

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

4
5 **September 11, 2025**

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7 **CALL TO ORDER**
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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 September 11, 2025, at the
11 MCWD offices, 15320 Minnetonka Boulevard, Minnetonka, Minnesota.
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13 **MANAGERS PRESENT**
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15 Sherry White, William Olson, Richard Miller, Arun Hejmadi, Eugene Maxwell, and
16 Steve Sando.
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18 **MANAGERS ABSENT**
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20 Jessica Loftus.
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22 **DISTRICT STAFF AND CONSULTANTS PRESENT**
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24 James Wisker, Administrator; Maggie Menden, Permitting Technician; Kailey Cermak,
25 Planner – Project Manager; Michael Hayman, Director of Project Planning; Nick Wyers
26 and Erik Megow, District Consulting Engineer; and Louis Smith, District Counsel.
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28 **MATTERS FROM THE FLOOR**
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30 None.
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32 **APPROVAL OF AGENDA**
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34 President White requested that Item 12.1 be moved to the end of the agenda, and that
35 Item 12.2 be removed from the agenda. *It was moved by Manager Miller, seconded by*
36 *Manager Maxwell, to approve the agenda with these changes. Upon vote, the motion*
37 *carried 5-0, with Managers Loftus and Hejmadi absent for vote.*
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39 **CONSENT AGENDA**
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41 *It was moved by Manager Maxwell, seconded by Manager Miller, to approve the items*
42 *on the Consent Agenda consisting of approval of the August 28, 2025, Board meeting*
43 *minutes, and the following resolution:*
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45 *Resolution 25-048: 2025 North American Lake Management Society Conference and*
46 *Workshop Attendance*

NOW, THEREFORE, BE IT RESOLVED that the Minnehaha Creek Watershed District Board of Managers authorizes one (1) staff person to attend the North American Lake Management Conference and Workshop for a cost not to exceed \$2,000 for registration, travel, and accommodations.

Upon vote, the motion carried, 5-0.

Manager Olson asked that staff report back to the Board of Managers about the conference. Manager Miller expressed support for staff attendance at conferences generally. Manager Hejmadi arrived at this point in the meeting (7:03 p.m.).

BOARD, COMMITTEE AND TASK FORCE REPORTS

President's Report: None.

Operations and Planning Committee Report: Manager Olson reported that the Committee met earlier in the evening and received a briefing on the community engagement process for the 2027 water resources management plan.

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

PUBLIC HEARINGS & PRESENTATIONS

None.

PERMITS REQUIRING A VARIANCE OR DISCUSSION

Permit 24-580: Trunk Highway 5 Road Reconstruction Project

Ms. Maggie Menden appeared before the Board of Managers to review the permit application. She provided a project overview, noting that Carver County proposes to expand and reconstruct a 6.03-mile-long portion of Trunk Highway 5, CSAH 41, and CSAH 13 in the cities of Victoria and Chanhassen. She stated that the TH5 project proposes to expand the existing roadway from two to four lanes between Highway 41 in Chanhassen and Commercial Avenue in Victoria, intersection changes, widening of the Lake Minnewashta causeway, reconstruction of Rolling Acres Road/Bavaria Road, and addition of public trails.

Ms. Menden reviewed the location and hydrology of the project area and noted that this project is brought to the Board of Managers due to its large scale, cost, extent of natural resource impacts, and regional impact on development and transportation. She noted that MCWD and the Riley Purgatory Bluff Creek Watershed District have an executed Joint

Minutes of the Regular Meeting
Minnehaha Creek Watershed District
Board of Managers
9/11/25

Powers Agreement for this project, which provides for MCWD to exercise regulatory authority over the entire project. Ms. Menden reviewed the application of the MCWD Rules to the proposed project and stated that the staff and engineer have concluded that the project complies with the requirements of the Erosion Control, Floodplain Alteration, Stormwater Management, Waterbody Crossings & Structures, and Wetland Protection Rules. She stated that staff recommend approval of the permit with recommended conditions as noted in the permit report.

President White noted the presence of members of the public and invited comments. Mr. Lee Marske appeared before the Board of Managers. He stated that his property and neighboring properties have problems with stormwater flows from the Arboretum, and that while there will be improvements to manage stormwater on the east side of Bavaria Road, there are no improvements proposed for the west side. Ms. Menden noted that the new impervious surface for the project is the trail on the east side, so that is why there are stormwater improvements proposed on the east side. Mr. Wisker invited Mr. John Perkins of Bolton & Menck to explain the design in the area. Mr. Perkins reviewed the design elements in this area and explained that the new curb and gutter and storm sewer improvements are intended to capture drainage from the Arboretum area.

Mr. Lucas Guimont appeared before the Board of Managers. He shared similar concerns and asked that drainage improvements be considered for his area. Mr. Jeff Papke appeared before the Board of Managers. He asked about the conditions for the proposed turn lane near his property, and Mr. Perkins explained the design which will provide fill to the south toward the Arboretum, but no fill will be necessary on the north by Mr. Papke's property.

There being no further discussion, it was moved by Manager Miller, seconded by Manager Hejmadi to approve the permit application with the conditions recommended by staff in the permit report. Manager Maxwell asked that Mr. Perkins consider the concerns of Mr. Marske and Mr. Guimont, and Mr. Wisker stated that MCWD staff would follow up with Mr. Perkins to consider these comments. ***Upon vote, the motion carried 6-0.***

ACTION ITEMS

Adoption of the 2026 Budget and Certification of the 2026 Tax Levy

Mr. Wisker noted the previous process to develop the proposed 2026 budget, and the public hearing held on August 28. Manager Miller stated that he was pleased that the MCWD can continue to keep its levy at a 0% increase and commended the great staff work on the budget.

