

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

WEDNESDAY, JUNE 17, 2020

1. Call to Order

Chair Cutshall called the Regular Meeting of the Board of Managers of the Nine Mile Creek Watershed District to order at 7:00 p.m., Wednesday, June 17, 2020. The meeting was conducted by web-based video conference, pursuant to Minnesota Statutes section 13D.021 after the president determined that because of the COVID-19 pandemic it was not prudent for the Board of Managers, or any committee thereof, to meet in person.

Managers Present: Bob Cutshall, Erin Hunker, Larry Olson, Grace Sheely, and Jodi Peterson

Managers Absent: None

Advisors Present: Randy Anhorn, Lauren Foley, Megan Jester, Janna Kieffer, Erica Sniegowski, Michael Welch, Gael Zembal

Other Attendees: Peter Allen (Stantec Consulting)

2. Approval of Regular Meeting Agenda

Administrator Anhorn added a discussion on a change order for the nonprofit BMP project at Chapel Hills as item 9a, and he moved the agenda item on the Cornelia/Edina Lake Projects Feasibility Study to 9b.

Manager Hunker moved, seconded by Manager Olson to approve the meeting agenda as amended. On a roll call vote, the motion was approved 5-0.

3. Reading and Approval of Minutes

a) Draft Minutes of the May 7, 2020, Special Board Meeting

Manager Hunker moved, seconded by Manager Peterson to approve the minutes of the District's May 7, 2020, Special Board Meeting. On a roll call vote, the motion was approved 5-0.

b) Draft Minutes of the May 20, 2020, Regular Board Meeting

Manager Peterson moved, seconded by Manager Sheely to approve the minutes of the District's May 20, 2020, Regular Board Meeting. On a roll call vote, the motion was approved 5-0.

4. Public Open Forum

There were no items raised in the Public Open Forum.

5. Consent Agenda

a) Administratively Approved Permits

No comments or questions on the administratively approved permits were raised.

b) Permit Inspection Report

No comments or questions on the permit inspection report were raised.

c) NMCWD 2021 Budgetary Meeting Schedule

Manager Sheely commented that the District needs to look at its August and early September schedule to plan how it will complete the budget process by September 15. Administrator Anhorn agreed and said he would talk with counsel about the timing and bring a recommendation to the Board. Mr. Welch noted that the budget and levy the Board adopts and the District submits to the county by September 15 is final, although the District can take action to reduce its levy before the end of the calendar year.

d) Staff Reports

- i. Permit and Water Resources Coordinator
- ii. Education and Outreach Coordinator
- iii. Program and Project Manager

Manager Olson moved, seconded by Manager Sheely to approve the Consent Agenda. On a roll call vote, the motion was approved 5-0.

6. Hearing of Permit Applications

There were no permit applications to report.

7. Treasurers Report

Administrator Anhorn highlighted the new pay application from HAB Aquatic Solutions in the amount of \$81,844.97 for the in-lake alum treatment on Lake Cornelia and a pay application from Dering Pierson Group in the amount of \$44,401.31 for the building addition. Mr. Welch noted the Board meeting packet contained memos about pay applications that recommend payment.

Manager Hunker moved, seconded by Manager Sheely to accept the Treasurer's Report and pay the bills including the pay applications for HAB Aquatic Solutions in the amount of \$81,844.97 and Dering Pierson Group in the amount of \$44,401.31. On a roll call vote, the motion was approved 5-0.

8. Administrator's Report

Administrator Anhorn mentioned he sent an email today to the Board and staff with registration information for the upcoming Salt Symposium, a virtual two-day event. He asked managers to contact him to let him know who would like to register.

Administrator Anhorn said in response to the latest governor's order on COVID-19, he is working on a preparedness plan for the District. Mr. Welch added that a preparedness plan is required of all governmental entities and open businesses. Mr. Welch added details about the state-provided preparedness plan template, and he noted that the new order continues to defer the determination as to whether the pandemic conditions warrant meeting virtually to the president of the board. It also strongly encourages local governmental entities to meet via electronic means.

Administrator Anhorn listed items that will be coming up on the Board's July agenda, including a public hearing on a Lake Cornelia project. He said there may be public comments

on a permit application from the City of Minnetonka for a mountain bike trail in Lone Lake Park, and he described how the District can provide for public comments. Administrator Anhorn said he is looking at the Board possibly holding a Budget workshop on August 4, and he asked the Board and staff to contact him to let him know if they could attend a 5:00 p.m. or 5:30 p.m. workshop on August 4, and then he will work on getting the workshop scheduled.

9. Unfinished Business

a) Chapel Hill Change Order

Administrator Anhorn talked about the Chapel Hills United Church of Christ nonprofit BMP project. He said there is a change order to add a drain tile that can be capped or uncapped depending on whether infiltration of runoff is occurring. Administrator Anhorn explained the underdrain is necessary due to the site's soils. He said this is the second change order for the nonprofit BMP project and increases the Sunram contract price by approximately \$10,000. He reminded the Board that the first change order decreased the project cost by approximately \$5,000.

