

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

THURSDAY, APRIL 4, 2024

1. Call to Order

President Larry Olson called the Nine Mile Creek Watershed District Board of Managers workshop to order at 5:30 p.m. The meeting was held at the NMCWD office, Discovery Point, 12800 Gerard Drive, Eden Prairie, Minnesota.

Managers Present: Grace Butler, Bob Cutshall, Peggy Kvam, Chris-Ann Lauria, and Larry Olson

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

Staff Present: Lizzy Boor (Watershed Specialist), Brett Eidem (Planning and Project Manager), Erica Sniegowski (Administrator), Zach Stafslie (Regulatory Program Manager), and Jordan Wein* (Water Resources Project Manager).

Other Attendees: Renae Clark (City of Bloomington), Ann Kattreh (City of Bloomington), Derek Lash and Paul Nation (Emmons & Olivier Resources Inc.)

*Attended virtually.

2. Bryant Park Redevelopment Permit: 2023-153

Louise Heffernan presented the engineer's review of the permit application for the proposed Bryant Park redevelopment project. The City of Bloomington plans to expand and enhance the onsite wetland, make storm sewer and utility improvements, and make other park improvements. Ms. Heffernan noted that currently, approximately 95 percent of the project site becomes inundated in a

100-year storm event. She stated that the city's plans provide additional flood-storage volume. Ms. Heffernan explained that the applicant submitted PCWMM modeling to show there would be no adverse impacts on offsite downstream and upstream landowners. She said the post-development peak runoff rates will be less than the existing discharge rates, and the project activities will result in a slight decrease in the 100-year high-water level.

Ms. Heffernan reported that the permit applicant requested a variance from the District's freeboard requirement in the district's floodplain and stormwater-management rules because the reconstructed park building will not provide two feet of freeboard from the 100-year high water level. The low floor of the building is 3.7 feet below the required elevation. The existing building's low floor elevation is 4.4 feet below the 100-year flood elevation. Ms. Heffernan said the city states a significant amount of fill would be necessary to raise the building to be in compliance with the district's low-floor provisions.

Ms. Heffernan stated that the applicant asserts that strict compliance with the district's low-floor provision would render the property either unusable for the desired purpose or significantly devalued for public use.

President Larry Olson asked what the building will be used for. Bloomington staff member Renae Clark responded for summer programming, rentals for gatherings, and winter ice skating.

Manager Bob Cutshall asked if there are any liability considerations if the district grants the variance. Michael Welch said the city owns the property and is building the structure. Mr. Welch said there may be conditions the district will want in place, and the district has a basis to require indemnification from the city.

Manager Cutshall expressed concerns regarding possible economic consequences to the public from flooding.

Manager Grace Butler suggested that the district engineer remain engaged in the construction process to ensure the design mitigates flood risk.

Manager Chris-Ann Lauria said she concurs with Manager Butler.

Mr. Welch said the board could consider adding a condition to approval of the variance that the district reviews the building floodproofing plans. Ms. Heffernan said the floodproofing methods and protection purposes were included in the plans submitted by the applicant.

Manager Butler moved, seconded by Manager Kvam, to approve the variance and permit application 2023-153 Bryant Park Redevelopment with the engineer's conditions and stipulations, and a condition that the district engineer review the building plans to ensure adequate flood protection. Manager Cutshall added that the engineer would ensure all reasonable

precautions are taken to protect the building against flood damage. The managers consented to Manager Cutshall's amendment. Upon vote, the motion carried.

3. Bloomington Memorandum of Understanding Update

Administrator Sniegowski reported the City of Bloomington has drafted a memorandum of understanding between the district and city for collaboration on the city-led Nine Mile Creek Corridor Renewal project. She said the district's legal counsel, engineer, and staff are working on reviewing and commenting on the MOU. Administrator Sniegowski said staff will bring the MOU and comments to the board for review and consideration of approval.

Mr. Welch said a particular consideration is that the city project preserve the function and value of the stabilization work the district completed in collaboration with the city after the major rain in 1987 caused extensive damage in the corridor.

