

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

WEDNESDAY, FEBRUARY 17, 2021

I. 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, February 17, 2021. 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

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

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

II. Approval of Regular Meeting 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. Draft Minutes of the January 20, 2021, Regular Board Meeting

Administrator Anhorn noted Engineer Kieffer pointed out clarifying language to be added on page 5 to the sentence, “Manager Butler commented on how she

would like the District to continue working to build partnerships with the City of Eden Prairie,” so the sentence ends, “...as it pertains to using the updated modeling to potentially partner on projects.” Administrator Anhorn stated Manager Butler has provided him with a few non-substantive corrections as well.

Manager Hunker moved, seconded by Manager Olson to approve the minutes of the District’s January 20, 2021, Regular Board Meeting as amended. On a roll call vote, the motion was approved 5-0.

b. Draft Minutes of the February 4, 2021, Special Board Meeting

Manager Olson moved, seconded by Manager Butler to approve the minutes of the District’s February 4, 2021, Special Board Meeting as presented. On a roll call vote, the motion was approved 5-0.

IV. Public Open Forum

No items were raised.

V. Consent Agenda

Administrator Anhorn noted he moved the Engineer’s report to the Consent Agenda and the managers can let him know if they like or don’t like the change going forward. He asked managers if they would like the staff reports to rotate being on the Consent Agenda, providing opportunity for staff members to report on a rotating basis at Board meetings. Manager Butler commented the change could extend meetings, and while it would be useful to hear from staff, it should depend on the length of the Board’s agenda. Administrator Anhorn said staff will consider these points. The Board accepted the Consent Agenda by consensus.

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

iv. Engineer’s Report

VI. Hearing of Permit Applications

No permit applications presented.

VII. Treasurer’s Report and Sunram Construction Pay Application – Final Retainage for Phase I of Edina Streambank Project

Treasurer Olson a pay application from Sunram Construction and Barr Engineering’s invoice for the month. Engineer Kieffer provided additional details about the application from Sunram for a final payment of retainage in the amount of \$2,900.01 for phase 1 of the Edina Streambank project and the District Engineer recommends payment. Attorney Welch noted that Sunram still needs to provide close-out documentation required by statute and the contract before the District can release payment.

Manager Hunker moved, seconded by Manager Kvam to accept the Treasurer’s Report and pay the bills including the \$2,900.01 retainage to Sunram Construction on the condition Sunram Construction fulfills contract requirements. On a roll call vote, the motion was approved 5-0.

VIII. Administrator’s Report

Administrator Anhorn noted the District has received financial donations in memory of NMCWD volunteer Walter Levesque. Administrator Anhorn said he has sent thank you notes to the donors. He talked about the February 18th community meeting for the Normandale Lake Water Quality Improvement Project. Administrator Anhorn announced the District’s draft annual audit will be ready for the next Board meeting. He said he sent a link to the managers to the Hennepin County Climate Action Plan. He reported the District will be reviewing an amendment to Edina’s water management plan. Administrator Anhorn reminded the Board his annual performance review is coming up, and he described the process. He reminded the Board of its March 4th 5:30 p.m. workshop and asked if the Board is willing to move the time up to 5:00 p.m. The Board agreed to change the March 4th workshop time to 5:00 p.m.

IX. Unfinished Business

a. High-Quality Wetland Protection and Restoration Opportunities Report – Revisions

Engineer Kieffer walked through revisions made to the report in response to the discussion at the Board’s January 7, 2021, workshop. She noted wetlands determined to warrant particular protection, including Whited Marsh in Minnetonka and Cranberry Bog Pond in Bloomington. She discussed potential restoration opportunities identified in the report, such as Bredesen Park in Edina, International School – West in Eden Prairie, and Cardinal Creek wetland upstream of Baker Road in Eden Prairie. She noted a future municipal project,

that would require a District permit, around a couple of the wetlands identified with potential restoration opportunities. Engineer Kieffer addressed next steps. She said the report is meant to be a strong starting point that pulls together the best available data. She explained the next step is discussion with the Board and staff about the District's goals and priorities which could take place through a facilitated workshop. Engineer Kieffer said after the District identifies and clarifies its priorities, the District would identify and initiate discussion with willing potential project partners.

