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

August 12, 2021

CALL TO ORDER

The regular meeting of the Minnehaha Creek Watershed District was called to order by
President Sherry White at 7:00 p.m. on August 12, 2021. President White noted that this
meeting was convened electronically through Zoom, pursuant to Minnesota Statutes
13D.021, due to the COVID-19 pandemic and her determination that it is not prudent for
the Board of Managers, or any committee thereof, to meet in person, and it is not feasible
to provide for any member of the Board, or of the public, to meet at the regular meeting
location. For this reason, until this determination is withdrawn by the District’s presiding
officer, chief legal counsel or chief administrative officer, the meetings of the Board and
its committees will be convened by telephone or other electronic means as the presiding
officer determines appropriate. All such meetings will be noticed and conducted in
accordance with §13D.021 and all other applicable terms of the Open Meeting Law.
President White noted that, pursuant to §13D.021, all votes will be by roll call.

President White called the roll to note attendance:

Hejmadi: Present from 7:02 p.m.
Loftus: Absent
Sando: Present
Miller: Absent
Olson: Present
Maxwell: Present from 7:01 p.m.
White: Present.

DISTRICT STAFF AND CONSULTANTS PRESENT

James Wisker, Administrator; Laura Domyancich-Lee, Planner-Project Manager; Janna
Jonely, Project and Land Management Technician; Michael Hayman, Project Planning
Manager; Alex Steele, GIS Coordinator; Chris Meehan, Consulting Engineer; and Louis
Smith, District Counsel.

MATTERS FROM THE FLOOR

None.

APPROVAL OF AGENDA

It was moved by Manager Olson, seconded by Manager Sando to approve the Agenda
as distributed. Upon roll call vote, the motion carried 5-0-2 as follows:
Minutes of the Regular Meeting  
Minnehaha Creek Watershed District  
Board of Managers  
8-12-21  

47 Hejmadi: Absent  
48 Loftus: Aye  
49 Sando: Aye  
50 Miller: Absent  
51 Olson: Aye  
52 Maxwell: Aye  
53 White: Aye  

CONSENT AGENDA  

It was moved by Manager Olson, seconded by Manager Maxwell, to approve the  
Consent Agenda consisting of approval of the July 22, 2021 Board minutes, and  
Resolution 21-054: Authorization to Renew ElementsXS Annual License  
and Maintenance Agreement as follows:  

NOW, THEREFORE, BE IT RESOLVED that the Minnehaha Creek  
Watershed District Board of Managers hereby authorizes the renewal of  
permitting software maintenance and licenses for an amount of $10,000.00.  

Upon roll call vote, the motion carried 6-0-1 as follows:  

68 Hejmadi: Aye  
69 Loftus: Aye  
70 Sando: Aye  
71 Miller: Absent  
72 Olson: Aye  
73 Maxwell: Aye  
74 White: Aye  

BOARD, COMMITTEE AND TASK FORCE REPORTS  

President’s Report: President White expressed her appreciation to staff for preparing a  
productive Board retreat meeting on July 26. She reported that she attended a recent 325  
Blake Road meeting that included a review of the design charrette, initial review of the  
preliminary development agreement, and discussion of next steps in the development  
process.  

Operations and Programs Committee Report: Manager Loftus reported that the  
committee met earlier and received a briefing from Ms. Domyancich-Lee on planning for  
office campus improvements, including discussions and concerns of neighboring property  
owners and project options. More discussions will follow.  

Upcoming Meeting and Event Schedule: President White directed the managers to the  
meetings listed on the agenda, noting that the District is back to meeting remotely.
BOARDS DISCUSSION ITEMS

Six Mile Marsh Prairie Trail and Interpretation Design Briefing

Ms. Laura Domyancich-Lee appeared before the Board of Managers and provided a briefing on the design for the Six Mile Marsh Prairie Trail. She reviewed past design guidance from the Policy and Planning Committee. In response to manager questions, she highlighted the trail user experience, accessibility, security, and needs of various user groups. She noted plans for bid solicitation in September, with planned construction either late this fall or next spring. The managers thanked Ms. Domyancich-Lee for her presentation.

Minnehaha Preserve Boardwalk Update

Mr. Michael Hayman and Ms. Janna Jonely appeared before the Board of Managers and noted the presence of Mr. Tom Radio to brief the Board on the upcoming mediation session. Mr. Smith recommended that the Board of Managers move into closed session for the purpose of receiving confidential legal advice concerning litigation strategy in the upcoming mediation on the problems with the defects in the Minnehaha Preserve Boardwalk. *It was moved by Manager Sando, seconded by Manager Maxwell to move the board meeting into closed session for this purpose. Upon roll call vote, the motion carried 6-0-1 as follows:*

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

Whereupon the Board of Managers went into closed session.

The Board of Managers returned to open session.

STAFF UPDATES

Administrator’s Report

Mr. Wisker reported on the following items:
1. Lake Minnetonka is at 928.3, or 0.3 feet below the runout elevation. Minnehaha Creek is flowing at 2 cubic feet per second. Precipitation in the metro area is 5 inches below normal, and 78% of the state is in severe drought condition.

2. Mr. Wisker expressed his appreciation to the Board for a productive retreat on July 26.

3. Mr. Wisker send a letter to the City of Greenwood in response to the city’s letter expressing interest in MCWD funding for management of aquatic invasive species in Lake Minnetonka; he noted a related article in the Lake Minnetonka Association newsletter.

4. Mr. Wisker asked Mr. Smith to report on the Schmidt v. Orono, MCWD lawsuit. Mr. Smith reported that the plaintiff had recently agreed voluntarily to dismiss the MCWD from the lawsuit.

Adjournment

There being no further business, President White declared the meeting of the Board of Managers adjourned at 9:01 p.m.

Respectfully submitted,

Eugene Maxwell, Secretary