

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

**WEDNESDAY, OCTOBER 21, 2020**

**I. Call to Order**

Chair Cutshall called the meeting of the Board of Managers of the Nine Mile Creek Watershed District to order at 7:00 p.m., Wednesday, October 21, 2020. The meeting was conducted by web-based video conference, pursuant to Minnesota Statutes section 13D.021, after the Chair 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, Peggy Kvam, Larry Olson, and Grace Sheely

Manager Absent: None

Staff Present: Randy Anhorn, Lizzy Boor, Lauren Foley, Erica Sniegowski, and Gael Zembal

Advisors Present: Louise Heffernan, Janna Kieffer, Michael Welch

Other Attendees: Hennepin County Commissioner Jan Callison

**II. Approval of the Agenda**

**Manager Hunker moved, seconded by Manager Sheely to approve the meeting agenda as presented. On a roll call vote, the motion was approved 4-0 [Managers Cutshall, Hunker, Olson, and Sheely].**

**III. Update from Hennepin County Commissioner Jan Callison**

Chair Cutshall thanked Commissioner Jan Callison for her years of service as a Hennepin County Commissioner and for her work on behalf of the environment, water resources, and water management organizations.

Commissioner Callison presented her annual update about Hennepin County, reporting on COVID-19, political unrest, the County's 2021 budget, and upcoming elections. Managers and staff thanked Commissioner Callison for her update and her service.

**IV. Oath of Office: Erin Hunker and Margaret Kvam**

Attorney Welch administered the oath of office to Erin Hunker.

Attorney Welch administered the oath of office to Peggy Kvam.

**V. Introduction of the District's New MN GreenCorps Member Lizzy Boor**

Administrator Anhorn introduced the District's new MN GreenCorps member Lizzy Boor.

**VI. Reading and Approval of Minutes**

**a. Draft Minutes of the September 3, 2020, Special Meeting**

**Manager Olson moved, seconded by Manager Hunker to approve the minutes of the District's September 3, 2020, Special Meeting. On a roll call vote, the motion was approved 5-0.**

**b. Draft Minutes of the September 16, 2020, Regular Board Meeting**

**Manager Sheely moved, seconded by Manager Olson to approve the minutes of the District's September 16, 2020, Regular Board Meeting. On a roll call vote, the motion was approved 5-0.**

**c. Draft Minutes of the October 1, 2020, Special Meeting**

Manager Sheely noted two non-substantive typos to be corrected.

**Manager Hunker moved, seconded by Manager Sheely to approve the minutes of the District's October 1, 2020, Special Meeting as amended. On a roll call vote, the motion was approved 5-0.**

**VII. Public Open Forum**

No matters were raised in the public open forum.

## **VIII. Consent Agenda**

- a. Administratively Approved Permits**
- b. Permit Inspection Report**
- c. Staff Reports**
  - i. Permit and Water Resources Coordinator**
  - ii. Education and Outreach Coordinator**
  - iii. Program and Projects Manager**

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

## **IX. Hearing of Permit Applications**

- a. Permit #2020-109: Lyndale Flats Apartments: 9320 Lyndale Ave. S. Bloomington**

Engineer Heffernan displayed a copy of the proposed project plans and described the proposed project, which is construction of a multi-story apartment building with underground parking, surface parking, and a stormwater management facility. She pointed out that it is located on a state Superfund site with subsurface contamination, and infiltration is not proposed by the applicant. Engineer Heffernan summarized the phase I and II environmental assessments, analysis of the project against the restricted-site criteria in the NMCWD stormwater rule, and the findings of the permit review generally. Administrator Anhorn noted the District and the City of Bloomington have a letter from the Minnesota Pollution Control Agency recommending against infiltration in the Lyndale Superfund site.

Engineer Heffernan noted stormwater runoff from a small portion of the site won't run into the stormwater facility due to topography constraints, particularly that the area is at a lower elevation than the rest of the site, and the runoff from that area of the site will drain to Lyndale Avenue and down to 94<sup>th</sup> Street.

