

**MINUTES OF THE REGULAR MEETING
OF THE
BOARD OF MANAGERS
OF THE
NINE MILE CREEK WATERSHED DISTRICT**

WEDNESDAY, OCTOBER 18, 2017

Special Reception Honoring Corrine Lynch

Chair Kloiber called the special reception to order at 6:30 p.m.

Managers Present: Twele, Hunker, Kloiber, Sheely and Peterson

Managers Absent: None

Advisors Present: Randy Anhorn, Gael Zembal, Louis Smith, Bob Obermeyer, Janna Kieffer, Wes Leksell, and Corrine Lynch

The Managers held a celebratory gathering in honor of Corrine Lynch retiring from the Board after 18 years. Chair Kloiber recognized Corrine Lynch for her long tenure on the Board, the challenges and changes the District experienced, and for her contributions to the District throughout that time.

Chair Kloiber adjourned the special meeting at 6:55 p.m.

Call to Order

Chair Kloiber called the meeting of the Board of Managers of the Nine Mile Creek Watershed District to order at 7:00 p.m., Wednesday, October 18, 2017, at the Nine Mile Creek Watershed District Office, 12800 Gerard Drive, Eden Prairie, MN 55346.

Managers Present: Twele, Hunker, Kloiber, Sheely and Peterson

Managers Absent: None

Advisors Present: Randy Anhorn, Gael Zembal, Louis Smith, Bob Obermeyer, Janna Kieffer, Wes Leksell, and Keith Pilgrim

Agenda

Manager Sheely moved, seconded by Manager Peterson, to approve the agenda. Upon a vote, the motion carried.

Oath of Office – Jodi Peterson and Erin Hunker

Attorney Smith administered the oath of office to Managers Peterson and Hunker.

Election of Officers

Chair Kloiber noted that because Corrine Lynch was Secretary, the decision can be made to switch the positions or just appoint someone as Secretary that is not currently appointed as an officer.

Manager Sheely stated that she would be willing to accept the position of Secretary.

Chair Kloiber noted that the Board typically elects the positions in January and therefore a Secretary can be appointed and the positions can be reconsidered in January.

Manager Twele moved, seconded by Manager Peterson, to appoint Grace Sheely as Secretary. Upon a vote, the motion carried.

Reading and Approval of Minutes

The Chair called for review of the minutes of the Special Meeting and Budget Public Hearing of September 7, 2017. Manager Peterson noted that Manager Lynch is listed as absent but believed that she was present at the meetings on September 7th. Attorney Smith noted that he would forward some minor edits to Administrator Anhorn. Manager Sheely provided some input and Administrator Anhorn stated that he would follow up to determine clearer wording on a few statements.

Manager Peterson moved, seconded by Manager Sheely, to approve the minutes with the noted corrections. Upon a vote, the motion carried.

The Chair called for review of the minutes of the Regular Meeting of September 20, 2017.

Manager Twele moved, seconded by Manager Sheely, to approve the minutes as presented. Upon a vote, the motion carried.

Correspondence

- BWSR letter with information for approval of the District plan

Hearing and Discussion of Matters of General Public Interest

There were none.

Consent Agenda

- A. **Permit #2017-104: Bloomington Care Center Parking Lot Expansion – 9889 Penn Avenue; Grading and land alteration permit: Bloomington**
- B. **Permit #2017-106: Site Remediation – 9431 Garfield Avenue; Grading and land alteration permit: Bloomington**

Manager Peterson moved, seconded by Manager Sheely, to approve the Consent Agenda. Upon a vote, the motion carried.

Hearing of Permit Applications

- A. **Permit #2017-107: Emanuelson-Podas Parking Lot Modification – 7705 Bush Lake Road; Grading and land alteration permit: Edina**

Engineer Obermeyer stated that this is a modification of a project the Board reviewed in April. He provided background information on the original request details and presented the proposed plans. He recommended approval of the permit, noting that a new permit would be issued as the previous permit number has expired. He recommended approval subject to financial surety in the amount of \$5,000, payment of \$184 into the stormwater facilities fund, and submission of necessary as-builts and certification that the project has been completed.

