

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

WEDNESDAY, APRIL 19, 2023

Call to Order

President Bob Cutshall called the Nine Mile Creek Watershed District Board of Managers regular meeting to order at 7:00 p.m. The meeting was held at the NMCWD office, Discovery Point, 12800 Gerard Drive, Eden Prairie, MN.

Managers Present: Grace Butler, Bob Cutshall, Eric Hunker, Peggy Kvam, and Larry Olson

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

Staff Present: Randy Anhorn (Administrator), Brett Eidem (Natural Resources Project and Planning Manager), Erica Sniegowski (Program and Project Manager), Zach Stafslie (Regulatory Program Manager), and Gael Zembal* (Education and Outreach Coordinator)

*Attended virtually

Approval of Agenda

President Cutshall added a discussion about Eden Prairie's declaration of covenants, conditions, and restrictions, specifically regarding the number of staff at Discovery Point to the agenda.

Manager Olson moved, seconded by Manager Butler to approve the meeting agenda as amended. On a vote, the motion was approved.

Reading and Approval of Minutes

- a. **Draft Minutes of February 2, 2023, Board Workshop**
- b. **Draft Minutes of March 2, 2023, Board Workshop**
- c. **Draft Minutes of March 15, 2023, Regular Board Meeting**

Manager Butler moved, seconded by Manager Kvam to approve the minutes of February 2, March 2, and March 15, 2023. Upon vote, the motion carried.

2. Consent Agenda

The Board accepted the Consent Agenda by consensus.

3. Staff Updates

Erica Sniegowski reported of her efforts to work with Minnetonka staff to restore the functionality of a rain garden constructed by the district in 2006.

President Cutshall suggested staff and counsel review records for past projects to determine whether maintenance agreements need to be established to ensure ongoing functionality.

President Cutshall said it is critical for the district to ensure long-term maintenance of projects in construction.

4. Treasurer's Report

Manager Olson moved, seconded by Manager Hunker to accept the Treasurer's Report and authorize the administrator to pay the bills. Upon vote, the motion carried.

5. Administrator's Report

Mr. Anhorn suggested the board appoint Ms. Sniegowski interim administrator for his upcoming time off from April 27 to May 2.

Manager Kvam moved, seconded by Manager Hunker to appoint Erica Sniegowski as interim administrator during Mr. Anhorn's absence. Upon vote, the motion carried.

Mr. Anhorn said staff will present quotes for the repair project in Hopkins at an upcoming meeting.

Unfinished Business

i. Draft Annual Report

Mr. Anhorn reported the managers' comments were incorporated into the current version of NMCWD's annual report.

Manager Butler moved, seconded by Manager Olson to approve the district's 2022 annual report and submit it to the required entities. Upon vote, the motion carried.

Atlas 14 Flood Risk Reduction and Resiliency Study Update

Michael McKinney reported on the NMCWD flood-risk reduction and resiliency study's social vulnerability mapping, noting Barr met with district staff to review social vulnerability data sets and staff prefer to use the composite social vulnerability dataset developed as part of the Hennepin County Climate Change Vulnerability Assessment . He explained that the Hennepin County CCVA composite social vulnerability dataset is based on data at a census tract level, and that Barr prepared maps of numerous social vulnerability indicators using data at a more refined census block level, and including information of potential flood impacts per block group.

President Cutshall commented on the breadth of data included in the map and said he wants the district to be realistic about what it can do with all of this information.

- Mr. McKinney said next steps include presenting this mapping data to the district technical advisory committee at its May meeting to gather feedback and incorporating the mapping into several study tasks including prioritization of regional flood areas, developing guidance for project partnerships, and the communication strategy for Atlas 14 flood risk modeling results.

Communication Memo

Mr. McKinney summarized the recommended communication strategy for sharing results of the Atlas 14 flood risk modeling. He indicated that based on board input, the top communication priority is transparency and ease of access to information related to flood risk. He reported further feedback about communication and listed communication recommendations such as using web-based interactive mapping as a primary method for sharing flood-risk information, developing educational resources, and considering social vulnerability when selecting communications formats and channels for sharing information.

Mr. McKinney said he thinks it is important for the district to also communicate what action or implementation steps the district is taking to address flood risk. Mr. Anhorn requested that the memo summarizing the communication strategy be updated to note the importance of communicating actions being taken by the district and city partners to address flood risk.

Mr. McKinney suggested next steps for the communication strategy include sharing the draft technical memorandum with the TAC, scoping development of an interactive web map, and coordinating the development of education materials.

Manager Olson noted the City of Edina has a nice interactive map tool on its website. Ms. Kieffer recommended that examples of web-based interactive maps be demonstrated to the board at an upcoming meeting to identify preferred features..

Manager Butler said she thinks in terms of flooding and droughts, the public wants to know who is going to help, who is in charge, and who is going to pay. She said she thinks the district needs to try to answer these questions to guide people appropriately, and in a fun and engaging way as opposed to a purely technical way. Manager Butler said the district needs to be involved in educating the public but she is not sure the story map is the format to use. She said one other point for the district to consider is whether less connected/less resourced cities in the watershed need more support.

