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

May 28, 2026

CALL TO ORDER

The regular meeting of the Minnehaha Creek Watershed District Board of Managers was called to order by President Sherry White at 7:11 p.m. on May 28, 2026, at the MCWD offices, 15320 Minnetonka Boulevard, Minnetonka, Minnesota.

ROLL CALL FOR ATTENDANCE

President White called the roll to note attendance:

William Olson:	Present
Stephen Sando:	Present
Eugene Maxwell:	Present
Ricardo Bonner	Present
Arun Hejmadi:	Present, participating remotely
Sherry White:	Present

DISTRICT STAFF AND CONSULTANTS PRESENT

James Wisker, Administrator; Samantha Hoppe, Outreach Manager; Michael Hayman, Director of Project Planning; and Louis Smith, District Counsel.

MATTERS FROM THE FLOOR

None.

APPROVAL OF AGENDA

It was moved by Manager Maxwell, seconded by Manager Olson, to approve the Agenda as distributed. Upon roll vote, the motion carried, 6-0 as follows:

Hejmadi:	***Aye***
Olson:	***Aye***
Bonner:	***Aye***
Maxwell:	***Aye***
Sando:	***Aye***
White:	***Aye***

CONSENT AGENDA

It was moved by Manager Maxwell, seconded by Manager Olson, to approve the Consent Agenda consisting of approval of the May 14, 2026 Board meeting minutes, approval of the General Check Register, including check numbers 42753 through 42759 in the amount of $73,092.56, electronic funds withdrawals of $327,086.01, managers per diems and reimbursements of $3,572.92, employee reimbursements of $132.99, and payroll electronic funds withdrawals and disbursements of $192,888.67, for a total of $596,773.15; the Surety Check Register with check numbers 2273-2275 and payment of $30.00 in fees to Old National Bank for a total of $21,124.00; wire transfers of $57,250.00 to Hennepin County for 2020B interest and $39,018.75 for 2013B interest for a total of $96,268.75; and the following resolution:

Resolution 26-051: Authorization to Amend Funding Agreement for the Morningside Stormwater Improvement Project

> ***NOW, THEREFORE, BE IT RESOLVED that the Minnehaha Creek Watershed District Board of Managers authorizes the District Administrator to amend the funding agreement with the City of Medina, with non-material changes on advice of counsel, to allow reimbursement of 40 percent of the total construction cost not to exceed $200,000.***

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

Hejmadi:	*Aye*
Olson:	*Aye*
Bonner:	*Aye*
Maxwell:	*Aye*
Sando:	*Aye*
White:	*Aye*

BOARD, COMMITTEE AND TASK FORCE REPORTS

President's Report: President White reported that she had attended an orientation session with Manager Bonner and Manager-designate Schaefer and also attended the Metro Watersheds meeting which will be reported by Manager Sando.

Policy and Planning Committee Report: Manager Maxwell reported that the committee met earlier in the evening and received an update on multiple planning and project opportunities within the Six Mile Creek–Halsted Bay subwatershed.

Metro Chapter of Minnesota Watersheds: Manager Sando reported that he attended this meeting with President White and Managers Olson and Maxwell. The meeting included state agency reports and an extended discussion of a proposal by the state Plumbing Board to prohibit the re-use of stormwater. Manager Olson provided more background on this proposal and Manager Maxwell noted that more education and outreach on stormwater reuse is needed.

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

PUBLIC HEARINGS AND PRESENTATIONS

None.

PERMITS REQUIRING A VARIANCE OR DISCUSSION

None.

ACTION ITEMS

Resolution 26-052: Approval of Minnehaha Preserve Boardwalk Repair Plans and Authorization to Solicit Bids

Mr. Michael Hayman appeared before the Board of Managers to review the request for board action. He noted that his presentation would focus on the plans to repair the boardwalk and not on the current litigation with the former contractor, JTS Construction. Mr. Hayman reviewed the project background, including the 2023 construction, discovery of construction defects, and unsuccessful efforts to address eleven categories of defective work. In consultation with the project engineer, staff has determined that while the boardwalk is currently safe for public use, this condition will not be sustained, and it is critical to proceed to address the construction defects in an orderly fashion. He reviewed the Best Value procurement process and the solicitation of technical proposals and cost proposals, along with the anticipated schedule.

