

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

THURSDAY, OCTOBER 7, 2021

I. Call to Order of the Workshop

President Cutshall called the workshop of the Board of Managers of the Nine Mile Creek Watershed District to order at 6:00 p.m., Thursday, October 7, 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

Advisors Present: Michael Welch (Smith Partners)

Staff Present: Randy Anhorn and Lauren Foley

Others Present: Miriam Turnbull

II. Oath of Office

Attorney Welch administered the oath of office for a new three-year term as manager to Robert Cutshall.

III. Minnesota Stormwater Research Council Support Request

Administrator Anhorn reminded the Board that the District has participated in the Minnesota Stormwater Research Council since 2019, and the District has provided funds supporting the Council's research. He introduced Mr. John Bilotta from the University of Minnesota's Water Resources Center and Mr. Ross Bintner, a City of Edina water-resources staff member who sits on the Minnesota Stormwater Research Council's board, to provide highlights of the MSRC's work and research.

Mr. Bilotta thanked the District for supporting the MSRC and investing in its research. He shared a presentation about the status of the MSRC's current research project portfolio. He updated the Board about projects to be completed by the end of 2021 and 2022. Mr. Bintner thanked the District for its participation and expressed his hope that the District would continue to participate.

Administrator Anhorn said that as a public entity the District can't donate money and instead needs to find value in the research as it supports the District's mission and goals. Administrator Anhorn said the Board authorized \$15,000 in 2019 and again in 2020 to partner in this stormwater research. He said if the Board is interested in participating again, the District has \$15,000 budgeted and the Board would need to authorize the Administrator to enter into contract with the UMN Water Resources Center at a not to exceed amount as determined by the managers.

Manager Butler moved, seconded by Manager Olson, to authorize the administrator to enter a contract for not-to-exceed \$15,000 with the Minnesota Stormwater Research Council. On a roll call vote, the motion was approved 5-0.

Mr. Bilotta noted the District can provide input as to research needs and priorities, and the request for proposals cycle opens January 1.

IV. Regulatory Enforcement

Attorney Welch shared a presentation "Regulatory Enforcement" on enforcement of the District's rules. He explained watershed law authorizes watershed districts to require permits, inspect properties and work, issue notices of possible noncompliance, issue compliance orders, and fix noncompliance on a site. He explained that enforcement involves investigation, documentation, analysis and action. Attorney Welch stated that enforcement authority rests with the board, but may be delegated in a limited way to staff. He noted that property owners have due process rights that require them to receive notice of pending board action and an opportunity to be heard before such action is taken.

Manager Butler requested managers be given guidance on handling being contacted by individuals about noncompliance at a property, and managers need to be informed on the status of such matters. Attorney Welch said that managers can have conversations with people about their concerns, but managers can't speak on behalf of the board.

Chair Cutshall asked about enforcement when a stormwater-management facility approved for a permit is not working as proposed. Mr. Welch stated that unless the board required ongoing monitoring it is unlikely that staff would know the exact operational effectiveness of a facility. The Board agreed to discuss this topic further at a future Board meeting.

V. 2021 Budget Amendment/Reallocations

Administrator Anhorn presented a proposed 2021 budget amendment he has prepared. The amendment involves a zero-sum reallocation of administrative items, an increasing in the budget for monitoring activities and an increase in the budget for the Lake Cornelia/Lake Edina capital project.

He went through the proposed changes to the administrative budget and explained the reasons for the proposed changes. Administrator Anhorn announced the overall proposed change to the 2021 administrative budget is \$0 as the proposed changes are reallocation of the administrative budget.

Administrator Anhorn went through the proposed changes to the District's 2021 program budget. He said the overall change to the program budget is an increase of \$188,000, which would come from the District's program reserve funds. Administrator Anhorn went through the proposed changes to the District's 2021 project budget. He stated the overall proposed change to the project budget is an increase of \$267,752.

Administrator Anhorn summarized that the overall result of the proposed reallocations and amendments is a 2021 budget increase to \$4,224,002 from \$3,956,250.

It was moved by Manager Olson, seconded by Manager Kvam to accept the proposed 2021 budget amendments as presented. On a roll call vote, the motion was approved 5-0.

Administrator Anhorn reminded the Board its October monthly meeting is on Tuesday, October 26th.

VI. Adjournment

It was moved by Manager Butler , seconded by Manager Hunker to adjourn the meeting at 7:45 p.m. On a roll call vote, the motion was approved 5-0.

Respectfully Submitted,

Erin Hunker, Secretary