

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

THURSDAY, APRIL 1, 2021

I. Call to Order

Chair Cutshall called the workshop of the Board of Managers of the Nine Mile Creek Watershed District to order at 5:30 p.m., Thursday, April 1, 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, Peggy Kvam, and Larry Olson

Manager Absent: Erin Hunker

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

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

II. Approval of Agenda

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

III. Carp Management Scope of Work

Program and Project Manager Sniegowski explained the scope of work is to continue work at Normandale Lake to study and manage the carp population. She stated the work focuses on three things: carp population estimates using electrofishing and recapture, carp removal, and carp tracking via Passive Integrated Transponder (PIT) tags.

Program and Project Manager Sniegowski reported the District received two proposals for the work, one from WSB and one from Carp Solutions. She pointed out that the WSB proposal is in the Board's meeting packet. She talked about box netting and shared that Carp Solutions has informed the District of a patent the company has received for a certain type of box netting. Program and Project Manager Sniegowski stated WSB is aware of the patent and its legal team is looking into the patent claim. She said the District has other options for removing carp from Normandale Lake, so the patent claim shouldn't impact this project.

Attorney Welch said according to Carp Solutions, the company has several patents on the box net technique. He noted that the boilerplate language in the District's contracts with service providers states that the service provider selects the means, method, and manner of completing the work identified in the agreement. Attorney Welch stated that if the managers want to move forward tonight with Program and Project Manager Sniegowski's recommendation, he would recommend direction to counsel to bolster the intellectual property indemnification in the agreement.

Program and Project Manager Sniegowski summarized WSB's scope of work, including the delivery of a final report. She said the cost of the work is \$32,664. Program and Project Manager Sniegowski noted Carp Solution's proposal included some different techniques for the work and the cost was \$47,740. She recommended the District select WSB for the work, stating she thinks the value is better with WSB and WSB is offering innovative techniques she thinks will be of value to the District now and into the future as the District continues with its work to remove carp.

Manager Butler said she hopes the reporting and documentation from this scope of work will enable the District to apply the information to other places in the District that have similar issues with carp or goldfish. She said she would like the report to convey a bigger picture view for the District's entire watershed.

Manager Olson moved, seconded by Manager Butler to enter into agreement with WSB and accept WSB's proposal at an amount not to exceed \$33,000. On a roll call vote, the motion was approved 4-0.

IV. Barr Scope of Work – Lynmar Basin Stormwater Retrofit Concept Plan

Administrator Anhorn stated the District and the City of Edina have started the public outreach process for the stormwater project to be implemented in Lynmar Park. He said that that the project would seek to improve water quality, provide protection from localized flooding, and enhance natural resources as well as provide park area for passive recreation. He summarized a scope of work from Barr Engineering that included providing assistance in the initial public engagement, develop initial design concepts of the stormwater BMP, refining the final design

concept plan, and reporting, for total cost of \$33,270 Administrator Anhorn said Barr will have a passive role in the initial public meetings and will develop concepts for treating stormwater and meeting the goals of the District, city, and public. He said concepts will be presented at a virtual public meeting and subsequently to the Board.

He outlined the timeline with public engagement starting this month and presentation of the final report in late July. He pointed out the Board could be ready to order a project in fall of this year.

Administrator Anhorn said staff recommends the District authorize Barr to complete this scope of work for the Lynmar Basin Stormwater Retrofit Concept Plan at the cost of \$33,270.

Manager Butler moved, seconded by Manager Olson to authorize Barr Engineering to complete the scope of work as presented for the Lynmar Basin stormwater retrofit plan at a cost not to exceed \$34,000. On a roll call vote, the motion was approved 4-0.

Manager Butler asked Administrator Anhorn to notice the public meeting in case more than one manager is interested in attending.

V. Wetland Restoration/Protection Goals and Priorities

Administrator Anhorn reminded the Board about the District's wetland goals identified in the implementation program of the District's 10-Year Water Management Plan. He said the Board already directed Barr Engineering to put together a request for proposals, and Engineer Kieffer will lead a discussion about the managers' goals for wetland restoration and protection projects. She said this discussion will walk through the District's current status regarding wetlands and then provide an opportunity for the Board to give Barr direction regarding what should be captured in the RFP.

