

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

January 22, 2026

CALL TO ORDER

The regular meeting of the Minnehaha Creek Watershed District Board of Managers was called to order by Vice President William Olson at 7:00 p.m. on January 22, 2026, at the MCWD offices, 15320 Minnetonka Boulevard, Minnetonka, Minnesota.

MANAGERS PRESENT

William Olson, Jessica Loftus, Eugene Maxwell, Arun Hejmadi, and Stephen Sando.

MANAGERS ABSENT

Sherry White and Richard Miller.

DISTRICT STAFF AND CONSULTANTS PRESENT

James Wisker, Administrator; Kaily Cermak, Planner – Project Manager; Gabe Sherman, Planner – Project Manager; Rachel Baker, Planner – Project Manager; Samantha Hoppe, Outreach Manager; Michael Hayman, Director of Project Planning; Nick Wyers, District Consulting Engineer; Jay Lindgren, Development Counsel, and Louis Smith, District Counsel.

MATTERS FROM THE FLOOR

None.

APPROVAL OF AGENDA

It was moved by Manager Maxwell, seconded by Manager Sando, to approve the Agenda as distributed. Upon vote, the motion carried, 5-0 (Managers White and Miller absent).

CONSENT AGENDA

Vice President Olson requested a motion to approve the January 8, 2026, Board meeting minutes. *It was moved by Manager Loftus, seconded by Manager Maxwell, to approve January 8, 2026, Board meeting minutes. Upon vote, the motion carried 5-0.*

It was moved by Manager Hejmadi, seconded by Manager Sando to approve the remaining items on the Consent Agenda consisting of approval of the General Check

Register, including check numbers 42728 through 42737 in the amount of \$194,501.82, electronic funds withdrawals of \$236,418.61, managers per diems and reimbursements of \$7,114.04, employee reimbursements of \$971.75, and payroll electronic funds withdrawals and disbursements of \$312,375.09, for a total of \$751,381.31; the Surety Check Register with payment of \$30.00 in fees to Old National Bank; wire transfers of \$149,765.00 for principal and interest payments to the City of Richfield for 2020B; and the following resolutions:

Resolution 26-006: Authorization to Renew Metro Watershed Partners Membership

NOW, THEREFORE, BE IT RESOLVED that the Minnehaha Creek Watershed District Board of Managers authorize the District Administrator to spend \$6,000 to renew MCWD's Metro Watershed Partners annual membership;

Resolution 26-007: Authorization to Execute a Contract for Water Quality Lab Services

NOW, THEREFORE, BE IT RESOLVED that the MCWD Board of Managers hereby authorizes the Administrator, on the advice of counsel, to execute a contract with RMB Environmental Laboratories, Inc., for water quality lab analysis from February 1, 2026 through December 31, 2027, pursuant to the price and other terms stated in the vendor's quote;

Resolution 26-008: Recognition for Lisa Fowler's Service on MCWD's Citizens Advisory Committee

NOW, THEREFORE, BE IT RESOLVED that the Minnehaha Creek Watershed District Board of Managers: hereby formally acknowledges Lisa Fowler's contribution to the organization and expresses its deep gratitude and thanks for her service;

Resolution 26-009: Recognition of Denise Tennens's Service on the MCWD Citizens Advisory Committee

NOW, THEREFORE, BE IT RESOLVED that the Minnehaha Creek Watershed District Board of Managers: hereby formally acknowledges Denise Tennen's contribution to the organization and expresses its deep gratitude and thanks for her service;

Resolution 26-010: Recognition for Kevin Zahler's Service on MCWD's Citizens Advisory Committee

NOW, THEREFORE, BE IT RESOLVED that the Minnehaha Creek Watershed District Board of Managers: hereby formally acknowledges Kevin Zahler's contribution to the organization and expresses its deep gratitude and thanks for his service;

Resolution 26-011: Declaration of Official Intent to Reimburse Expenditures for Acquisition of 6300 Painter Road, Minnetrista, with the Proceeds of Obligations

NOW, THEREFORE, BE IT RESOLVED that the Board of Managers of Minnehaha Creek Watershed District hereby declares its official intent pursuant to the Reimbursement Regulation to issue up to approximately \$1,000,000 of obligations to finance the costs of the Project; and

Resolution 26-012: Approval to Continue Joint Funding Agreement with the USGS for Gauging Stations and Technical Assistance in 2026 and 2027

NOW, THEREFORE, BE IT RESOLVED that the Minnehaha Creek Watershed District Board of Managers authorizes the Administrator, on advice of counsel, to extend the joint funding agreement with the USGS for services from October 1, 2025 through September 30, 2027 with a total cost not to exceed \$30,660 annually.

