

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

WEDNESDAY, NOVEMBER 18, 2020

I. Call to Order

Vice Chair Grace Butler called the meeting of the Board of Managers of the Nine Mile Creek Watershed District to order at 7:03 p.m., Wednesday, November 18, 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: Grace Butler, Bob Cutshall, Erin Hunker, Peggy Kvam, and Larry Olson

Manager Absent: None

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

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

Other Attendees: John Bilotta (University of Minnesota Water Resources Center), Ross Bintner (City of Edina), Mike Caron and Christina Morrison (Tiller Corporation), Kirsten Pauley (Sunde Engineering), Jeff Strate (Eden Prairie Online News), and Jeff Wendt

II. Approval of the Agenda

Manager Kvam moved, seconded by Manager Hunker to approve the meeting agenda as presented. On a roll call vote, the motion was approved 4-0.

III. Reading and Approval of Minutes

a. Draft Minutes of the October 21, 2020, Regular Meeting

Manager Hunker moved, seconded by Manager Kvam to approve the minutes of the District's October 21, 2020, Regular Meeting as presented. On a roll call vote, the motion was approved 4-0.

IV. Public Open Forum and Budget & Levy Review

Administrator Anhorn stated this is an 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. Vice Chair Butler closed the public open forum.

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 Olson moved, seconded by Manager Hunker to approve the Consent Agenda. On a roll call vote, the motion was approved 4-0.

The managers opted to proceed with the treasurer's report to allow time for Manager Cutshall to resolve technical issues so he could participate in review of the permitting and subsequent matters.

VII. Treasurer's Report and Dering Pierson Group Pay Application for Discovery Point Building Addition and Sunram Construction Pay Applications #7 and #8 for Edina Streambank Restoration

Manager Olson provided an overview of the Treasurer's report, noting the pay application from Dering Pierson Group and the pay applications from Sunram Construction and highlighting other invoices. Administrator Anhorn stated that a check came in from Riley-Purgatory-Bluff Creek Watershed District that will be included in the next treasurer's report.

Manager Hunker moved, seconded by Manager Kvam to accept the treasurer's report, pay the bills, including payment to Dering Pierson Group of \$8,897.43 and to Sunram Construction of \$3,375 and of \$2,900. On a roll call vote, the motion was approved 4-0.

(Manager Cutshall joined the meeting by phone, 7:14 p.m.)

VIII. Hearing of Permit Applications

a. Permit #2019-114: Tiller Corporation Redevelopment: 6401 Industrial Drive, Eden Prairie

Engineer Obermeyer provided background information on the project that is the subject of the application, and stated that proposed project would result in a slight reduction of impervious surface on the site. Engineer Obermeyer explained that the site qualifies as 'restricted' under paragraph 4.3.2 of the NMCWD stormwater rule because of past and ongoing asphalt-manufacturing activities and the lack of a sufficient confining layer between the top of the aquifer and the ground surface. He discussed how the applicant proposes to reuse some of the retained water onsite for dust control. He noted that NMCWD is the local government unit administering the requirement of the Wetland Conservation Act, and said that the administrator had already issued a determination on the wetland boundary. Mr. Obermeyer described required 40-foot average, 20-foot minimum wetland buffers. The financial assurance recommended is based on the construction costs of the two stormwater basins.. He said the engineer recommends approval of the permit with the conditions as described and listed in his memo.

Michael Welch clarified the wetland buffer is not compliant with the District's requirements but extends as far as possible given the extent of property owned by the applicant. He asked Mr. Obermeyer if it would be in keeping with his findings to have the maintenance declaration to include a requirement that the applicant provide an accounting of the volume of stormwater used for dust control, as proposed by the applicant. Engineer Obermeyer agreed with both points.

Mr. Mike Caron of Tiller Corporation thanked the District for its help and guidance through the permit process.

Manager Olson moved, seconded by Manager Hunker to approve Permit 2019-114 Tiller Corporation Redevelopment with the conditions recommended by the Engineer and the addition of the language about water reuse. On a roll call vote, the motion was approved 5-0.

IX. Administrator's Report

Administrator Anhorn reported he is working on initiating the annual audit. He talked about a workshop staff is participating in regarding public participation strategies. Administrator Anhorn stated the City of Minnetonka has submitted an Alternative Urban Area Review update for the Opus area and the District is in the process of reviewing and drafting comments on it.

X. Unfinished Business

a. Phase 3 Discovery Point Landscape Project and Raingarden RFQ

Program and Project Manager Sniegowski said the District plans to put out a request for quotes for landscaping work and construction of a raingarden at the NMCWD offices next week. She said the landscaping work represents the third phase of such work, and the estimated cost of the work is \$65,059.50 with a 10 percent contingency. She said the estimated cost for the rain garden is \$40,506.40 with a 10 percent contingency. Ms. Sniegowski stated that some work will be conducted on adjacent city property, for which the city has agreed in principle to reimburse NMCWD. Attorney Welch noted the board's action should include authorizing Administrator Anhorn to enter into an agreement with the City of Eden Prairie for reimbursement of costs of work on city property.

Manager Olson moved, seconded by Manager Hunker to authorize the Administrator to issue the request for quotes for Phase 3 and the building addition raingarden, and execute, with the advice of Counsel, a contract for work not to exceed \$106,000 with the qualified contractor submitting the lowest price, execute change orders amounting in aggregate to no more than 10 percent of the contract price, and enter into agreement with the City of Eden Prairie for reimbursement of costs. On a roll call vote, the motion was approved 5-0.

b. Rosland Park Stormwater Filtration BMP Project Update

Administrator Anhorn provided background on the project. Engineer Kieffer presented slides summarizing the three design concepts being considered: Alt Concept 1- recirculation system; Alt Concept 2 – divert low flows to pump/filtration BMP; and Alt Concept 2A – divert low flows to pump/filtration BMP + Recirculation from Lake Cornelia during dry periods.

