

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

WEDNESDAY, DECEMBER 16, 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, December 16, 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: Grace Butler, Bob Cutshall, Erin Hunker, Peggy Kvam, and Larry Olson

Manager Absent: None

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

Advisors Present: Janna Kieffer (Barr Engineering) and Michael Welch (Smith Partners)

II. Approval of the Agenda

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

III. Reading and Approval of Minutes

a. Minutes of the November 5, 2020, Special Board Meeting

Manager Butler moved, seconded by Manager Olson to approve the minutes of the District's November 5, 2020, Special Board Meeting as presented. On a roll call vote, the motion was approved 5-0.

b. Minutes of the November 18, 2020, Regular Board Meeting

Manager Butler moved, seconded by Manager Olson to approve the minutes of the District's November 18, 2020, Regular Board Meeting as presented. On a roll call vote, the motion was approved 5-0.

IV. Public Open Forum

a. District's 2021 Budget and Levy

Administrator Anhorn stated this is another opportunity for the public to comment on the District's 2021 budget of \$3,956,250 and levy of \$2,600,000. No comments were raised about the District's 2021 budget or levy. Vice Chair Butler asked if there were any other issues the public wished to raise in the public open forum. No comments were made. Chair Cutshall closed the public open forum. Administrator Anhorn said he will resubmit to Hennepin County the District's 2021 budget and levy as adopted in September and submit the needed Truth-in-Taxation certification to the State.

b. General Interest

Administrator Anhorn reported the managers received a letter on December 11 from Joshua Rebbenack, a citizen who describes himself as an engineer who works on trail designs, with comments on the trail proposed last summer as part of the Lone Lake Park and offering to provide input on NMCWD's rules.

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

VI. Hearing of Permit Applications

No applications were presented.

VII. Treasurer's Report and City of Bloomington Reimbursement Request for Lower Valley Project Repair/Maintenance and Dering Pierson Group Pay Application for Discovery Point Building Addition

Manager Olson provided an overview of the Treasurer's report, noting the reimbursement request from the City of Bloomington, the Pay Application from the Dering Pierson Group, and cost share reimbursement requests. Administrator Anhorn noted an error in the HealthPartners invoice. He explained the next invoice and going forward the correct information will be reflected. Attorney Welch commented on the City of Bloomington reimbursement for the maintenance and report work in the lower valley, pointing out that Engineer Obermeyer provided notification that he had reviewed the basis for the request and recommended payment.

Manager Hunker moved, seconded by Manager Kvam to accept the Treasurer's Report, pay the bills, and approve payment of the pay apps. On a roll call vote, the motion was approved 5-0.

VIII. Administrator's Report

Administrator Anhorn reported the Eden Prairie Rotary Club requested District staff come talk to the Rotary about the Nine Mile Creek Watershed District and he is planning to present to the Rotary. He said staff has had internal conversation about filming District projects to document them and use as educational content. Administrator Anhorn announced the District will hold its state of the watershed event January 6, 2021, and he would like the District to hold a workshop in January. The Board agreed to schedule the workshop for January 7, 2021, at 5:30 p.m. Administrator Anhorn noted that at an upcoming Board meeting, the Board will have a discussion of the rules. He announced the Rosland Park project has been recommended for a \$750,000 Board of Water and Soils Research grant.

IX. Unfinished Business

a. Atlas 14 Modeling Update: Initial Barr Scope of Work and Barr Memo on Potential Next Steps Following Initial Analysis

Administrator Anhorn reminded the managers that they had authorized the phase 1 scope of work for updating the watershed rainfall models early in the year. He said the engineer tonight will provide an update on the status of that work and discuss the next two phases. Engineer Kieffer talked in further detail about Phase 1, the scope of work, and incorporating city models into the watershed wide model. She said that Edina, Bloomington, Richfield and Minnetonka have updated their flood models, and that Edina is updating its model each year.

Engineer Kieffer presented a draft work plan for Phases II and III that was originally developed in the summer of 2020 for budgeting purposes. She discussed the work tasks in Phase II, detailing the flood risk assessment and what information it would provide. She talked about the flood prioritization scheme that the City of Bloomington and Riley-Purgatory-Bluff Creek Watershed District (RPBCWD) have developed to help prioritize flooding issues, and noted that the NMCWD is a financial contributor to that project. Engineer Kieffer noted that a flood prioritization scheme is not currently included in the draft work plan for Phases II and III, but the NMCWD managers and staff may want to consider a flood prioritization process as well. In response to a question from Manager Hunker, Ms. Kieffer said that they work would look at models, not site conditions, but a site-conditions assessment could be a next step.