Manager Butler asked if the report could include more background on the value of wetlands and said she would like the report to document as many high-value wetlands as have been identified. Engineer Kieffer said yes, and the goal is for this document to be a living document. She said an idea for the District is to update the database and/or report each year and to include funds in the District's budget annually to assess a certain number of wetlands each year. Administrator Anhorn agreed information about the value of wetlands can be included in the report, but indicated that beyond that change, this phase of the project has reached its end.

b. Atlas 14 Phase II Schedule

Engineer Kieffer presented the tentative project schedule for Phase II of the Atlas 14 Flood Risk and Resiliency Project. She indicated that the schedule has been somewhat compressed based on discussion at the January 20, 2021 regular meeting, and noted that there are several tasks that may be completed ahead of schedule, depending on how smoothly they progress. Engineer Kieffer indicated that the schedule includes tentative timeframes for meetings with the District's Technical Advisory Committee and Board of Managers.

c. WSB Scope of Work for Continued Goldfish Population and Management Assessment Work on Lake Cornelia and Report from 2020 Lake Cornelia System Goldfish Assessment

Administrator Anhorn summarized the 2020 Lake Cornelia System Goldfish Assessment work and findings. He talked about the details of the scope of work from WSB, the estimated work cost of just over \$52,000, and noted the District received \$40,000 in grant funds from BWSR and \$7,600 from Hennepin County through its aquatic invasive species grant. He said the District will be responsible for just over \$4,000, which is the match for the BWSR grant. Administrator Anhorn asked the Board to authorize the Administrator to enter into an agreement with the advice of legal counsel for WSB to undertake the scope of work for the continued goldfish population and management assessment work on Lake Cornelia at a cost not to exceed \$52,003.

Manager Olson asked if he could distribute the report. Administrator Anhorn said yes. Manager Olson asked if the report will be presented to the Board. Administrator Anhorn said he will contact WSB about giving a presentation to the Board. Manager Butler said she will have comments about the report, but she is still wrapping her head around her thoughts. She said she hopes this report will be something to present at MAWD

Manager Butler moved, seconded by Manager Olson to authorize the Administrator, under advice from the District’s Legal Counsel, to enter into an agreement for WSB to undertake the scope of work for the continued goldfish population and management assessment work on Lake Cornelia at a cost not to exceed \$52,003. On a roll call vote, the motion was approved 5-0.

d. Governance Manual

Attorney Welch shared about Manager Kvam’s requested revisions and presented a proposed revision about mid-level per diems. There was discussion about the timing of submitting per diem requests, per diems for Board meetings that last fewer than 90 minutes and developing guidelines that sit outside the Governance Manual but provide guidance on per diems. Attorney Welch said such guidelines could be useful to the Board members, but such guidelines couldn’t set policy different than what the Governance Manual provisions say. Attorney Welch said the proposed revisions currently list Board of Manager meetings and workshops and the MAWD events listed Board members as full per diems and everything else required for the managers to do their work would be a \$50 per diem. The Board directed Administrator Anhorn and Attorney Welch to come up with a list based on this per diem discussion and bring it back to Chair Cutshall and then put it on the Consent Agenda for the next monthly Board meeting. The managers didn’t raise any other items about the Governance Manual proposed revisions.

X. New Business

a. Follow a Permit Application from Receipt to Closeout

NMCWD Permit and Water Resources Coordinator Foley and Ms. Louise Heffernan of Barr Engineering walked the managers through two types of administratively approved permits. Permit and Water Resources Coordinator Foley, Ms. Heffernan, and Attorney Welch responded to questions.

b. District Rule Revision – Proposed Change Matrix and Strikethrough Version of Proposed Rule Changes

Administrator Anhorn referred to the proposed change matrix and the strikethrough version of the rules that shows draft changes that were provided for the managers' review. He said that the board's detailed input will be solicited at the March 4 workshop, but if the managers had any immediate feedback based on their initial review, staff would be glad to receive it. Attorney Welch said any feedback he and District staff receive tonight about the two documents will be reflected in the versions for the March 4th workshop. He asked the managers to focus on the major issues highlighted in the documents.

XI. Attorney's Report

Attorney Welch said the Clean Water Council puts out a very useful summary once or twice a week of water-related legislation coming up in the state legislature. He recommended it as an information source for the managers.

XII. Managers' Reports

Manager Butler said she attended a Green Step Cities soil program that was phenomenal. She said it made her aware that the city of Eagan has rules that have been in place for five years and require re-tilling and added soil organic material after new construction. She said she hopes the District can follow suit with something similar and encourage its cities to go in a similar direction. Manager Butler provided an update on the status of the salt legislation brought forward by Senator Chris Eaton. Manager Butler asked the managers to look at the Hennepin County Climate Action Report.

XIII. Adjournment

It was moved by Manager Hunker, seconded by Manager Olson, to adjourn the meeting at 9:22 p.m. On a roll call vote, the motion was approved unanimously.

Respectfully Submitted,

Erin Hunker, Secretary