Engineer Kieffer walked through the Engineer's opinion of costs for the three design concepts in comparison with the opinion of cost for project design

and construction as listed in the feasibility study completed in June 2020. As part of the comparison, she noted that the project design team has been considering incorporating a backwash system into the design to promote regular maintenance of the filtration system. Because a backwash system would be incorporated into any of the three alternative design concepts considered, she explained the opinion of cost of \$744,000 for project design and construction listed in the June 2020 feasibility study should be adjusted to \$844,000, to reflect estimated cost of a backwash system, for purposes of comparison of cost for the three alternative design concepts. She presented the opinion of cost for the three alternative design concepts: Concept 1 is \$998,000 for an average of 7 to 17 pounds of phosphorous removed per year, Alt Concept 2 is \$1.1 million for an average of 6 to 17 pounds of phosphorous removed, and alternative Concept 2A is \$1.2 million for an average of 14 to 43 pounds of phosphorous removed. She presented the cost range for each concept with a minus of 15 percent and a plus of 20 percent. Engineer Kieffer pointed out design concept 2A provides for treating more water and more flexibility for when treatment can be provided. She indicated that the range of estimated phosphorus removals for the design concepts reflects uncertainty in several factors, including influent concentrations, removal effectiveness and need for periodic drying of the various filter media being considered. There was discussion about testing various media for phosphorous removal upon system start up and that determination of the most effective media will not occur until after the system is constructed and operating.

Manager Butler voiced her concerns about the increase in the opinion of cost but said she still feels good about the project. She asked what would happen with the system in conditions of long-term drought and asked the Engineer to make sure the project addresses such a possibility. Manager Kvam asked if there could be an advantage to Concept 2A with recirculating water from Lake Cornelia and not filtering water from Swimming Pool Pond. Engineer Kieffer talked about downsides of the concept design just being a recirculation system pulling from north Lake Cornelia. Managers supported Concept 2A.

Administrator Anhorn noted the District has received grant funds from Hennepin County and has applied for grant funds through the Minnesota Board of Water and Soil Resources. He said next steps include District staff and advisors talking with City of Edina staff about the alternative design concepts and backwash system, and continuing the conversation with the Minnesota Department of Natural Resources on permitting and bringing information back to the Board.

XI. New Business

a. Minnesota Stormwater Research Council Participation Request

Mr. John Bilotta, Senior Research and Extension Coordinator at the

University of Minnesota Water Resources Center, thanked for participating in this program in the past year. He discussed the Council, the goals of the urban stormwater research, its pool funding approach, projects underway, and 2019 and 2020 highlights of the Minnesota Stormwater Research Council (MSRC) and the Minnesota Stormwater Research Program. He highlighted a few research projects that past collaborative funding was used to fund. He said that in addition, many of the projects have been presented by the researchers through University of Minnesota Water Resources Center's monthly Minnesota Stormwater seminar series. He then reviewed the goals and next steps for 2021 which include secured funding goals and release of request for research proposals. He said that if the District continued to see value in the MSRC collaborative research program, they would appreciate NMCWD's continued participation.

Administrator Anhorn said the District has money budgeted for this collaboration.

Manager Butler remarked she is supportive of the District supporting the collaborative research effort. Attorney Welch said the watershed is not legally able to contribute money and the Board would need to determine that it finds value to the watershed and its public purposes to put any public dollars it controls toward any effort. He recommended that if the Board determines it wants to move forward, it could authorize the Administrator to enter into a contract with the Water Resources Center for an amount not to exceed \$15,000 for stormwater management research.

Administrator Anhorn said that he thinks the research does provide tremendous value and that research findings could be incorporated into future District projects.

It was the consensus of the managers that the proposed dedication of District funds to the collaborative research will provide a benefit to the District.

Chair Cutshall moved, seconded by Manager Hunker, to authorize the Administrator to enter into a contract with the University of Minnesota Water Resources Center for an amount not to exceed \$15,000 to support stormwater management research. On a roll call vote, the motion was approved 5-0.

b. MAWD Virtual Annual Meeting Delegation and Resolution

Administrator Anhorn said he plans to register all five managers for the MAWD annual meeting, and the managers indicated consent to being registered.

There was a brief discussion of the proposed resolutions and the Board's action to appoint two delegates and an alternate delegate.

Manager Hunker moved, seconded by Manager Olson to appoint Manager Butler and Chair Cutshall as NMCWD's delegates and Manager Kvam as the alternate delegate. On a roll call vote, the motion was approved 5-0.

Manager Olson moved, seconded by Manager Hunker to authorize the Administrator to use District funds to pay for managers, staff, and three CAC members to attend the MAWD 2020 virtual annual meeting. On a roll call vote, the motion was approved 5-0.

XII. Engineer's Report

Engineer Kieffer referred to the report in the packet for this evening's meeting.

XIII. Attorney's Report

Attorney Welch said the state Municipal Separate Storm Sewer System general permit has been issued and is applicable to all of the cities in the Nine Mile Creek watershed. He said he will bring any particular findings relevant to the matter to the Board in December.

XIV. Managers' Reports

Vice Chair Butler mentioned the training about "What's in my Watershed."

XV. Adjournment

It was moved by Manager Olson, seconded by Manager Hunker to adjourn the meeting at 9:25 p.m. On a roll call vote, the motion was approved 5-0.

Respectfully Submitted,

Erin Hunker, Secretary