It was moved by Manager Olson, seconded by Manager Bonner, to adopt Resolution 26-052: Approval of Minnehaha Preserve Boardwalk Repair Plans and Authorization to Solicit Bids as follows:

> ***NOW, THEREFORE, BE IT RESOLVED that the Minnehaha Creek Watershed District Board of Managers approves the final repair plans for the Minnehaha Preserve Boardwalk Rehabilitation and authorizes the District Administrator, on advice of counsel, to solicit bids.***

In response to a question from Manager Olson, Mr. Hayman explained the technical proposal and cost proposal parts of the Best Value procurement process, whereby the Board will select a contractor based not only on bid price, but also on a qualitative assessment of the contractor's qualifications, experience, and proposed approach to the work. Manager Sando asked whether JTS has agreed to pay for these repairs, and Mr. Hayman stated it has not. In response to questions from Manager Hejmadi, Mr. Hayman explained that the MCWD does not have a precise estimate of costs to repair the boardwalk but rather is operating with a wide range of potential costs. The procurement process should provide more insight through learning from qualified contractors. In response to questions from Manager Maxwell, Mr. Hayman stated that the MCWD is closely coordinating with the City of St. Louis Park in this process, and closure of the boardwalk this winter will depend on the selected contractor's precise work schedule. Manager Olson asked if the staff has a full count of the number of items needing repair, and Mr. Hayman stated that about sixty percent (60%) of the defects are visible, but the rest will require disassembly of the boardwalk to identify. In response to a question from President White, Mr. Hayman reviewed the construction access route for this work.

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

Hejmadi:	***Aye***
Olson:	***Aye***
Bonner:	***Aye***
Maxwell:	***Aye***
Sando:	***Aye***
White:	***Aye***

BOARD DISCUSSION ITEMS

Report on Influential Communications Course

Ms. Samantha Hoppe appeared before the Board of Managers and shared learnings from an Influential Communications course at the University of St. Thomas's Opus College of Business. This short program focused on helping participants communicate clearly, confidently, and persuasively across many channels, particularly in real-time workplace settings. The managers thanked Ms. Hoppe for this presentation.

Campus Improvement Options Discussion

Mr. Wisker appeared before the Board of Managers to present background information and options for advancing improvements to the MCWD parking lots at its office campus. He reviewed the history of exploring reconstruction of the parking lots, the problems with failed pavement, drainage, and winter slip and fall hazards. Mr. Wisker described the challenging cross easement with the neighboring property owner, Campbell-Sevey, and the repeated and unsuccessful efforts to seek their consent to the MCWD's desired parking lot and driveway improvements. He noted that given the easement's requirement for neighbor consent to work on the shared driveway, Campbell-Sevey's position renders the full reconstruction project impossible to advance without initiating an eminent domain action to narrow the common right of way easement on the District's property.

Mr. Wisker outlined two options and said that he was seeking the Board's guidance on how to proceed. The first option is full reconstruction of the parking lots and driveway, which requires Campbell-Sevey consent or District initiation of eminent domain to correct and narrow the easement. The second option is pavement reclamation of the parking lots, avoidance of the driveway, and does not require Campbell-Sevey consent.

Each of the managers stated that they preferred the first option in order to achieve a long-term solution. The managers directed Mr. Wisker to bring a detailed proposed plan to pursue the first option.

BOARD INQUIRIES, ISSUES, AND IDEAS

None.

STAFF UPDATES

Administrator's Report

Mr. Wisker reported on the following items:

1. Lake Minnetonka level is 929.12 and Minnehaha Creek is flowing at Hiawatha at 23 cubic feet per second;
2. Staff is working on planning a board retreat later this summer to focus on governance, culture and communications issues;
3. Minneapolis has clarified that Council Member Schaffer, not Council Member Whiting, should be the City's representative on the MCWD's Policy Advisory Committee for the 2027 Plan.

It was moved by Manager Maxwell, seconded by Manager Sando to affirm that Council Member Schaffer is the City of Minneapolis representative on the MCWD's Policy Advisory Committee for the 2027 Plan. Upon roll vote, the motion carried, 6-0 as follows:

Hejmadi:	***Aye***
Olson:	***Aye***
Bonner:	***Aye***
Maxwell:	***Aye***
Sando:	***Aye***
White:	***Aye***

Adjournment

There being no further business, President White declared the meeting of the Board of Managers adjourned at 8:55 p.m.

Respectfully submitted,

Arun Hejmadi

Arun Hejmadi, Secretary