Chair Kloiber asked if the variance and the permit are separate actions. He asked if the Board would need to reauthorize the variance since it had already been approved.

Attorney Smith stated that because this is a revised project, the Board would need to reauthorize the variance and then approve the revised permit.

Manager Sheely asked and received confirmation that the original parking lot was constructed and asked for what will be included in this portion.

Engineer Obermeyer explained that three additional parking stalls will be constructed and noted that the access point would be narrowed a bit to offset that increase in impervious. He noted that 200 additional square feet of impervious will be added overall and the applicant will also be replacing a timber retaining wall, which triggers the amount of disturbance.

Manager Sheely moved, seconded by Manager Twele, to approve the variance based on the findings set forth in the permit report. Upon a vote, the motion carried.

Manager Twele moved, seconded by Manager Sheely, to approve the permit with the conditions set forth in the permit report. Upon a vote, the motion carried.

Treasurer's Report

The Treasurer submitted the report. Administrator Anhorn provided clarification on certain items included in the report.

Engineer Obermeyer recommended approval of the pay request to Sunram Construction in the amount of \$77,143.10.

Manager Twele moved, seconded by Manager Sheely, to approve the pay request to Sunram Construction in the amount of \$77,143.10. Upon a vote, the motion carried.

Manager Sheely moved, seconded by Manager Twele, to approve the Treasurer's Report and pay the bills. Upon a vote, the motion carried.

Education & Outreach Program Report

The Chair called for the report of the Citizens Advisory Committee.

A. General Updates

Education and Outreach Specialist Zembal noted that the trail map has been received and staff has been distributing the map at some of the events the District has participated in. She stated that staff has been receiving sign-ups for the adopt a drain program in Bloomington, noting that 38 drains have been adopted. She stated that the residents have received their welcome packets and the yard signs will be assembled and distributed. She stated that the pop-up education cart has been successful during the summer events, noting that staff visited a variety of community events and impacted a total of 670 people. She reminded the Board of the buckthorn bust on Saturday, October 28th. She stated that five Master Water Stewards had graduated the program and are working to complete their capstone projects. She noted that six new stewards have joined the cohort.

B. CAC Meeting Update

Education and Outreach Specialist Zembal reported that the CAC met and were updated on the work the Board has been doing on the rules. She stated that the group also discussed the December 13th State of the Waters event and topics for presentation. She stated that the CAC noted that there is a need for more public education and promotion of District activities and events.

Administrator Anhorn stated that a few CAC members were not aware of the permit program. He stated that the CAC was in favor of the chloride management element and also favored the tiered approach for single-family home permitting. He noted that the CAC also supported the recommendation for the D soils and looking watershed wide for permitting for single-family homes.

C. Bush Lake Izaak Walton League Public Good Award

Education and Outreach Specialist Zembal reported that the Bush Lake Izaak Walton League presented the District with the public good award. She stated that the District is very excited to receive that and congratulated the District for the award.

Chair Kloiber stated that MPR/American Public Media has announced a desire to increase public knowledge of issues regarding water and stated that might a potential opportunity for the District.

Unfinished Business

A. 2018-2027 Water Management Plan Adoption

Administrator Anhorn stated that a memorandum was included in the packet highlighting that BWSR approved the District’s plan at their September 27th Board meeting. He stated that the next action for the District is to adopt the plan by resolution. He referenced a date that was missing from the draft resolution.

Chair Kloiber confirmed the consensus of the Board for him to read aloud the summary paragraph of the resolution and not the entire resolution.