Engineer Kieffer described Phase III, in which the District identifies and evaluates opportunities throughout the creek system to provide flood mitigation or resilience. She said the project would include identifying potential projects, getting feedback from the Board and TAC, refining the project opportunities, and then preparing high-level cost estimates. In response to a question from Manager Hunker, Ms. Kieffer said the cities in the watershed are conduct a survey of low openings when they update their flood-risk models.

Manager Butler remarked she is struggling with the proposed Phase III work plan because she's unclear on the details of the work tasks and deliverables of that phase. Manager Hunker indicated she had some questions and comments on the draft work plan that would she would provide a summary of comments to Administrator Anhorn. The managers indicated they would like to delay decision on Phase III of the work plan.

Administrator Anhorn commented that something he thinks should be included in Phase II is getting the Technical Advisory Committee involved and discussing possible partnerships. Manager Sheely commented that she thinks Task 3 of the Phase II workplan (social vulnerability assessment) could be moved to Phase III. She said she is hearing from Administrator Anhorn that Task 5 of Phase II (meetings and presentations) needs more money allocated. Manager Sheely asked Engineer Kieffer to review the plans and consider what items currently indicated for Phase III could be moved up to Phase II.

Administrator Anhorn suggested staff bring a revised Phase II scope of work to the Board in January.

b. Cyanobacteria Monitoring and Analysis Protocol

Administrator Anhorn reviewed the District's protocols and process, which includes taking a sample when a potential algal bloom is sighted, having the sample processed for reenumeration and identification, and following World Health Organization guidelines. He explained staff recommends an added step, following WHO's guidelines, in the District's protocols that when blue-green algal counts are between 20,000 and 100,000 per milliliter, which WHO lists as a low probability of health risk, the District will post the advisory information on the District's website and notify the respective city and Minnesota Department of Health and Minnesota Pollution Control Agency. The Board agreed to the update to the District's process.

c. Rosland Park Stormwater BMP Project Update

Administrator Anhorn said the District has met with the City of Edina to discuss the revised conceptual design plan (project option 2a) in response to the state-permitting issues identified in September 2020 associated with the original conceptual design. He said the city supports what the District presented and moving forward in the design process. There was discussion of a potential future research project for someone or some entity in terms of sampling and determining how things are working and results. Engineer Kieffer added that there will be a request for proposals for that research, and if NMCWD is interested, it could be a proposer. Otherwise, she said, the project design team will keep an eye on the research and findings to help inform the ongoing project.

Engineer Kieffer shared a PowerPoint presentation and provided a project update, revisiting the cost revisions and talking about design concept 2a and the key design factors that affect phosphorus removal estimates.

X. New Business

a. 2021 Draft Workplan

Administrator Anhorn said this item is for informational purposes. He said the workplan presented in the packet tonight comes out of the District's Water Management Plan. He highlighted items in the 2021 workplan, including: Phase III of the Discovery Point restoration project, fixing one of the groundwater observation wells and looking at opportunities to partner on other new wells, Phase II of the Atlas 14 flood-risk assessment, reviewing the administrator's permit approval authority, a walk-through of the south fork of Nine Mile Creek to identify reaches for potential future restoration work, use-attainability analysis updates for Arrowhead and Indianhead lakes as well as Holiday, Wing and Rose lakes, increasing the District's participation in groundwater conservation, working on developing an aquatic invasive species rapid response plan, finishing the high quality wetlands inventory and looking to develop enhancement and protection plans for some of the identified wetlands, and herbicide treatment and carp management on Normandale Lake, among other projects.

XI. Engineer's Report

Engineer Kieffer said construction of the Rosland Park would start in August. The managers suggested that the Minnesota Stormwater Research Council could be involved in or support research into the effectiveness of the media used in the system installed.

XII. Attorney's Report

Attorney Welch said the governor's most recent COVID-19 pandemic order does not change NMCWD operations. He reported he was contacted by an attorney by one of the cities in the watershed regarding increased water levels and increased flood risk for cities. He said this topic is getting on the radar for more cities and city attorneys, and NMCWD may be able to explore coordinating with cities about flood-risk liability issues.

XIII. Managers' Reports

Chair Cutshall reported that at the Minnesota Association of Watershed Districts business meeting last Friday, two of the resolutions that had been recommended to be opposed passed -- one regarding limiting wakeboarding activity and the other was on requiring a soil health goal within water management plans.

Manager Butler said she appreciated Manager Kvam informing her about a wetland course at the University of Minnesota that they are both planning to take in the spring semester.

XIV. Adjournment

It was moved by Manager Hunker, seconded by Manager Butler to adjourn the meeting at 9:12 p.m. On a roll call vote, the motion was approved 5-0.

Respectfully Submitted,

Erin Hunker, Secretary