Attorney Welch explained that this application is in front of the board because of the extent of impervious-surface disturbance and the fact that the applicant proposes no stormwater-volume retention, rendering the permit outside of the administrator's delegated authority.

**Manager Sheely moved, seconded by Manager Kvam to approve Permit 2020-109 Lyndale Flats Apartments with the conditions recommended by the Engineer. On a roll call vote, the motion was approved 5-0.**

**X. Treasurer's Report and Dering Pierson Group Pay Application for Discovery Point Building Addition**

Manager Olson provided an overview of the Treasurer's report, noting the pay application from Dering Pierson regarding the continuation of the work on the District's office building. Administrator Anhorn stated the Dering Pierson Group application is for \$63,457.94. He added that the meeting packet includes the memo from LHB, the project architect, recommending payment.

**Manager Hunker moved, seconded by Manager Sheely to approve the Treasurer's Report, pay the bills, including payment to the Dering Pierson Group of \$63,457.94. On a roll call vote, the motion was approved 5-0.**

**XI. Administrator's Report**

Administrator Anhorn said his report memo is in the meeting packet, and he added that he would like the Board to hold a workshop on Thursday, November 5<sup>th</sup> at 5:30 p.m. to receive a summary of past and recent stabilization projects conducted by the District and City of Bloomington in the lower valley of the creek and a tutorial on the Wetland Conservation Act. He indicated the intention of the summary of stabilization projects will be to provide the Board with background information prior to receiving a reimbursement request from the City of Bloomington for the District's 50% portion of the repair/maintenance project in the area, as described in the Lower Valley Project Maintenance Agreement with the City. The managers indicated that workshop date works for them. Manager Sheely commented she would like the WCA tutorial to include information on how the process of an application before it comes to the board. Manager Hunker commented she would like the tutorial to highlight the timeline of and deadlines in WCA review processes.

Administrator Anhorn noted he is starting to review health insurance options, and he'll bring options to the Board by the end of the year. He said staff is talking about options for increased information technology security. Administrator Anhorn reported he would like to increase the credit card maximum limit for Program and Project Manager Sniegowski from \$2,000 to \$3,000. Chair Cutshall recommended Administrator Anhorn discuss the health insurance options with the Board's personnel committee before bringing information to the Board.

Permit and Water Resources Coordinator Foley highlighted the work of one of the District's permittees, Hillcrest Development, which has done outstanding work regarding

reducing use of chloride in pavement maintenance, including employee education. Education and Outreach Coordinator Zembal said the District will be featuring the work through a success story on the District's website and social media platforms. Chair Cutshall suggested the District send the permittee a letter of appreciation. The Board and staff agreed.

The Board and staff talked about the agenda for the December Minnesota Association of Watershed Districts annual conference.

## **XII. Unfinished Business**

### **a. Discovery Point Office Addition Update**

Administrator Anhorn shared photos of office update and reported the project is about 98% complete.

### **b. Rosland Park Stormwater Filtration BMP Project Update**

Administrator Anhorn provided background on the Rosland Park stormwater-management project. He stated staff will bring this item back to the Board in November. Engineer Kieffer provided a review of background on the project, which includes an above-ground stormwater retention and treatment vault. She reported on the feedback the District received from the Minnesota Department of Natural Resources in recent meetings, including that the project as conceived may trigger extensive state permitting requirements for changing the Ordinary High Water Level of the water bodies upstream of Lake Cornelia. In prior discussions state representatives had suggested a likelihood that only a water-appropriations permit, for which easements on upstream properties would not be necessary, would be required. She noted that completion and review of an Environmental Assessment Worksheet may be needed as well.