Manager Peterson moved, seconded by Manager Sheely, to adopt the resolution adopting the 2018-2027 Water Management Plan. Upon vote, the motion carried with 5 ayes and 0 nays as follows:

	<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
Erin Hunker	X		
Jodi Peterson	X		
Steve Kloiber	X		
Grace Sheely	X		
Maressia Twele	X		
		X	

B. Resolution to Raise the Administrator’s Purchase Ceiling

Administrator Anhorn stated that the Board has discussed this on multiple occasions. He stated that the governance manual limits the purchase authority of the Administrator to \$1,000, while other Districts give an authority to \$5,000 or even \$10,000 with the approval of the President. He noted that the resolution before the Board for consideration would raise the purchase authority of the Administrator to \$5,000 or \$10,000 with approval from the President.

Attorney Smith suggested including an additional paragraph into the resolution and provided that language.

Be it further resolved that the NMCWD administrator hereby is authorized to contract for purchase of goods and services or otherwise bind NMCWD in an amount up to \$5,000.

Chair Kloiber confirmed the consensus of the Board for him to read aloud the summary portion of the resolution rather than the entire resolution.

Manager Twele moved, seconded by Manager Sheely, to adopt the resolution to raise the Administrator’s purchase ceiling. Upon vote, the motion carried with 5 ayes and 0 nays as follows:

	<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
Erin Hunker	X		
Jodi Peterson	X		
Steve Kloiber	X		
Grace Sheely	X		
Maressia Twele	X		

C. Normandale Lake

Engineer Obermeyer introduced Engineer Pilgrim, who worked on the modeling portion for Normandale Lake.

Engineer Pilgrim thanked the Board for allowing him the opportunity to work on the modeling for this lake, noting that it was an interesting experience. He stated that aquatic plants are the main factor in this lake and drive the ecology of the lake and provided additional information on the plants. He provided information on the source of the phosphorus, noting that there is both internal loading and external loading. He provided comparison information between 2010 and 2016. He stated that although there is a fish habitat, the fish are probably not thriving. He reviewed the elements that affect the low oxygen level of the lake. He provided additional details on the aquatic plant habitat and what was learned in 2017 about the impact of curly leaf pond weed. He noted that the majority of the plant mass is between six or seven species. He provided information on the pounds of phosphorus that the plants are absorbing, noting that about half the phosphorus that comes into the lake is absorbed by the plants and therefore any management should take that into consideration. He reviewed the comments and concerns that were received by the residents on Normandale Lake. He reviewed the overall goals of the plan the District just adopted and how that aligns with potential management options for the lake. He reviewed the potential management activities that could be pursued.

Engineer Obermeyer noted that the footnote regarding recreational use is important. He noted that the Corps considers Normandale Lake as a wetland that should not be considered for recreational use.

Manager Peterson referenced the alum treatment that could then decrease the curly leaf pond weed and decrease the shading and asked how that would impact the lake.

Engineer Pilgrim provided additional details noting that the curly leaf pond weed is acting as a kidney to filter and therefore management activities should be monitored.

Manager Peterson stated that it sounds that the results will be experimental and asked if this would lend itself to be a pilot study with another organization, such as the University of Minnesota.

Engineer Pilgrim stated that through the modeling they know how the lake works but agreed that they do not know exactly how the management activities will interact with the plant system. He stated that a combination of some activities would have a benefit, moving slowly.

Administrator Anhorn agreed that baby steps would be the best process for this lake.

Chair Kloiber stated that the District should incorporate enough monitoring and assessment to allow the District to make informed decisions. He stated that it appears that Manager Peterson is asking if all the pieces and partners are in place for that. He agreed that the District should not skimp on data collection and monitoring throughout the management.

Engineer Pilgrim stated that the idea would be to have a two to three-year test pilot program.

Chair Kloiber stated that if other partners are brought in, the District would have to fund that participation.

Manager Sheely stated that she is concerned with the public perception and asked if the District can effectively communicate the process.