Program and Project Manager Sniegowski provided more details about the underdrain. She updated the Board on a communication from the church about its concerns with the expansion of the footprint of the project and the associated amendment of cooperative agreement between NMCWD and the church. She stated that the project contact at the church expressed concerns as to whether the ongoing maintenance requirement for the drain tile would impede a future sale of the property.

Program and Project Manager Sniegowski said staff recommends the District take on the maintenance of the drain tile, while maintenance of the rain garden itself transfers to the church after two years. She said the larger issue is how to handle any potential transfer of property ownership. She said one way would be to handle it the same way the District handles property transfers in its cost share program: By requiring only that the property owner notify NMCWD of a pending sale and facilitate engagement of the potential new owner.

The Board and staff discussed costs incurred to date on the project and options for moving forward. Manager Sheely suggested the Board direct Mr. Welch to draft language the District could include in future cost share agreements that would allow NMCWD to recover a portion of its costs in the event of property transfer. Mr. Welch said if the managers are interested in keeping this project moving forward, the Board could authorize staff to draft an amendment to the cooperative agreement, authorize the Administrator to enter that amendment

on advice of legal counsel, with such discretion as to terms and in consultation with the Board's Chair as necessary. The managers concurred that staff should pursue completion of the project, without requiring that NMCWD recover costs of the project in the event of sale and agreeing to perform drain time maintenance.

Manager Sheely moved, seconded by manager Hunker to authorize staff to draft an amendment to the cooperative agreement, authorize the Administrator to enter that amendment on advice of legal counsel and review of the Chair as needed and to continue to move the project forward. On a roll call vote, the motion was approved 5-0.

b) Cornelia/Edina Lake Projects Feasibility Study

Administrator Anhorn provided background, and introduced Engineer Kieffer to present the feasibility study. Engineer Kieffer reminded the Board that the proposed Rosland Park stormwater BMP included in the feasibility study was discussed in detail at the regular board meeting in May.

Engineer Kieffer said several parcels of land that are publicly owned in the Lake Edina watershed were considered for installing retrofit BMPs onto the property. She showed a slide identifying the properties, which include an open space parcel between Lynmar Lane and Bristol Boulevard owned by the City of Edina and Cornelia Elementary School owned by Edina Public Schools, and described the potential BMP projects, including rain gardens. Engineer Kieffer provided more information on the two site concepts explored and indicated if the Board is interested in moving to the next step, Barr would put together visuals of the concepts and would communicate further with the City of Edina and the Edina Public Schools.

Engineer Kieffer introduced a different potential project related to treatment of upstream ponds if internal phosphorous loading in these ponds is determined to be a problem. She said staff looked at three different ways of treating internal loading, including the use of aluminum, iron, or spent lime (a calcium carbonate byproduct of the drinking water treatment process) to bind phosphorus in the pond sediments, of which the latter two are still experimental.

Engineer Kieffer addressed curly-leaf pondweed treatment options for Lake Cornelia. She talked about the option of a drawdown of Lake Cornelia and the costs of a drawdown, noting the option is cost prohibitive. Engineer Kieffer pointed out that a drawdown would require approval by 75% of riparian property owners. She said staff recommends continuing with herbicide treatment of curly-leaf pondweed in Lake Cornelia.

Engineer Kieffer discussed fish management, and she reminded the Board that Lake Cornelia has an abundant goldfish population. She presented

recommendations, saying an integrated approach of removing the goldfish and carp and working to mitigate winter kill to keep predators alive is the first recommendation. She said the second recommendation is to stock with native predator fish.

Engineer Kieffer explained the feasibility study evaluated four aeration methods for managing winter fish kill. She stated the study recommends the side stream saturation method due to its minimal aesthetic disturbance and because it is not anticipated to measurably affect ice thickness and general usage of the lake. She provided a brief explanation of the method. Engineer Kieffer also reviewed methods of goldfish and carp removal.

Engineer Kieffer noted that with fish stocking, the recommendation is adding native fish like blue gill, largemouth bass, and pike to reduce the success of the goldfish population. She pointed out that there is a virus affecting fish, making it more difficult to acquire stock fish.

Administrator Anhorn said staff is looking for the Board to accept the feasibility study and to authorize him to take the necessary steps to continue the development of the Rosland Park stormwater BMP project, including convening a public hearing on the Rosland Park stormwater BMP and directing staff to continue in the direction recommended in Cornelia/Edina lakes feasibility study for the other concepts identified in the feasibility study. He suggested holding the public hearing before the Board's July regular meeting, such as starting the hearing at 6:30 p.m. the evening of the Board meeting. Mr. Welch clarified that the Board wouldn't be authorizing the Rosland Park stormwater BMP and would just be holding the public hearing at that time.

Manager Sheely said she understood that staff would move forward looking first at the Lynmar property concept before the school property concept, and so staff won't be pursuing the school property at this time.