Engineer Kieffer talked about the project design options being considered: Alternate Concept 1 – recirculation system from Swimming Pool Pond and Alternate Concept 2 – diverting low flows from Swimming Pool Pond to pump/filtration best-management practice. She also introduced Alternate Concept 2A – diverting low flows first to pump/filtration BMP and recirculating from Lake Cornelia during dry periods. Engineer Kieffer discussed the pros and cons as well as the pollutant-removal estimate for Concepts 1 and 2. She indicated that Alternate Concept 1 would likely not require a DNR Work in Public Waters permit, but would achieve less pollutant removal than the design concept recommended in the feasibility study, with the recirculation resulting in diminishing pollutant removal efficiencies during dry periods. She indicated that Alternate Concept 2 would likely not require a DNR Work in Public Waters permit, but would achieve less pollutant removal than the design concept

recommended in the feasibility study, with no treatment occurring when water levels in Swimming Pool Pond are below the outlet elevation. She indicated that Alternate Concept 2A, while more complex and costly, would increase the amount of time that the stormwater best management practice is being utilized, therefore improving overall pollutant removal. She highlighted the project's next steps, including preparing cost estimates and cost/benefit analyses for alternate design concepts and discussing the concepts with the city and DNR. Managers and staff discussed the concept options, and the managers concurred with the engineer that Alternate Concept 2A, diverting low-flows from Swimming Pool Pond with the option to pull water from Lake Cornelia to supplement flows seemed most promising. The managers directed Engineer Kieffer to bring an update on the project to the Board in November.

### **XIII. New Business**

#### **a. Barr Scope of Work for Phase III of Discovery Point Landscape Restoration Project**

Program and Project Manager Sniegowski provided background on the project and the Discovery Point site restoration. She talked about the technical services related to the planning for and implementation of Phase III work, including winter buckthorn removal, at the site. She added that the District has been in communication with the City of Eden Prairie regarding buckthorn removal on the city's land along the slope. Program and Project Manager Sniegowski recommends approval of Barr's Phase III scope of work at an amount not to exceed \$17,000.

**Manager Olson moved, seconded by Manager Sheely to approve the Barr Scope of Work for Phase III of the Discovery Point Landscape Restoration Project as recommended by staff. On a roll call vote, the motion was approved 5-0.**

### **XIV. Engineer's Report**

Engineer Kieffer reported on the wetland restoration and identification project. She said Barr is looking at the different wetland functions and will bring information back to the Board at a future meeting.

Engineer Kieffer provided an update on the Atlas 14 model update, explaining the project is running slightly behind but moving forward. She talked about gathering the data from cities and the counties, the tendency for limited availability of information on stormwater infrastructure and drainage patterns in areas where municipal boundaries and transportation corridors coincide and the importance of seeking improved information, and she highlighted updates being made to the model.

**XV. Attorney's Report**

No updates from the District's legal counsel.

**XVI. Managers' Reports**

Manager Sheely reported on the October 20<sup>th</sup> Metro Minnesota Association of Watershed Districts meeting and suggested the District try to hold an outdoor bonfire in conjunction with the annual MAWD conference. She said that Jill Crafton, a board manager for the Riley Purgatory Bluff Creek Watershed District, suggested the NMCWD participate in a group viewing of the documentary "Kiss the Ground" and facilitate a post-viewing discussion. Manager Sheely asked Administrator Anhorn to update the Board at its next meeting about recent discussions about using state grant funds for carp removal. Manager Sheely stated that she has completed a legal name change to Grace Butler.

Chair Cutshall reported on the recent virtual University of Minnesota Water Resources Conference and the great sessions he attended. Manager Sheely added that one idea she took away from the conference was that the District could consider as one of its education-related giveaways the best filter for washing machines to filter out fleece microfibers.

**XVII. Adjournment**

**It was moved by Manager Sheely, seconded by Manager Hunker to adjourn the meeting at 9:07 p.m. On a roll call vote, the motion was approved unanimously.**

Respectfully Submitted,

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Erin Hunker, Secretary