



Title: Authorizing Amendment to Campus Improvement Design Contract

Resolution number: 26-079

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Reviewed by: Name/Title: Chuck Holtman, Smith Partners

Recommended action: Staff recommends the Board approve the proposed contract amendment with LHB to incorporate a landscaping plan into the Campus Improvement Project bid set

Schedule: Fall-Winter 2026: Complete Permitting and Bid Package
Winter 2026: Bid Project (*requires future Board action*)
Late Spring/Summer 2027: Project Construction

Budget considerations: Fund name and code: Operations CIP 1-1005
2026 Fund budget: \$598,372
2026 Expenditures to date: \$2,794.75
Requested amount of funding: \$12,950

Past Board action: Res # 26-062 Authorization to Advance Campus Improvement Project Implementation Plan
Res # 20-017 Authorization to Execute a Contract for MCWD Campus Improvements Design Services

Background:

In 2019, MCWD advanced design for the reconstruction of parking lots at its office building located at 15320 Minnetonka Boulevard. In February 2020, MCWD selected LHB, Inc. to provide design services for the project under an agreement with a not-to-exceed amount of \$48,943.40. The project would correct failed pavement, heaved sidewalks, poor drainage, and deficient subgrade that contribute to winter slip-and-fall hazards.

This level of reconstruction requires minor amendment to the City of Minnetonka planned unit development, and work within a 1990 reciprocal cross-easement covering MCWD's shared driveway with Campbell-Sevey, Inc (Attachment B). The easement extends broadly across both parcels and has limited MCWD's ability to advance work without the consent of BS Equity LLC, the nominal owner of the Campbell-Sevey property. Over several years, MCWD has repeatedly sought Campbell-Sevey's cooperation and consent, as well as a narrower, more workable replacement easement that would address both parties' encroachments, but Campbell-Sevey, through its attorney, has refused to engage with MCWD.

Continued deterioration of the pavement and a serious winter injury in 2026 reinforced the urgency of moving the campus improvement project forward. At its May 28, 2026, meeting, the MCWD Board reviewed the project background and alternatives described in the [May 28 staff memorandum](#). The Board expressed a preference for a durable full reconstruction alternative and directed staff to return with a plan to address the easement constraint and advance the project.

At its July 23, 2026 meeting, the Board approved a two-phase implementation approach to provide an opportunity to resolve the easement constraints cooperatively while establishing a path for MCWD to proceed with reconstruction on its property if an agreement could not be reached. As the first phase of that approach, MCWD made a final cooperative offer to reconstruct the entire shared drive aisle, including Campbell-Sevey's portion, at MCWD's sole expense in conjunction with execution of a reformulated easement that would reduce the excessive encumbrance on both parcels, clarify the easement's coordination terms, and allow the project to proceed. Campbell-Sevey's attorney refused the offer. MCWD has therefore been left to move into the second phase of the implementation plan, by which MCWD, through use of eminent domain, will reduce the width of the encumbrance on its parcel only. This approach is less desirable, but there isn't a practical way, by use of eminent domain, to adjust the easement on both parcels and allow for a full drive aisle reconstruction. Under this approach, reconstruction will be confined to MCWD's parking areas and MCWD's half of the shared drive aisle.

MCWD counsel presently is preparing to commence eminent domain proceedings. An element of the eminent domain filing is a "quick-take" petition that will effect the easement adjustment in advance of the commissioners' hearing on compensation and allow the work to proceed in the spring. MCWD staff has discussed the matter with an appraiser, and expect to engage the appraiser to perform a valuation of the easement adjustment and provide testimony in the hearing, if Campbell-Sevey continues to refuse a cooperative solution.

LHB Design Contract

The July Board action also authorized an amendment to MCWD's design contract with LHB to make limited updates to the plans and specifications, support permitting, and prepare and support bidding. The amendment, in an amount not to exceed \$8,930, was intentionally focused on the core elements needed to advance the reconstruction project, and add-alternate items, including the campus landscaping plan, were assumed to be struck and considered out of scope. Apart from the stormwater pond area, this would remove all plantings and restore disturbed areas with rock or seed. With design work now resumed, staff and LHB have taken the opportunity to revisit the status of the landscaping plan and evaluate the benefit of its inclusion.

Summary

After thoughtful evaluation, Staff recommends bringing the landscaping plan forward as part of the current project rather than deferring it to a future effort. The proposed reconstruction work will substantially disturb the site, including turfed areas, through items like required grading, concrete sidewalk replacement, installation of a new subsurface drainage system, and other construction activities. Incorporating the landscaping plan as part of this work would allow MCWD to make use of the site disturbance and construction activity already required for the project, rather than restoring these areas to turf only to disturb them again for future landscaping improvements. This approach can reduce redundant restoration work and associated costs while allowing MCWD to complete the long-awaited campus improvement project with a finished, intentional site.