Upon vote, the motion carried, 5-0.

BOARD, COMMITTEE AND TASK FORCE REPORTS

President's Report: None.

Citizens Advisory Committee Report: Manager Maxwell reported that the CAC met the previous Wednesday and discussed the project updates, including Gateway to the Greenway, and Montgomery Avenue, as well as the 2027 Plan.

MN Watersheds Metro Chapter Report: Manager Olson reported that quarterly meeting of the Minnesota Watersheds Metro Chapter included many presentations and updates. Highlights included ideas from the watershed equity alliance on increasing the diversity of applicants in environmental fields, note of the new training videos from BWSR, and a grant request from the Stormwater Research Council. Manager Maxwell noted that Manager Olson will chair the Metro Chapter for 2026.

Chair Olson noted the schedule of upcoming meetings presented in the agenda, including the January 27 kickoff event for the 2027 Plan.

PUBLIC HEARINGS AND PRESENTATIONS

None.

PERMITS REQUIRING A VARIANCE OR DISCUSSION

None.

ACTION ITEMS

6300 Painter Road, Minnetrista

Resolution 26-013: Approving Accessory Structure Agreement with City of Minnetrista

Resolution 26-014: Approving Contract for Demo Services

Resolution 26-015: Approving Site Management Plan

Ms. Kailey Cermak appeared before the Board of Managers to review the request for board action. She provided an overview of plans and progress with the acquisition of 6300 Painter Road, noting that staff is requesting action on three resolutions.

She noted that as part of the near-term restoration strategy, all structures and debris on the property will be removed through a demolition contract, with the exception of a recently constructed steel pole shed. The pole shed is in good condition, and retaining it allows the District to maintain interim flexibility for ongoing site planning and future capital project work while supporting efficient use of public resources by avoiding unnecessary demolition and potential reconstruction costs. Under city code, because the principal residence will be removed, retaining the pole shed requires an accessory structure agreement with the City. MCWD staff have coordinated with City staff on the proposed agreement, which outlines MCWD's ability to utilize the pole shed for storage of its seasonal supplies, equipment, and/or watercraft.

It was moved by Manager Maxwell, seconded by Manager Hejmadi to adopt Resolution 26-013: Approving Accessory Structure Agreement with City of Minnetrista 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 the accessory structure agreement with the City of Minnetrista for the property located at 6300 Painter Road.

In response to a question from Manager Hejmadi, Ms. Cermak noted that the pole shed is currently vacant but will be used for storing MCWD equipment. In response to questions from Managers Maxwell, Hejmadi and Olson, Ms. Cermak described conditions at the site. *There being no further discussion, upon vote, the motion carried 5-0.*

Resolution 26-014: Approving Contract for Demo Services

Ms. Cermak reviewed the quotes for demolition services and reviewed the demolition plans and timing of the work. She noted that staff received five quotes for the demolition work and recommends Rachel Contracting. Ms. Cermak noted plans for the Mound Fire Department to burn two structures as part of training exercises. Staff is requesting authority to direct performance of an add-alternate, in the event that the structures are not burned, in the amount of up to 11 percent of the base quote. ***It was moved by Manager Hejmadi, seconded by Manager Sando, to adopt Resolution 26-014: Approving Contract for Demo Services as follows:***

NOW, THEREFORE, BE IT RESOLVED that the Minnehaha Creek Watershed District Board of Managers awards the contract to Rachel Contracting in the amount of \$71,165, and authorizes the District Administrator to execute and otherwise take all steps necessary or appropriate to administer the contract;

BE IT FURTHER RESOLVED that the District Administrator, in his discretion and on advice of counsel, may approve work changes in an amount of up to 10 percent of the contract price in aggregate and, separately, in an amount of up to 11 percent of the contract price specifically for demolition of the residence and attached garage, in the event they have not been removed prior to demolition work.