Mr. Welch suggested the district present to the TAC the district's position and strategy as recommendations as opposed to a draft memo. He said presenting final recommendations will not preclude the district from getting TAC feedback. The board directed Barr to present the TAC with the final technical memo and recommendations.

Ms. Kieffer shared an update about work on developing guidelines for project partnerships for flood risk reduction projects. She reiterated the board's position, as discussed at the April workshop, that the board does not want the district to miss opportunities to optimize or maximize flood risk-reduction efforts. Ms. Kieffer said she believes the district can most effectively achieve success regarding finding these opportunities by expanding the district's role beyond a regulatory role for flood reduction/infrastructure projects such as lake outlets and regional flood projects.

Ms. Kieffer asked if the board is interested in pursuing an expanded partnership role. Manager Hunker asked what Ms. Kieffer means by expanded role. Ms. Kieffer said it could mean the district is at the table

with partners to provide support, such as technical support, funding, and/or supporting stakeholder engagement. President Cutshall said it seems like the district is already in this role at least for local projects. Ms. Kieffer agreed that it is the direction the district has been going but right now the district is officially at the table as regulators and focused on the district's rules.

Mr. Welch noted that NMCWD must decide whether its efforts to mitigate flood risk will extend to purchase of land to complete projects.

The managers directed Barr to prepare draft partnership guidelines for the May workshop.

Eden Prairie Declaration of Covenant, Conditions, and Restrictions

The managers directed the administrator and legal counsel to begin working with Eden Prairie staff to modify the declaration recorded on the Discovery Point property to facilitate future growth of the district, in terms of the number of employees and number of meetings.

New Business

Metro Blooms Technical Assistance

Ms. Sniegowski reported Metro Blooms Design + Build submitted a scope of work, per her request, for technical assistance for the district's cost-share program.

Mr. Welch commented about the tension around the district's cost-share program. He said the more the district contributes to the projects' designs and the more the district supports the projects, the less of a stewardship role the district is playing because the district is actually doing the projects. Mr. Welch asked the board to consider the goal of the program, such as is the goal to foster stewardship in the community. He said the cost-share projects are not capital projects but the more the district gets involved with the projects the more it seems like the district is doing projects on individuals' property.

Manager Butler supports contracting for technical assistance this year because she wants to move the workload from staff's responsibilities.

Manager Olson moved, seconded by Manager Hunker to authorize the administrator to enter into contract with Metro Blooms on advice of counsel for a not-to-exceed cost of \$5,000. Upon vote, the motion carried.

Cost-Share Grants

Ms. Sniegowski reported the district received four cost-share applications, including three residential and one association. She noted the association application requires additional information and may be brought to a future board meeting for approval. She presented the review committee's funding recommendation, totaling \$13,237.40 in funding across the three residential grants.

Ms. Sniegowski mentioned the district's cost-share guidelines, approved by the board two years ago, addressing how the district handles cost-share grant reimbursements. She said the guidelines state the district reimburses grantees throughout the grant agreement period and the district holds the final 10% until the district receives the final report and makes sure everything is complete and functioning. Ms. Sniegowski said the district's language in the district's cost-share legal agreement does not align with the district's cost-share guidelines, so adjustments are needed to the legal language to line up with the district's reimbursement policies.

Manager Butler moved, seconded by Manager Kvam to authorize the administrator to enter into cost-share agreements with five-year maintenance agreements with applicants providing for reimbursement amounts as shown for each of the three applicants in the table provided in the staff memo. Upon vote, the motion carried.

Attorney Report

Mr. Welch noted said that Hennepin County is expanding France Avenue, and working with Administrator Anhorn, he notified the Hennepin County attorney that the district does not oppose its condemnation action because the engineers determined that NMCWD interests would not be impaired.

Managers' Reports

Manager Kvam reported on events including the Three River Parks State of the Park event, her speaking engagement at the League of Women Voters of Minnetonka, Eden Prairie, and Hopkins, and the Earth Day event at Oak Grove Church.

Manager Butler attended the Metro Watersheds meeting the previous night, and the said James Wisker's presentation on the Climate Action Plan could help the district. Manager Butler said the presenter from the Minnesota Department of Health said it is important to remember that everything done with water effects drinking water and there is grant money available for drinking-water remediation.

Administrator’s Annual Performance Review – Closed Session

The board moved into closed session at 8:57 p.m. for the purpose of conducting Administrator Randy Anhorn’s annual performance review.

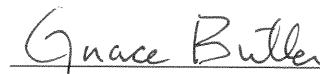
The Board reconvened in open session at 9:10 p.m. President Cutshall said the managers found that Mr. Anhorn is doing excellent work and has very capably managed the growth of the district’s projects and staff. President Cutshall reported the board is very pleased with the administrator’s performance.

Manager Hunker moved and Manager Kvam seconded approval of an increase in Administrator Randy Anhorn’s annual salary by 5 percent, retroactive to March 26, 2023. Upon vote, the motion carried.

Adjournment

It was moved by Manager Olson, seconded by Manager Hunker to adjourn the meeting at 9:15 p.m. Upon vote, the motion carried.

Respectfully Submitted,



Grace Butler, Secretary

