

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

**WEDNESDAY, AUGUST 21, 2024**

**1. Call to Order of the Regular Board Meeting**

President Larry Olson called the Nine Mile Creek Watershed District Board of Managers regular meeting to order at 6:30 p.m. The meeting was held at the NMCWD office, Discovery Point, 12800 Gerard Drive, Eden Prairie.

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

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

Staff Present: Elizabeth Boor (Watershed Specialist), Hailey Buckentin (Field Intern), Brett Eidem (Project and Planning Manager), Cynthia Rubio (Administrative Specialist), Erica Sniegowski (Administrator), Zach Stafslie (Regulatory Program Manager), Jordan Wein (Water Resources Project Manager), and Gael Zembal (Education and Outreach Coordinator)

**2. Approval of Regular Meeting Agenda**

Administrator Sniegowski noted that 4b – DEIA Draft Plan Presentation – is pulled from the agenda as the consultant asked for more time to prepare.

**Manager Peggy Kvam moved, seconded by Manager Chris-Ann Lauria, to approve the meeting agenda as modified. On a vote, the motion was approved 5-0.**

3. **Public Open Forum**

No members of the public were in attendance, and no items were raised.

4. **Presentations**

a. **DEIA Draft Plan**

[Item pulled off the agenda.]

5. **Action Items**

a. **Aeration Electrical Work**

Administrator Sniegowski reported staff will bring quotes for aerator equipment and installation at Arrowhead Lake, Indianhead Lake, and Lake Holiday to the Board at the next board meeting. She said the minor electrical work that needs to be done at Lake Holiday and Arrowhead Lake is outside the scope of the work for the aerator installers. Administrator Sniegowski said the quote from Premier Electrical Corporation for the required work includes \$6,570 for Lake Holiday and \$2,300 for Arrowhead Lake.

**Manager Grace Butler moved, seconded by Manager Bob Cutshall, to authorize the Administrator, on the advice of counsel, to enter into an agreement with Premier Electrical Corporation for a not-to-exceed amount of \$8,870.00. On a vote, the motion was approved 5-0.**

b. **Minnesota Watersheds Resolutions**

Administrator Sniegowski summarized that staff recommends proposing a new resolution to Minnesota Watersheds supporting a regulatory approach to managing chloride. Mr. Welch noted any proposed resolutions need to be submitted to Minnesota Watersheds by September 1.

Manager Butler said she understands the purpose and the documentation behind the proposed resolution, but she thinks people will read it and wonder what it is trying to achieve.

Mr. Welch said the resolution states, “Minnesota Watersheds supports development, adoption and implementation of regulatory approaches to reducing chloride contamination in waters of the state.” He believes the managers should be prepared if the Board puts forward this resolution, to explain at the Minnesota Waters annual meeting what the Board is proposing. Mr. Welch said the resolution title could be updated. Manager Butler recommended drafting a stronger title.

**Manager Butler moved, seconded by Manager Lauria, to authorize the Administrator to work with legal counsel to finalize the resolution and submit it to Minnesota Watersheds. On a vote, the motion was approved 5-0.**

**c. Cost Share Grants**

Elizabeth Boor reported the district received four grant applications in July, two of which were administratively approved. She said the grant committee, comprising District staff and managers, recommends approval of the cost-share grant for the Glen Atrium Shoreline Buffer project by the Glen Atrium Condo Association for the requested amount of \$3,000. She explained that the committee had reviewed the grant application from the Hyland Hills Condo Association for the Hyland Hills Habitat Restoration and found that the application was not rigorous enough to demonstrate project success.

Ms. Boor reported the cost-share program has reached its cap, with only approximately \$1,000 remaining unawarded for the year, so the program is finished for the year, and any applications that come in will be for next year's program.

**Manager Kvam moved, seconded by Manager Cutshall, to authorize staff to award the cost-share grant to Glen Atrium Condo Association for the Glen Atrium Shoreline Buffer project for \$3,000. On a vote, the motion was approved 5-0.**

**6. Treasurer's Report**

Manager Kvam highlighted some of the disbursements listed in the report.

**Manager Cutshall moved, seconded by Manager Lauria, to accept the Treasurer's Report and pay the district's bills. Upon a vote, the motion was approved 5-0.**

**7. Consent Agenda**

**a. Draft Minutes June 27, 2024, Board Meeting**

**b. Draft Minutes of July 17, 2025, Board Meeting**

**Manager Kvam moved and was seconded by Manager Cutshall to approve the Consent Agenda. Upon a vote, the motion was approved 5-0.**

8. **Discussion Items**

a. **2025 Draft Budget**

Administrator Sniegowski reminded the Board it holds a public hearing on the proposed 2025 District budget on September 5<sup>th</sup>. She addressed a question the Board raised on whether the proposed budget provides enough funding for interpretive signage. She reported that staff reviewed the budget and believes the proposed budget allows the district to cover signage costs at the level it wants.

Jordan Wein reported on staff findings regarding leasing versus purchasing a truck, noting that leasing would be the same or more costly than purchasing a truck.