The previously developed landscaping plan cannot be incorporated back into the project as-is and requires an array of revisions for a variety of reasons:

- Shift in Landscape Goals: The updated vision prioritizes simpler, lower-maintenance planting areas that can be appropriately maintained through existing vegetation contracts, rather than relying on staff-led management. The revised approach also moves away from the more demonstration-oriented landscaping previously envisioned.
- Changes to Civil Design: Changes to the site's civil design, including the revised parallel parking and curbline along the drive aisle and removal of the proposed cistern, require the side yard planting plan to be redesigned.
- New Landscape Areas: The current project provides an opportunity to incorporate areas not included in the original landscape plan, including the front lawn, which is in poor condition, and the windowsill area in the front parking lot. The City's adjacent trail project and associated utility changes also create a well-timed opportunity to improve this public-facing area.

LHB has worked with staff to scope the additional effort needed to develop a revised landscaping plan and incorporate it into the broader campus improvement bid package. The attached scope of work (Attachment A) also includes a small line item for miscellaneous services, which includes evaluating opportunities to accommodate potential future site amenities by incorporating supporting infrastructure where practical. LHB will also develop a comprehensive opinion of probable cost for the full Campus Improvement Project to support bid process recommendations.

Supporting Documents:

- **Attachment A:** Campus Improvement Project-Landscape Architecture Proposal



RESOLUTION

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WHEREAS, in 2019 MCWD began advancing design for reconstruction of the parking lots at its office building at 15320 Minnetonka Boulevard to address failed pavement, heaved sidewalks, poor drainage, and deficient subgrade that contribute to winter slip-and-fall hazards, and the Board later authorized campus improvement design services with LHB, Inc. by Resolution 20-017;

WHEREAS, project advancement was subsequently delayed by negotiation attempts and constraints associated with an overly broad 1990 reciprocal cross-easement covering the shared driveway between MCWD and the adjoining property owner, BS-Equity;

WHEREAS, following a serious slip and fall winter injury, at its July 23, 2026, meeting, the Board approved a two-phased implementation plan to provide an opportunity to resolve the easement constraints cooperatively while establishing a path for MCWD to proceed with reconstruction on its property in 2027 if an agreement could not be reached;

WHEREAS, as part of that implementation plan, the Board authorized an amendment to the LHB design contract to support minor design modifications, support permitting, and prepare and support bidding. At that time, the scope was intentionally limited to the core elements necessary to move the reconstruction project forward, and add-alternate items, like landscaping, were excluded;

WHEREAS, Staff recommend it as cost-efficient and sound to incorporate a revised landscaping plan into the current project to take advantage of planned site disturbance, avoid redundant restoration work and associated costs, and complete the campus improvement project comprehensively, with which the Board concurs;

WHEREAS, the previously developed landscaping plan requires substantial revision to reflect changes to the civil design, updated landscape and maintenance objectives, and additional opportunities identified since 2020;

WHEREAS, Staff and LHB have developed a scope of additional services to (1) develop an updated landscaping plan, (2) incorporate it into the project bid package, (3) identify opportunities to accommodate potential future site amenities, and (4) develop a comprehensive opinion of probable cost;

NOW, THEREFORE, BE IT RESOLVED that the Minnehaha Creek Watershed District Board of Managers hereby authorizes the District Administrator, on advice of counsel, to amend the agreement with LHB, Inc. for design services for the Campus Improvement Project to include the additional services described in the proposed scope of work, in an amount not to exceed \$12,950.

Resolution Number 26-079 was moved by Manager _____, seconded by Manager _____.
Motion to adopt the resolution ___ ayes, ___ nays, ___ abstentions. Date: 10/8/2026

Secretary Date: _____

Scope of Additional Services

Services to Prepare for Bidding:

- Landscape Design and Documentation
 - Revise landscape plans in the areas described above.
 - Update landscape details and specifications as needed for the revised scope.
 - Conduct one (1) in-person review workshop to discuss revised plans.
 - Prepare landscape documents needed for City of Minnetonka review process (MCWD to be primary contact and coordinate City submittal).
 - LHB anticipates one (1) round of revisions to the landscape design plans.
- Bidding Support of Landscaping Scope
 - Bidding support for the overall project was included in ASR 03; this includes only bidding support for landscape-specific items.
- Miscellaneous additional services
 - Coordination of future site amenities (monument sign, EV charging spaces).
 - Update to probable opinion of cost for entire campus project (not included in ASR 03).
 - Additional exhibit revision requests.

Schedule

LHB will begin work immediately following notice to proceed on this amendment, in conjunction with our previously proposed work, anticipating bidding this winter and starting construction in the spring of 2027. Construction will be completed by fall 2027.

Proposed Fee

LHB proposes a stipulated sum fee of Twelve Thousand Nine Hundred Fifty Dollars (\$12,950) including reimbursable expenses. The fee is divided as follows:

▪ Landscape Design and Documentation	\$7,500
▪ Landscape Bidding Support.....	\$2,250
▪ Miscellaneous Additional Services.....	\$3,200
Total Additional Amount Requested	\$12,950

Terms and Conditions

Upon your approval of this proposal, we will prepare an amendment to our agreement consistent with the terms and conditions of our agreement.

We appreciate your consideration of this request and the opportunity to continue working with you on this project. If you have any questions or suggested revisions to the proposed scope of work adjustments listed above, please contact Lydia at 612-581-0850.

LHB, INC.



LYDIA MAJOR, P.L.A., LEED AP
PROJECT MANAGER



MATTHEW SETTERGREN
VICE PRESIDENT

Attachments: MCWD Change Exhibit

LHB Project No. 200017

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