Engineer Kieffer noted the District's 10-Year Plan identifies the District's goal to protect and restore high-quality wetlands, which include sensitive habitats, sensitive animal and plant species, and rare or endangered species, and to achieve no net loss of wetland acreage, function, and value. She explained the District has already completed the first step with regard to protecting and restoring high-quality wetlands, which is to identify high-quality wetlands with rare or high-quality plant communities and sensitive habitats.

Engineer Kieffer said that regarding the goal to achieve no net loss of wetland acreage, function, and value, the District identified it would implement the Wetland Conservation Act (WCA) and NMCWD Rules and pursue wetland enhancement, restoration, and creation opportunities to offset potential wetland losses.

Engineer Kieffer had questions for the managers to discuss related to pursuing wetland protection project opportunities:

- What types of projects do you want to pursue?
- What types of partnerships do you want to focus on?
- Do you want a sustained effort or one-time effort?
- Do you want to target specific wetland functions?
- How to avoid missing opportunities?
- What role does NMCWD want in these projects?
- What activities is NMCWD willing to fund?

Administrator Anhorn reminded the Board it budgeted \$20,000 per year from 2021 to 2025 for restoration plans and/or wetland restoration. The managers discussed one-time efforts versus sustained efforts, with Manager Olson speaking in favor of projects with a one-time investment, particularly regarding invasive species. Manager Butler said she would like, in the long-term, an absolute list of high quality wetlands that the District has prioritized and will watch carefully, including in terms of permit and variance applications.

Engineer Kieffer asked for Board direction regarding next steps such as developing a formal wetland protection plan or compiling the managers' feedback into an informal plan. She pointed out an action that was identified as a project to undertake now based on field assessments conducted in 2020, which was management of purple loosestrife in Tierney's Woods Pond Southwest in Bloomington and education of adjacent landowners about purple loosestrife. For potential wetland protection projects that do not warrant immediate action, Engineer Kieffer said another next step could be assessing feasibility and costs for capital improvement projects (CIP) or conducting screening-level analyses to better define the scope and potential costs for non-CIP projects. An additional step Engineer Kieffer identified was to initiate discussions with potential partners.

Administrator Anhorn suggested the RFP include a task for helping the District rank the possible projects, out of the eight the District has broadly identified, and to help prioritize the top three the District would want to move forward into project design.

Manager Butler said the District should consider including in its next 10-year plan wetland education and annual checks of wetlands that have been identified as highest priority. She also suggested the District look each year at improvements in the watershed's wetlands compared to the approved variances from compliance with the District's wetlands management rules.

Engineer Kieffer talked about the District's goal to achieve no net loss of wetland acreage, function, and value and the identified action to pursue wetland enhancement, restoration, and creation opportunities to offset potential wetland losses within the

District. She reminded the Board a list has already been developed identifying hydrologic restoration opportunities in the watershed. Engineer Kieffer identified several higher priority projects from the list of hydrologic restoration opportunities and suggested the next step would be to conduct a high-level review of feasibility for these projects. She inquired whether the Board would prefer to include these projects as part of the RFP to further evaluate the wetland protection projects or address the wetland restoration projects separately. Manager Butler said she would be in favor of having a separate RFP for this goal since it seems to be more of an engineering RFP

Administrator Anhorn suggested he and Engineer Kieffer summarize the discussion regarding District projects to protect and restore high-quality wetlands and draft a list of bullet points of what would be included in the RFP. He said the list will come back to the managers for review. Administrator Anhorn also suggested directing Barr to draft a scope of work for conducting a high-level review of the higher priority hydrologic restoration projects, including potential projects at Carmel Park in Eden Prairie, potential projects located at Bryant Lake Regional Park, and potential projects located at the International School of Minnesota. The board concurred with Administrator Anhorn's suggestions.

Engineer Kieffer said it came to her attention today that is some inaccurate data in one of the tables in the report. She said Barr will fix it and asked if the Board wants the Glen Lake Tamarack wetland information added into the protection table. Manager Butler said yes or to note it as a bog. Administrator Anhorn suggested adding it, so it doesn't fall off the District's radar. Engineer Kieffer said she will distribute a revised report.

VI. Adjournment

It was moved by Manager Olson, seconded by Manager Kvam, to adjourn the meeting at 7:15 p.m. On a roll call vote, the motion was approved 4-0.

Respectfully Submitted,

Erin Hunker, Secretary