It was moved by Manager Olson, seconded by Manager Hejmadi to adopt Resolution 25-049: Adoption of the 2026 Budget as follows:

NOW, THEREFORE, BE IT RESOLVED that the Minnehaha Creek Watershed District Board of Managers hereby adopts the 2026 budget of \$14,506,688 and associated workplans and fund transfers, presented to the Board on September 11, 2025; and

BE IT FURTHER RESOLVED that the Minnehaha Creek Watershed District Board of Managers hereby announces a public meeting for further comment on the 2026 budget, scheduled for November 20, 2025.

Upon roll call vote, the motion carried 6-0 as follows:

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

It was moved by Manager Miller, seconded by Manager Hejmadi, to adopt Resolution 25-050: Minnehaha Creek Watershed District Board of Managers Certified 2026 Tax Levy as follows:

NOW, THEREFORE, BE IT RESOLVED that the Secretary, in accordance with Minnesota Statutes, shall certify to the Auditors of Hennepin and Carver Counties, in amounts bearing the same proportion to the total levy as the net tax capacity of the area of county within the watershed bears to the net tax capacity of the entire watershed district, the following sums to be raised by a levy on all taxable property in the Minnehaha Creek Watershed District Number 3 for the year 2026 and the purposes noted below. 2026 Levy: \$9,869,513 for the purpose of paying the cost of watershed management and implementation as provided by Minnesota Statutes, Sections 103B.241 and 103B.251.

There being no further discussion, upon roll call vote the motion carried 6-0 as follows:

Olson:	Aye
Miller:	Aye
Loftus:	Absent
Maxwell:	Aye

Minutes of the Regular Meeting
Minnehaha Creek Watershed District
Board of Managers
9/11/25

Hejmadi: Aye
Sando: Aye
White: Aye

Resolution 25-051: Authorization to Contract for Temporary Fencing at 325 Blake Road

Mr. Michael Hayman appeared before the Board of Managers to review the request for board action. He reviewed the HDR report prepared for MCWD concerning site conditions at 325 Blake Road, which indicated that notable design standards and code deficiencies exist, as well as vehicles and equipment being parked on MCWD parcels outside of the right-of-way. Mr. Hayman noted that the HDR report describes potential safety concerns and site risks and recommends the installation of temporary fencing along all areas of the gravel road surface to keep vehicles and access limited to the unimproved roadway only. He stated that Hopkins police have been very responsive in discussions about this problem. He reviewed the quote to install temporary fencing at the site.

It was moved by Manager Miller, seconded by Manager Hejmadi, to adopt Resolution 25-051: Authorization to Contract for Temporary Fencing at 325 Blake Road as follows:

NOW, THEREFORE, BE IT RESOLVED that the Minnehaha Creek Watershed District Board of Managers authorizes the District Administrator, on advice of Counsel, to execute an agreement with Biffs Inc. in an amount not-to-exceed \$16,000 for installation of temporary fencing at 325 Blake Road.

In response to a question from Manager Miller, Mr. Hayman reviewed the location for the proposed fencing. In response to a question from Manager Olson, Mr. Hayman reviewed the plans for providing notices to vehicles and towing to the city impound lot. In response to a question from Manager Maxwell, Mr. Hayman stated that he would confirm insurance coverage for the site. Mr. Smith noted the suggestion of posting signage to advise that parking on the site outside of the city right of way is not permitted. ***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. Lake Minnetonka is currently at an elevation of 929.15 and Minnehaha Creek is flowing at around 100 cubic feet per second;
2. Eric Megow and Nick Wyers have discussed Stantec's proposal to the City of Chanhassen for work on stormwater management. Mr. Wisker has advised that he sees no problem for Stantec to submit the proposal.
3. The process continues with the MCWD's bond claim for the Minnehaha Preserve Boardwalk. Granite Re has elected the option to evaluate the claim and tender payment. It has retained an engineering firm to inspect the boardwalk, and the City of St. Louis Park will be meeting with them as part of this process. Meanwhile, staff and SRF are working to construct bid specifications to repair and reconstruct the project where necessary.
4. Staff is planning for a public open house meeting on the Cedar Trail – Minnehaha Greenway connection. It will be held on September 30, 6:30 p.m. at the St. Louis Park municipal service center.

BOARD DISCUSSION ITEMS

Land Acquisition Along Painter Creek, Minnetrista

Ms. Kailey Cermak appeared before the Board of Managers. She stated that she wished to brief the Board in closed session on recent discussions to pursue land acquisition at 6300 Painter Road in Minnetrista. ***On guidance from legal counsel, it was moved by Manager Miller, seconded by Manager Olson for the Board to go into closed session for the purpose of discussing the potential terms of an offer to acquire 6300 Painter Road in Minnetrista. Upon vote, the motion carried 6-0.***

The Board of Managers went into closed session.

The Board of Managers returned to open session.

Minutes of the Regular Meeting
Minnehaha Creek Watershed District
Board of Managers
9/11/25

261 **Adjournment**

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263 There being no further business, President White declared the meeting of the Board of
264 Managers adjourned at 8:53 p.m.

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266 Respectfully submitted,

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270 Eugene Maxwell, Secretary