

Resolution 25-055: Authorization to Release RFP for Accounting Services

NOW, THEREFORE, BE IT RESOLVED that the Minnehaha Creek Watershed District Board of Managers hereby authorizes staff to release the request for proposal for accounting services; and

Resolution 25-060: Authority to Execute Joint Powers Agreement for Permitting of MNDOT Highway 12 Road Reconstruction Project

NOW, THEREFORE, BE IT RESOLVED that the Minnehaha Creek Watershed District Board of Managers authorizes the MCWD Board President to execute the proposed joint powers agreement, with any further non-substantive changes and on advice of counsel.

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*

90 **BOARD, COMMITTEE AND TASK FORCE REPORTS**

91
92 President's Report: None.

93
94 President White noted the upcoming meeting schedule presented in the agenda.

95
96 **PUBLIC HEARINGS & PRESENTATIONS**

97
98 None.

99
100 **PERMITS REQUIRING A VARIANCE OR DISCUSSION**

101
102 Permit 25-381: 4685 and 4735 West Branch Road Culverts

103
104 Ms. Maggie Menden appeared before the Board of Managers to review the permit
105 application. She provided a project overview, noting that the property owners of 4735
106 (Clarke Reed) and 4685 (Ryan Ortlip) West Branch Road in Orono are seeking approval
107 for a joint permit application for the replacement of an existing culvert and the
108 construction of a new culvert, respectively. She reviewed the project location, area
109 hydrology, and history of previous permit reviews for this site as described in the permit
110 report. She reviewed the application of the MCWD Floodplain Alternation and
111 Waterbody Crossings & Structures Rules.

112
113 Ms. Menden noted that the neighboring property owner at 4701 West Branch Road has
114 expressed concerns about the project, including that he was not involved in design
115 discussions between the applicants, and that he felt the culvert at 4735 should remain
116 metal and should be upsized. He also expressed concerns with the accuracy of the
117 hydraulic modeling. Ms. Menden stated that staff have considered these concerns but
118 nevertheless recommend that the application be approved with the conditions noted in the
119 permit report.

120
121 President White invited comments on the permit application. Mr. David Albertson, 4701
122 West Branch Road, appeared before the Board of Managers. He reviewed his history
123 with the area and expressed concern that the culvert was not sized properly to account for
124 cattails and other vegetation that can clog the culvert. Manager Miller stated that he
125 sympathized with Mr. Albertson's concerns. ***It was moved by Manager Olson, seconded***
126 ***by Manager Loftus to approve the permit application with the conditions recommended***
127 ***by staff as noted in the permit report.***

128
129 Manager Olson noted that the Board recently reviewed a permit application for Highway
130 11 and wondered if the overflow design of that culvert would be relevant to this project.
131 Ms. Menden noted that here the applicants are working within their own property
132 boundary, and Mr. Wisker noted that the emergency overflow design for Highway 11 is

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not relevant here, as the driveways overtop in a 100 year event. Further the proposed project is modeled to not increase flood elevations on any property and meets the District's No-Rise standard. In response to a question from Manager Maxwell, Ms. Menden provided an update on the posture of the property owners since the Board previously reviewed a permit application from Mr. Ortlip at this site.

Manager Miller stated that he would vote no on this permit application in sympathy with Mr. Albertson's concerns. ***Upon roll call vote, the motion carried, 6-1 as follows:***

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

ACTION ITEMS

Resolution 25-057: Acceptance of Statewide Carp Management Effectiveness Results

Ms. Jill Sweet appeared before the Board of Managers to review the request for board action. She traced the background of the MCWD's carp management with support from a Lessard Sams Outdoor Heritage Council grant for the Six-Mile-Creek-Halsted Bay Habitat Restoration Project. MCWD's carp management approach successfully reduced carp to or near biomass goals in the majority of the Subwatershed's lakes. However, successful removal did not lead to consistent water quality and aquatic vegetation improvements systemwide.

MCWD held discussions with the Minnesota Pollution Control Agency (MPCA) and the Minnesota Department of Natural Resources (DNR), given that they also have a role in carp management. MCWD and its state partners discussed the nuanced results from the District's SMCHB carp management program and recognized the need to better understand the variables that may affect carp management effectiveness and the impact of carp management on vegetation conditions and water quality.