In response to a question from Manager Loftus, Ms. Cermak said that staff would investigate well conditions at the site. In response to a question from Manager Hejmadi, Ms. Cermak noted that groundwater wells may be utilized for water sampling, and photographs would document the condition of the site prior to demolition and restoration work begins. Ms. Cermak confirmed in response to a question from Manager Maxwell that the site would be covered with topsoil to match existing grade and seeded. In response to a question from Chair Olson, Ms. Cermak reviewed the schedule for the fire department training exercise.

There being no further discussion, upon vote, the motion carried 5-0.

Resolution 26-015: Approving Site Management Plan

Ms. Cermak noted the standard practice for MCWD to develop site management plans for property it acquires. In this case, the proposed site management plan documents the site's existing conditions, outlines management areas and restoration objectives, and defines how the property will be used and maintained in the interim while longer-term subwatershed and site-specific planning takes place. For MCWD's risk management purposes, the plan also addresses periodic staff inspection for hazards and unauthorized entry.

It was moved by Manager Hejmadi, seconded by Manager Olson, to adopt Resolution 26-015: Approving Site Management Plan as follows:

NOW, THEREFORE, BE IT RESOLVED that the Minnehaha Creek Watershed District Board of Managers approves the 6300 Painter Road Site Management Plan.

In response to a question from Manager Maxwell, Ms. Cermak stated that staff have used battery-operated security cameras at other sites, and will explore it here. Manager Loftus noted that the MCWD's due diligence process seemed very thorough. ***There being no further discussion, upon vote the motion carried 5-0.***

Resolution 26-016: Authorization to Contract for Tree Removals at Greenway to Cedar Trail Connection

Mr. Gabe Sherman appeared before the Board of Managers to review the request for board action. He reviewed the background for the Cedar Trail Connection project and noted that construction of the trail will take place under thawed conditions, but due to protection for the northern long-eared bat, tree removals must occur between November 1 and March 31. He stated that there are approximately 40 trees to be cleared from the trail alignment, in addition to brush, and that buckthorn clearing south of the rail bridges has been planned as part of the project as well. Mr. Sherman noted that staff sought quotes to complete all this work at the same time for cost and operational efficiency.

Mr. Sherman stated that staff requested quotes for the tree removal work from a list of sixteen vendors and received three quotes. He said that staff recommends entering into a contract with Pro Tree for this work.

In response to a question from Manager Hejmadi, Mr. Sherman affirmed that Pro Tree is a known contractor based on its previous work for the City of St. Louis Park and MCWD. Manager Loftus asked about timing considerations for the work, and Mr. Sherman reviewed plans for coordination with the City and stated that he expected to be able to issue a notice to proceed to the contractor on or about February 17.

It was moved by Manager Hejmadi, seconded by Manager Maxwell to adopt Resolution 26-016: Authorization to Contract for Tree Removals at Greenway to Cedar Trail Connection 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 enter into a contract with Pro Tree in the amount of \$16,046 for tree, brush, and buckthorn removal at the Greenway to Cedar Trail Connection project site, contingent on the St. Louis Park City Council's

approval of the project agreements between MCWD and the City, and authorizes the Administrator to execute change orders up to an additional aggregate amount of 10 percent of the contract price.