Chair Kloiber agreed that there will be a public education component and effective communication will be an important element of this project. He noted that one element is that the residents will need to understand that this lake will always need to have plants in it and will never be a Lake Superior type lake. He stated that the drawdown in Anderson Lake was about eight years ago and asked the status of the curly leaf pond weed in that lake.

Engineer Obermeyer noted that it is under control.

Chair Kloiber noted that could be used as an example where the drawdown was used to control the curly leaf pond weed and allowed other plants to grow as well.

Manager Peterson stated that perhaps another aspect of messaging would be to explain that this is actually more of a wetland and will never be a full recreation lake.

Administrator Anhorn noted that staff has discussed with the city staff the possibility of signage and kiosk information and other educational aspects. He noted that while harvesting can be done in one section of the lake, it cannot occur on the other side because of the Corps permit.

Chair Kloiber agreed that this multi-tier approach seems to be a good fit, using the different methods in combination together. He asked the data that would be needed and/or the trigger that would occur that would direct the District whether or not to move onto the next management activity.

Engineer Pilgrim explained that if harvesting is selected, then perhaps a three-year approach is designed with monitoring to determine if that would be successful on its own.

Administrator Anhorn noted that the activity would be dependent on the Corps and what they will allow under the permit. He stated that even if full harvesting is allowed, and it is successful, the Corps may not allow that activity to continue after the three-year period expires. He reviewed the steps that the District has taken thus far noting that staff has prepared a draft letter to be sent to the Corps asking for direction on what would be allowed by the Corps. He stated that in 2007 the city petitioned the District to do this project. He noted that because this would follow the process of 103D-771, the Board would need to direct staff to complete an Engineer's Report. He stated that although most of the data has been collected through the study, there is still additional work to be done in the Engineer's Report.

Attorney Smith provided additional details on the 103D petition process. He noted that this project would also be included in the District's recently adopted plan and therefore the work should be completed from the priorities the District has set in its plan. He provided additional details on old watershed law and how watersheds previous functioned compared to how the District currently operates. He stated that he would still recommend completing the Engineer's Report. He stated that one thing that continues to come to mind is what is actually achievable and to what extent is the District working on something that may never meet expectations. He explained that the District created this wetland to manage floodwater and therefore the history of the body of water should be explained so that expectations can be managed.

Manager Sheely stated that this data collected in the study seems to show a lake that is functioning well. She stated that there is a lot going on in the lake that is right and if the management activity goes wrong, it could cause an imbalance in the lake.

Engineer Pilgrim stated that the lake is a good sink for phosphorus.

Chair Kloiber stated that the lake is turning that phosphorus into aquatic plants.

Administrator Anhorn noted that it is also turning it into invasive species, so the District can improve the conditions.

Chair Kloiber stated that this is not so much a shallow lake but more of a deep marsh. He stated that under the DNR classification system it is classified as a wetland. He noted that it would be worth attempted to tackle the invasive species and blue/green algae.

Engineer Pilgrim provided an example of Kohlman Lake in Ramsey Washington Metro Watershed District that had similar issues and was treated with alum and is now in better condition.

Administrator Anhorn noted that the Metropolitan Council lists Normandale Lake as a priority lake.

Manager Peterson stated that there is a study benefit to this project and if it does not work out at least the District would have additional data. She noted that the public education campaign will be an important aspect as well.

Chair Kloiber stated that strategically the District should focus on managing this as a healthy deep marsh, as that would be more key for the Corps. He stated that it would be a hard sell to deviate too far from that.

Manager Sheely stated that she would like a vision as to the best this marsh could be included in the Engineer's Report.

Engineer Obermeyer noted that water quality is a matter of perception. He stated that the District constructed the lake in 1978 and calls began coming in 1980 regarding the vegetation in the lake. He stated that the plan would be to do the best they can to manage the lake and protect downstream.

Chair Kloiber stated that this is a step by step adaptive approach and therefore the Board could come up with an ultimate vision but the reality is that it is unknown as to what will happen. He stated that it may feel awkward but they will move slow on the first step, collect data, and then possibly move onto the next step.