MCWD partnered with the University of Minnesota to study and evaluate carp management efforts and discussed the findings with the MPCA and DNR. Generally, this review suggests that projects that achieved large proportional reductions in carp biomass consistently demonstrated stronger improvements in phosphorus and chlorophyll-a concentrations, underscoring the importance of intensity of removal. Shallow, nutrient-rich lakes respond more than deeper systems, possibly reflecting carp's

greater influence in littoral areas. Conversely, projects in lakes with high internal phosphorus loading often saw temporary gains in clarity erased by mid- to late-summer algal blooms. Taken together, the analysis confirmed that carp management is not a stand-alone solution. Instead, it is most effective when paired with other lake and watershed management tools. The strongest and most lasting outcomes were observed where carp removal was integrated with complementary strategies such as watershed nutrient reduction, internal load management (e.g., alum treatments), and connectivity barriers that prevent reinvasion.

It was moved by Manager Miller, seconded by Manager Loftus to adopt Resolution 25-057: Acceptance of Statewide Carp Management Effectiveness Results as follows:

NOW, THEREFORE, BE IT RESOLVED that the Minnehaha Creek Watershed District Board of Managers hereby accepts the Minnesota Carp Management Effectiveness Assessment Technical Report to acknowledge the assessment's completion and memorialize the report's findings.

Manager Olson said that this was tremendous work. President White commended the staff for reflecting on the results and exploring deeper analysis. Managers Maxwell and Loftus expressed their appreciation for the strong collaboration with agency partners. Manager Sando said that he appreciated how these findings could guide carp management in the future.

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

Resolution 25-058: Authorization to Execute Purchase Agreement for 6300 Painter Road, Minnetrista

Ms. Kailey Cermak appeared before the Board of Managers to review the request for board action. She reviewed the history and current focus on the Painter Creek Subwatershed. She noted that in July of this year, MCWD learned of the opportunity to purchase 6300 Painter Road. Staff interest in the site comes from the property's (1) strategic position within the subwatershed, with early data indicating that a majority of phosphorus inputs occur upstream of the site; (2) significant upland acreage, providing flexibility for sizing and siting of any future water quality improvement projects; and (3)

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extensive creek frontage, offering unique restoration and conservation potential. Ms. Cermak noted previous closed session discussions of the Board concerning this property and support for preparation of a purchase agreement for the Board's consideration.

Ms. Cermak reviewed the key terms of the purchase agreement, including a purchase price of \$825,000; earnest money payment of \$10,000, applied towards the purchase price at closing; District payment of 50% of all closing costs; 30-day buyer review period for due diligence, including internal approvals and consents, and review of title and phase 1 environmental assessment; and a scheduled closing date no later than 120 days after execution of the purchase agreement. She reviewed several options for MCWD to finance the purchase, including the MCWD's capital finance fund, the Master Finance Agreement with Hennepin County, or commercial bank finance. Ms. Cermak noted that staff and counsel met earlier in the week with Hennepin County finance staff and counsel. Hennepin County would prefer that the MCWD not invoke the Master Finance Agreement. The County now prefers to keep accounting for watershed district projects separate and so has ceased the practice of rolling smaller watershed district project financings into larger County bond issuances, which removes much of the cost efficiency of the prior arrangement.

Ms. Cermak noted that a public hearing will be scheduled for the Board to consider ordering this project on November 6.

It was moved by Manager Miller, seconded by Manager Olson, to adopt Resolution 25-058: Authorization to Execute Purchase Agreement for 6300 Painter Road, Minnetrista as follows:

NOW, THEREFORE, BE IT RESOLVED that the Administrator is authorized to execute the purchase agreement for the purchase of the Property in fee, at a cost not to exceed \$825,000, with any nonsubstantive revisions to effect the purposes of the transaction, and on advice of counsel.

BE IT FURTHER RESOLVED that the Administrator may take such other actions necessary to resolve contingencies and related terms of the purchase agreement, in order to achieve terms stated therein for closing, and may pursue acquisition financing options in order to present any such options to the Board for election, and may authorize legal counsel and other consultants, and otherwise expend such sums, as are necessary thereto;

BE IT FURTHER RESOLVED that the Administrator will undertake to secure, and provide to the Board, a resolution of support for the acquisition from the Minnetrista City Council; and

BE IT FINALLY RESOLVED that the Administrator will provide notice in accordance with Minnesota Statutes §103B.251 for a public hearing to be held at the November 6, 2025 Board of Managers meeting, at which time the Board will hear all parties interested in the question of the District's acquisition, and will decide the ordering of the acquisition.

Manager Miller noted that perhaps it would be prudent for the MCWD to consider a public offering framework for financing District projects in the future. Mr. Smith stated that he felt the Board should be aware that Hennepin County's approach to financing MCWD projects represents a substantial change. Manager Miller said that for this reason it may be good to explore other finance tools. Manager Loftus concurred, noting that finance options may be especially relevant for larger MCWD undertakings.