Administrator Sniegowski reported that the district has \$1,000,000.00 in its Capital Contingency Reserve Fund. The district has received \$600,000 in grant funds for the South Fork project, which is offsetting costs and will lead to a balance of funds for this project. She recommended transferring funds from the Capital Contingency Reserve Fund and the South Fork project into the following capital project budget line items: Normandale Lake, Lake Cornelia/Lake Edina, Wetland Restoration Projects, Penn Lake, Bush Lake, and Minnetonka Lakes.

**Manager Butler moved, seconded by Manager Kvam, to authorize the Administrator to adjust funds through the fund transfers proposed by the Administrator at tonight’s meeting. Upon a vote, the motion was approved 5-0.**

b. **Rosland Filtration Vault Updates**

Janna Kieffer presented the quote from American Environmental for installing and conducting the television monitoring in the pipe between the pond and North Cornelia. She said the quoted cost is \$21,900.00, which is higher than anticipated. Ms. Kieffer recommended going out again for quotes in the fall when water levels could be lower, contractors may be less busy, and quotes may come in lower.

Manager Cutshall asked if the concern is that the pipe may be plugged. Ms. Kieffer said yes, the concern is the pipe may be partially plugged as there is less flow through the pipe than expected. Manager Cutshall asked how much it would cost to clean it out. Ms. Kieffer said she could bring that information back to the Board.

c. **Field & Outreach Intern Presentation**

Hailey Buckentin, the District’s summer field intern, reported on the work she completed. She said the majority of her time was spent conducting permit inspections and digitizing permit files, along with fieldwork for the fisheries

program, cost-share program inspections, fireworks sampling, vegetation management, and other projects.

Gael Zembal shared the recorded presentation by Nik Luckow, the District's Education and Outreach summer intern, summarizing his work on District projects, like the soil testing program, communications, and outreach.

**d. Solar Grant Application Update**

Ms. Boor reported the district received three solar quotes for Discovery Point. She said the staff plans to move forward with the second half of the public solar grant application based on the MN Solar quote. She said that if the district is approved for funding, it will be known by the end of October, and staff will bring this item back to the Board for discussion and consideration.

**9. Updates**

**a. Administrator's Report**

Administrator Sniegowski reported the Hennepin County Board of Commissioners appointed Brian Kirk and Bob (Robert) Cutshall to the Nine Mile Creek Watershed District Board of Managers.

Administrator Sniegowski asked managers to let Cynthia Rubio know if they plan to attend the Water Resources conference and Minnesota Watersheds conference. Administrator Sniegowski asked the Board to authorize the budget for the managers to attend the conference, including per diems.

**Manager Butler moved, seconded by Manager Kvam, to authorize the Water Resources Conference and the Minnesota Watersheds Conference budget for staff and the managers' expenses and manager per diems. Upon a vote, the motion was approved 5-0.**

**b. Staff Reports**

Brett Eidem reported the City of Hopkins staff presented to its city council the Hopkins Central Park request for proposals and a staff recommendation to go with consultant Bolton & Menk, who is partnering with Barr Engineering and JLG Architects. Mr. Eidem reported the City Council expressed its excitement about the partnership with the watershed and the potential opportunities the district has identified.

Ms. Kieffer added the next step for Barr Engineering is to work with the city on identifying changes to the scope due to costs that came in higher than anticipated. She said Barr Engineering would be a subcontractor to Bolton &

Menk. Mr. Welch said if there are changes to the stormwater scope of the project, it may change what the District Board is being asked for.

Manager Butler moved, seconded by Manager Lauria, to waive any conflict of interest with Barr Engineering as a subcontractor of Bolton & Menk for the Hopkins Central Park feasibility. Upon a vote, the motion was approved 5-0.

c. **Administratively Approved Permits and Inspection Report**

Zach Stafslie reported there has been a probable shoreline violation on a property on a pond just north of Lake Cornelia.

d. **Engineer's Report**

Ms. Kieffer reported the Barr and District staff will be meeting with the Minnesota Department of Natural Resources on the Adaptive Level Control System (ALCS) study findings.

e. **Attorney's Report**

Mr. Welch said the state Supreme Court has recognized in Minnesota the tort, or the basis for claim for damages, of negligent selection of an independent contractor. He said this is new and believes the district is fine in its current practices, but he will give this further thought in relation to the district's procedures and interests.

f. **Manager Reports**

Manager Lauria reported she accepted a position with Minnesota GreenCorps in the City of Eden Prairie, and she will start on September 18.

10. **Adjournment**

**It was moved by Manager Butler, seconded by Manager Lauria, to adjourn the meeting at 8:24 p.m. Upon a vote, the motion was approved 5-0.**

Respectfully Submitted,



Chris-Ann Lauria (Sep 21, 2024 17:02 CDT)

Chris-Ann Lauria, Secretary






# NMCWD-August-21-2024-Regular-Board-Meeting-Minutes

Final Audit Report

2024-09-21

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