Attorney Welch noted the drawdown was explored in the feasibility study but not recommended and isn't one of the concepts the Board is authorizing staff to pursue with this motion.

Managers and staff talked about aeration and fish stocking, with Manager Hunker and Manager Olson expressing reservations about aeration.

Manager Peterson moved, seconded by Manager Olson to accept the feasibility study and authorize the Administrator to take the necessary steps to continue the development of the Rosland Park stormwater BMP project,

including convening a public hearing for the project on July 15, 2020 at 6:30. On a roll call vote, the motion was approved 5-0.

Administrator Anhorn said he heard consensus from the Board to direct staff to continue in the direction recommended in the Cornelia/Edina lakes feasibility study for the other concepts identified in the feasibility study, including the stormwater retrofit opportunities in the Lake Edina watershed, with focus on the potential for a stormwater BMP on the city owned parcel located between Lynmar Land and Bristol Boulevard, the City's continuation with herbicide treatment of curly-leaf pondweed in Lake Cornelia, the fishery management components for Lake Cornelia, and an internal phosphorous loading review of Lake Nancy and Lake Otto, two ponds located upstream of Lake Cornelia. The Board indicated agreement.

10. New Business

a) Building Addition Landscaping/Raingarden Quotes

Administrator Anhorn provided an update on the District's landscape project on the District office property. He reported about the bids received, pointing out the bid costs were higher than estimated in the project costs. Administrator Anhorn recommended the Board reject the quote and resolicit bids in the fall for work in the spring.

Manager Sheely moved, seconded by Manager Hunker to reject the quote and solicit bids again in the fall for spring work. On a roll call vote, the motion was approved 5-0.

b) Master Water Steward Discussion

Education and Outreach Coordinator Gael Zembal updated the Board on the District's participation in the Master Water Steward program and explained that with only 50% of the participants sponsored by the District completing the program and the capstone project, staff recommends not accepting new stewards for the 2020-2021 program period. She explained the purpose of the pause in accepting new stewards is to provide staff the opportunity to explore why many participants aren't completing the program, assess the program's impacts and benefits, and assess continuing to participate in the program. Ms. Zembal said this is an informational item for the Board.

Manager Sheely said she is in support of the break, but she would like to see from staff a more detailed list of what staff plans to accomplish during the break.

c) **2020 Budget Amendment**

Administrator Anhorn reported on a reallocation of some funds in the existing budget, moving funds from employee salary to some other areas showing a shortfall. He said the reallocations will not change the budget but will better show where the funds are going.

Administrator Anhorn said he has some 2020 budget amendments, including amendments to the lake and stream monitoring program to add \$25,000 because the District added lakes to the monitoring program, adding \$50,000 to the targeted monitoring item, adding to the Atlas 14 budget, and adding \$290,000 for the District's office addition. He stated the budget amendments add \$385,000 from the District's unassigned reserve funds to the District's 2020 budget as described. Administrator Anhorn went into detail about the CIP budget, summarizing the how the amendment would reduce the CIP budget by \$1,300,000, meaning the 2020 CIP budget would reduce from \$4,700,000 to \$3,400,000, providing a more accurate budget for the CIP projects based on their project timelines.

Manager Olson moved, seconded by Manager Sheely to approve the proposed amendments to the 2020 budget as detailed in the budget amendment memo included in the meeting packet. On a roll call vote, the motion was approved 5-0.

11. Engineer's Report

Engineer Kieffer highlighted the alum treatment on Lake Cornelia that took place May 21-23. She provided an update about the Atlas 14 modeling update work.

12. Attorney's Report

Attorney Welch reported staff will have the transfer of the easements rights and maintenance access rights prepared and in front of the Board for its meeting next month.

13. Managers' Reports

Manager Peterson said her term expires in September and she hasn't heard anything from Hennepin County. She wondered if there are any updates about the county's schedule regarding appointments in light of COVID-19. Administrator Anhorn said he

will look into it. Mr. Welch said he has been hearing that counties are asking for two-month extensions.

14. Closed Session – Administrator’s Annual Performance Review

Chair Cutshall moved the meeting of the Nine Mile Creek Watershed District into closed session for purposes of the review of the Administrator.

15. Adjournment

Chair Cutshall concluded the closed session of the Nine Mile Creek Watershed District and reopened the regular meeting. The managers noted the need to establish a standing personnel committee and agreed to consider doing so at the next January business meeting. Manager Peterson suggested setting a schedule for conducting salary surveys as well. *Manager Hunker moved, and Manager Olson seconded, approval of a 5 percent increase in the administrator’s salary, retroactive to March 26, 2020. On a roll call vote, the motion was approved 5-0.*

It was moved by Manager Olson, seconded by Manager Hunker to adjourn the meeting at 9:06 p.m. Upon a roll call vote, the motion was approved 5-0.

Respectfully Submitted,

Erin Hunker, Secretary