4. NMCWD Carp Management Device Permit: 2024-035

Zach Stafslie reported that a hoop net to capture carp has been installed in Nine Mile Creek. The installation will need to be approved under the regulatory program, but he indicated that because it was important to install the net as carp were moving through the creek system, the net has been installed and the permit will be after-the-fact.

5. Sediment Treatment Contract for Holiday, Wing, Rose, Arrowhead, & Indianhead Lakes

Ms. Kieffer said the district received only a single bid from Solitude Lake Management for \$441,618.37 for sediment treatment on Holiday, Wing, Rose, Arrowhead and Indianhead lakes. Ms. Kieffer said the engineer's estimated cost for the treatments was \$452,000. She said the engineer recommends awarding the contract to Solitude.

Manager Cutshall said it is a little troubling to have received only one bid. Ms. Kieffer said the contract documents included specific qualification requirements to help ensure the quality of work, including specialized equipment needed to effectively conduct the work in very shallow waterbodies with difficult access, which may have contributed to receiving only one bid. Manager Cutshall asked the engineer to try to determine why other companies did not bid.

Ms. Kieffer noted that while the bid is for the treatment of all five lakes, the treatment on Lake Rose may not occur this spring due to continued low water levels.

Manager Butler moved, seconded by Manager Cutshall, to award the contract to Solitude Lake Management for the sediment treatment of Holiday, Wing, Rose, Arrowhead, and Indianhead lakes at a cost not to exceed \$441,618.37 and to authorize the administrator to enter into an agreement on advice of counsel with Solitude and to approve change orders up to an aggregate of 10 percent of the contract amount. Upon vote, the motion carried.

6. 2023 Annual Report

Administrator Sniegowski reminded the managers that they had received the draft annual report at the previous board meeting. She said she received minor edits, and this is the final report.

Manager Lauria moved, seconded by Manager Kvam, to approve the final 2023 annual report and direct the administrator to submit the report to the required agencies. Upon vote, the motion carried.

7. 2023 Annual Audit

Administrator Sniegowski reported that the final 2023 audit and Governance Letter from Redpath & Company are included in the meeting packet.

Manager Kvam moved, seconded by Manager Lauria, to accept the final 2023 annual audit and authorize the administrator to provide it to the required entities. Upon vote, the motion carried.

8. Pay Equity Report


Administrator Sniegowski reported that the district is required every three years to submit a pay equity report to the State of Minnesota. She said the district has three or fewer male job classes, so the report, once submitted, will trigger an alternate analysis by the state. She added that following the report submittal, the district is required to make a public posting of a notice that the pay equity report was done. Administrator Sniegowski asked the board to authorize her to submit the pay equity report. She said once she gets the analysis, she will present it to the board.

Manager Lauria moved seconded by Manager Cutshall, to authorize the administrator to submit the pay equity report to the State of Minnesota. Upon vote, the motion carried.

9. **Adjournment**

Manager Butler moved, seconded by Manager Lauria, to adjourn the meeting at 7:15 p.m. Upon vote, the motion carried.

Respectfully Submitted,


Chris-Ann Lauria (Jul 22, 2024 13:59 CDT)

Chris-Ann Lauria, Secretary

NMCWD-April-4-2024-Workshop-Minutes

Final Audit Report


2024-07-22

Created:	2024-07-22
By:	Erica Sniegowski (esniegowski@ninemilecreek.org)
Status:	Signed
Transaction ID:	CBJCHBCAABAA-6-yKeiccOTYI1dklsYb3GKfhtEAdyM2


"NMCWD-April-4-2024-Workshop-Minutes" History

 Document created by Erica Sniegowski (esniegowski@ninemilecreek.org)


2024-07-22 - 6:40:20 PM GMT

 Document emailed to calauria21@aol.com for signature


2024-07-22 - 6:40:47 PM GMT

 Email viewed by calauria21@aol.com

2024-07-22 - 6:59:22 PM GMT

 Signer calauria21@aol.com entered name at signing as Chris-Ann Lauria

2024-07-22 - 6:59:46 PM GMT

 Document e-signed by Chris-Ann Lauria (calauria21@aol.com)

Signature Date: 2024-07-22 - 6:59:48 PM GMT - Time Source: server

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2024-07-22 - 6:59:48 PM GMT