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

Resolution 25-059: Adoption of Minnehaha Creek Watershed District's Flood Response Plan

Ms. Kate Moran appeared before the Board of Managers to review the request for board action. She reviewed the background from the MCWD's Climate Action Framework and the development of a Flood Response Plan. She traced the internal and external processes to develop the Plan, including convening the May 2025 Flood Response Summit. The findings from the Summit underscored that effective flood response within the Minnehaha Creek watershed is anchored in a coordinated partnership among federal, county, municipal, watershed and private stakeholders. Within this established framework, MCWD plays a supporting and complementary role by acting as a provider of watershed data and information, not as an emergency manager or owner of municipal infrastructure.

It was moved by Manager Sando, seconded by Manager Miller to adopt Resolution 25-059: Adoption of Minnehaha Creek Watershed District's Flood Response Plan as follows:

NOW, THEREFORE, BE IT RESOLVED that the Minnehaha Creek Watershed District Board of Managers hereby adopts the Flood Response Plan, allowing for final non-substantive edits to be made by staff; and

BE IT FURTHER RESOLVED, that the Board directs the District Administrator to implement the Flood Response Plan and maintain it as a living document with continuous improvement, and include milestone briefings to the Board of Managers on those changes as needed.

Manager Maxwell asked if staff planned to take this presentation “on the road” to share with communities, especially in areas of frequent flooding. Ms. Moran noted that the primary audiences for the Plan are cities and counties. Mr. Wisker stated that in areas of acute concern, most likely along the Creek in Hopkins and St. Louis Park, MCWD does extensive outreach primarily through advance warning to emergency managers. One important value of the plan is to provide clarity of roles. Manager Olson noted that publishing the Plan on the MCWD web site would be helpful, and that he appreciated this work as flooding concerns are core to the MCWD’s mission. Manager Loftus said that she saw great value in a clear written plan, and Managers Miller and Sando agreed.

Manager Hejmadi noted the pioneering nature of the collaboration across agencies. He emphasized the importance of residents knowing who they can turn to in a flood. Mr. Wisker noted that the public’s greatest use of the MCWD web site concerns water levels and dam operations, and there are 1,000 subscribers to the MCWD newsletter on water levels. Mr. Wisker said that the worst time to get organized is in a crisis, and this plan is especially valuable in defining clear roles for MCWD and cities. He expressed his appreciation for all of the staff work in preparing the Plan. ***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

Resolution 25-056: Approval of MCWD Employee Logo Wear and Merchandise Purchase Policy

Mr. Wisker reviewed the request for board action and noted that Manager Loftus had suggested an amendment to the resolution to address situations in which staff may acquire logo wear in excess of \$100 as follows: “If an employee selects apparel and merchandise exceeding the \$100 District allowance, the excess cost will be deducted

from the staff's paycheck as a miscellaneous deduction, or a future reimbursement request will be reduced by the appropriate amount." *It was moved by Manager Miller, seconded by Manager Maxwell to adopt Resolution 25-056: Approval of MCWD Employee Logo Wear and Merchandise Purchase Policy with Manager Loftus' suggested amendment to the policy as noted above, as follows:*

NOW, THEREFORE, BE IT RESOLVED that the Minnehaha Creek Watershed District Board of Managers hereby adopts the MCWD employee logo wear and merchandise purchase policy.

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

Manager Miller asked that the 'Robert Murphy' Japs Olson pond be inspected as it appears there are willow branches clogging flow.

STAFF UPDATES

Administrator's Report

Mr. Wisker reported on the following items:

1. The upcoming Treasurer's Report will reflect a final accounting of funds received and remitted to FEMA from 2014 flood damage.
2. Staff plan to attend the annual meeting of the Long Lake Waters association on October 28.
3. Staff presentations to the University of Minnesota annual Water Resources Conference will include Ms. Sweet presenting on carp management and Mr. Wisker presenting on the MCWD's Flood Response Plan.

4. Mr. Wisker has recently accepted an invitation to serve on the Minnesota Aquatic Invasive Species Research Center advisory board.

BOARD DISCUSSION ITEMS

Minnehaha Preserve Boardwalk Litigation

Mr. Smith recommended that the Board of Managers go into closed session for the purpose of receiving confidential legal advice concerning litigation strategy pursuant to Section 13D.05 of the Open Meeting Law in the matter of *JTS Construction v. Minnehaha Creek Watershed District*. ***On guidance from legal counsel, it was moved by Manager Maxwell, seconded by Manager Olson for the Board to go into closed session for the purpose of receiving confidential legal advice concerning litigation strategy in the matter of JTS Construction v. Minnehaha Creek Watershed District.***

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

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 9:23 p.m.

Respectfully submitted,

Eugene Maxwell, Secretary