Manager Maxwell asked about the presence of ash trees in the area, and Mr. Sherman stated that there are some ash trees in the area, but not in the designated removal area, and staff would defer to the City's preferences on removal of any ash trees. In response to a question from Chair Olson, Mr. Sherman noted that utilities along Powell Road above ground are being surveyed and accounted for by the City. In response to a question from Manager Sando, Mr. Sherman said that the ideal completion date for the project is late Fall of this year. ***There being no further discussion, upon vote, the motion carried 5-0.***

BOARD DISCUSSION ITEMS

County Road 6 Pond Retrofit Construction Contract

Ms. Kailey Cermak and Mr. Nick Ayers came before the Board of Managers to discuss the status of work under the County Road 6 Pond Retrofit contract. She noted that construction began on January 5. Ms. Cermak reported that initial activities included dewatering the stormwater facilities, tree removal, and ice removal in areas where pond grading will occur. She noted that muck removal and disposal, and the import of clean clay fill for construction of the filter bench are main cost items in the work. She explained that under the contract, these bid items are quantity-based and dependent on subsurface conditions and the volume of material removed and imported during construction.

Ms. Cermak stated that during ice removal and initial excavation within the footprint of the proposed filter bench, the contractor encountered additional unconsolidated bottom material (muck) beyond the quantities identified in the bid, including in areas where muck removal was not previously anticipated. She noted that the presence of this additional muck creates constructability and long-term system performance concerns. Ms. Cermak said that Stantec recommends removal of the additional muck and replacement with clay fill to establish a suitable foundation for the filter bench.

Staff and Stantec have been working to refine the estimated quantities, and it appears that the project would still be within the budget. In response to a question from Manager Olson, Ms. Cermak said that staff has reviewed the due diligence by Stantec in working on a site design to address site conditions. The managers discussed site conditions, and in response to a question from Manager Loftus, Mr. Smith reviewed the framework for construction work in which quantities are not known and therefore bid on a per unit cost. Mr. Ayers noted that more sediment surveys and borings could have been done to inform the project design, but it is not standard practice. He stated that unit price bidding for a

project like this would be considered standard practice. Mr. Ayers said that the risk of a variance from expected quantities is usually mitigated by front end due diligence; in this case the engineer relied on some sample testing of sediment, and the County Road 6 Pond as-builts. The managers thanked Ms. Cermak and Mr. Ayers for this report.

BOARD INQUIRIES, ISSUES, AND IDEAS

Manager Hejmadi asked about planning for the Minnesota Watersheds Summer Tour, and Mr. Wisker confirmed that MCWD will host the Summer Tour in 2027.

STAFF UPDATES

Administrator's Report

Mr. Wisker reported on the following items:

1. MCWD representatives will attend the Edina City Council meeting on February 4 to share the Project of the Year Award for Arden Park;
2. Meetings with Hennepin and Carver County Commissioners have been going well and reflect support for the MCWD's work;
3. A recent paper produced by the Sensible Land Use Coalition presents a variety of proposals to reduce housing production costs, including flexibility to cut down more trees and to have municipalities exclusively handle water resource regulation. The latter suggestion is already provided for in the watershed planning process.
4. Rachel Baker came before the Board of Managers to provide an update on the construction of the East Auburn Wetland Restoration Project. She reported that construction is proceeding ahead of schedule; the new weir is complete and new helical piers are being installed for the new boardwalk.
5. Samantha Hoppe reported to the Board on plans for the 2027 Plan kickoff event on January 27. Over 80 people have registered. In response to a request from Manager Hejmadi, Ms. Hoppe said that staff could prepare support materials including answers to frequently asked questions.

The managers thanked Mr. Wisker, Ms. Baker, and Ms. Hoppe for this report.

CLOSED SESSION DISCUSSION

325 Blake Road Restoration and Redevelopment, Hopkins

Minutes of the Regular Meeting
Minnehaha Creek Watershed District
Board of Managers
1/22/26

Pursuant to legal counsel's recommendation, it was moved by Manager Maxwell, seconded by Manager Loftus for the Board to go into closed session for the purpose of discussing the terms of potential sale of 325 Blake Road in Hopkins. Upon vote, the motion carried 4-0 (Manager Hejmadi absent for vote but returned for closed session).

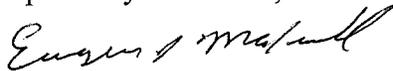
The Board of Managers went into closed session.

The Board of Managers returned to open session.

Adjournment

There being no further business, Chair Olson declared the meeting of the Board of Managers adjourned at 9:16 p.m.

Respectfully submitted,



Eugene Maxwell, Secretary

