

**MINUTES OF THE PUBLIC HEARING AND SPECIAL MEETING
OF THE
BOARD OF MANAGERS
OF THE
NINE MILE CREEK WATERSHED DISTRICT**

THURSDAY, SEPTEMBER 3, 2020

I. Call to Order

Chair Cutshall called the Public Hearing and Special Meeting of the Board of Managers of the Nine Mile Creek Watershed District to order at 5:30 p.m., Thursday, September 3, 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: Bob Cutshall, Erin Hunker, Larry Olson, Grace Sheely, and Jodi Peterson

Manager Absent: None.

Advisors Present: Randy Anhorn, Janna Kieffer, Erica Sniegowski, and Gael Zembal

Other Attendees: Roger Bildsten (NMCWD CAC) and Peggy Kvam

II. Public Hearing 2021 Budget and Levy

Chair Cutshall opened the public hearing on the NMCWD's 2021 budget and levy and introduced the Board managers and District Administrator. Chair Cutshall explained the purpose and procedure of the public hearing.

Administrator Anhorn stated the public notice for the hearing was published in the District's official newspapers for two subsequent weeks prior to this hearing. He said the 2021 budget and levy presented tonight are the same budget and levy presented at the Board's regular monthly meeting held August 19, 2020. Administrator Anhorn explained the proposed 2021 District levy of \$2,600,000 represents a 4.4% levy decrease compared to the District's 2020 levy requested in 2019. He pointed out the estimated annual impact to property owners in the District will decrease.

Administrator Anhorn announced the District's proposed 2021 budget is \$3,956,250. He explained the difference between the proposed 2021 budget and 2021 levy amount is made from District reserve funds, allocated or non-allocated. Administrator Anhorn stated there will be another opportunity for the public to comment on the District's budget and levy in November, and at that point the District can take action to lower its levy, but the District will not be able to increase its levy above the amount adopted tonight.

Chair Cutshall opened the floor for public comments. No public comments were made.

It was moved by Manager Sheely, seconded by Manager Hunker, to adopt Resolution 20-06 Adopting the 2021 Budget. On a roll call vote, the motion was approved unanimously.

It was moved by Manager Olson, seconded by Manager Peterson, to adopt Resolution 20-07 Adopting the Surface Water Management Act Levy. On a roll call vote, the motion was approved unanimously.

Chair Cutshall closed the public hearing.

Chair Cutshall opened the District's Special Meeting at 5:38 p.m.

III. Permit 2020-85 W 62 and Shady Oak Road, Eden Prairie

Administrator Anhorn announced this item is moved to the Board's September 16th monthly meeting.

IV. Update on High Quality Wetland Inventory Analysis Study

Engineer Kieffer led a presentation on the wetland inventory analysis study that has been underway this year. She provided project background and the District's goals for undertaking the study. Engineer Kieffer said this study is an effort to gather the best available information, identify wetland protection and restoration opportunities, and plan and undertake field site visits to selected priority wetlands. She said Barr will then develop a summary of wetland protection and restoration opportunities in the District.

Engineer Kieffer provided details about the information being gathered, noting it is not a wetland inventory but is a review of available information. She shared a map illustrating approximately 40 sites identified in the initial opportunity identification process. Engineer Kieffer said initial review indicates these sites could have good potential for some type of wetland restoration or protection. She described some of these sites, explaining why they were identified and their potential opportunities. Engineer Kieffer said next steps include evaluating the sites further against criteria

and identifying gaps and collecting any other data from the Board about high priority areas. She said she is seeking guidance from the Board regarding whether the District is interested in identifying wetlands for future wetland banking opportunities or for wetland protection and restoration opportunities in general.

Engineer Kieffer explained that after the study is complete, next steps could include seeking partnerships with landowners to conduct restoration and/or protection activities, establish an incentive program to encourage wetland protection or enhancement, develop an education program focused on protecting or enhancing the identified wetlands, and potentially consider developing a wetland classification beyond what exists in the District's current wetland rules. She said the study will be done by the end of the year and a presentation to the Board could happen at the end of 2020 or early in 2021. She responded to questions.

Chair Cutshall asked if as part of this study, the District could consider ways to increase flood storage capacity. Engineer Kieffer responded that one issue is the potentially conflicting goals of protecting or restoring wetlands and increasing storage capacity, because increasing storage capacity or inundation can degrade wetlands. There was discussion on the benefit of looking at these issues at the same time.

Administrator Anhorn mentioned that the District currently has two different studies going on the same time, the one on high quality wetlands being discussed tonight and another that will identify potential areas where flood storage could be increased. He said that the second, could identify lower quality wetlands or fringe areas where the District could find more flood storage.

Manager Sheely asked that the next time the Board discusses this study, the Board information includes the District's definitions and the definitions of wetlands and high value wetlands. She commented about her concerns of wetland bounce. Manager Sheely noted she thinks the managers should be presented photos of what staff see on the field visits and she would even like to attend some of the field visits. She said the District needs to align the District's definitions with definitions being used by other entities doing inventorying and monitoring. Manager Sheely commented the District needs to identify what areas the District wants to preserve.

Manager Sheely asked if the District did upgrade a wetland for banking credits, could it use funds from the bank to upgrade other wetlands. Administrator Anhorn said that the short answer is yes, but the District does not own land, so we would not be able to create our own bank. He further stated that without owning our own area to restore or enhance, the District would have to partner with another entity, maybe a city or Hennepin County, to help create a bank. He said that for that reason, the primary emphasis of this study focused first and for most on wetland protection or restoration opportunities with a secondary goal of identifying potential wetland banking restoration opportunities where there may be a willing partner. Engineer Kieffer agreed, she said that her recollection of the discussion with the Board back

when they were working on the fifth generation Water Management Plan was to focus on looking for opportunities to protect and restore wetlands as opposed to looking strictly for wetland banking opportunities.

Administrator Anhorn went through the process that an entity has to go through to create a wetland bank including the involvement of the Wetland Conservation Act Technical Evaluation Panel in the process of determining the different amount of credits given for different parts of the project from enhancing an existing wetland to creating buffers around the wetland

Manager Sheely stated that the process seems like a lot of work and is not set up to be user friendly.

V. MS4Front Database Permit and Cost Share Grant Software Demonstration

Program and Project Manager Sniegowski provided a demonstration of the MS4Front web-based database District staff members use for the cost share grants and permits. She highlighted features of the program, particularly noting the functionality of search and query features, the integration between field inspections and the program, and the ability to reduce staff workload by automating reports and form letters. Manager Olson asked how the District pays for MS4Front. Administrator Anhorn said the District pays an annual fee, which is one fee for the District.

VI. Adjournment

It was moved by Manager Olson, seconded by Manager Hunker, to adjourn the meeting at 6:35 p.m. On a roll call vote, the motion was approved unanimously.

Respectfully Submitted,

Erin Hunker, Secretary