Manager Sheely asked if they could get the educational component started now to tackle that aspect.

Chair Kloiber noted that the DNR has a shallow lakes program that would have educational material the District could use.

Administrator Anhorn stated that it appears the drawdown may be the first step, noting that the District has already had conversations with city staff on how that would proceed. He noted that a communication plan could be developed for that as well.

Chair Kloiber asked if there is a cost estimate for the Engineer's Report.

Administrator Anhorn stated that staff does not have that estimate at this time.

Chair Kloiber stated that perhaps the cost estimate could be provided at the special meeting on November 2nd and action on the Engineer's Report can be delayed until that time.

D. Rules

Administrator Anhorn stated that if directed by the Board, staff would like to bring this draft language to the TAC meeting the following Tuesday. He noted that if that occurs, staff would then be able to bring the comments of the TAC back to the Board at a special meeting to tentatively occur on Thursday, November 2nd at 5:30 p.m.

It was the consensus of the Board to hold a special meeting on November 2nd at 5:30 p.m. to discuss the rules and Normandale Lake.

Administrator Anhorn stated that for the first time he included in the full draft rules in the Board packet for review and asked for consensus of the Board on the draft language.

Chair Kloiber stated that he had nothing of concern with the draft as written.

Manager Peterson agreed that the Board provided a lot of input thus far.

Chair Kloiber stated that it would be nice to have the input of the TAC at this point.

Administrator Anhorn confirmed the consensus of the Board to present the draft rules to the TAC.

New Business

A. MAWD Resolution

Administrator Anhorn stated that at MAWDS's Annual Meeting, watershed submitted resolutions are brought forward for consideration by the full MAWD membership for inclusion in their policies which are then be promoted during upcoming legislative sessions. He presented information on the chloride resolution that the District would like to propose.

Manager Sheely asked if the salt subcommittee from the City of Edina reviewed this language.

Administrator Anhorn noted that staff has had discussion with that group on the limited liability legislation and noted that group is also interested in promoting it to their local legislators.

Manager Sheely noted that she simply wanted to ensure that group was kept in the loop.

Chair Kloiber stated that he would like more background on the implications for the applicators.

Attorney Smith stated that this was modeled on legislation that has been adopted in New Hampshire and is grounded in the notion that right now those applying chloride feel that if they do not apply enough salt and there is an accident, that they could be liable. He provided additional details. He stated that this resolution would provide support that you can follow the best practices for sale application and receive some protection from liability.

Manager Sheely moved, seconded by Manager Twele, to direct staff to submit the resolution to MAWD. Upon a vote, the motion carried.

Engineer's Report

- A. Bush Lake Outlet Project: Status Report**
- B. Eden Prairie Lakes Water Quality Improvement Project: Status Report**
- C. Edina Creek Stabilization Project: Status Report**
- D. Normandale Lake Water Quality Improvement Project: Status Report**
- E. Pentagon Park Stormwater Management**
- F. Discovery Point Site Restoration**
- G. Status of Construction Projects**

Engineer Obermeyer stated that his written report was included in the packet.

Attorney's Report

Attorney Smith had nothing further to report.

Administrator's Report

Administrator Anhorn stated that registration is open for the annual MAWD conference and asked if Managers are interested in attending.

The Board provided input on who plans to attend the conference.

Managers' Report

The Chair called for reports.

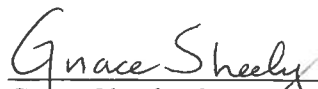
Task Summary Report & Manager's Calendar

The Managers reviewed and updated the task report.

Adjournment

It was moved by Manager Sheely, seconded by Manager Peterson, to adjourn the meeting at 9:00 p.m. Upon a vote, the motion carried.

Respectfully submitted,



Grace Sheely, Secretary

ATTACHMENTS:
Treasurer's Report

