

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

**WEDNESDAY, DECEMBER 18, 2019**

**Call to Order**

Chair Peterson called the meeting of the Board of Managers of the Nine Mile Creek Watershed District to order at 7:00 p.m., Wednesday, December 18, 2019, at the Nine Mile Creek Watershed District Office, 12800 Gerard Drive, Eden Prairie, MN 55346.

Managers Present: Bob Cutshall, Erin Hunker, Larry Olson, Grace Sheely and Jodi Peterson

Managers Absent: None.

Advisors Present: Randy Anhorn, Louis Smith, Janna Kieffer, Kurt Leuthold, Gael Zembal, Erica Sniegowski, and Lauren Foley

**Agenda**

Administrator Anhorn noted that he put the items at the end that could be skipped if time did not allow. He also wished a happy birthday to Janna Kieffer.

**The agenda was approved as revised.**

**Reading and Approval of Minutes**

The Chair called for review of the minutes of the Special Meeting of October 30, 2019. The Managers provided minor grammatical changes to staff.

**Manager Hunker moved, seconded by Manager Sheely, to approve the special meeting minutes of October 30, 2019 subject to minor corrections. Upon a vote, the motion carried.**

The Chair called for review of the minutes of the Regular Meeting of November 20, 2019. She had several questions about the minutes and suggested they be redrafted.

Administrator Anhorn agreed and pulled the minutes of the Regular Meeting of November 20, 2019. He said the minutes would come back on the following agenda.

## **Public Open Forum**

There were none.

## **Consent Agenda**

- A. Administratively Approved Permits**
- B. Permit Inspection Report**

Chair Peterson noted that these items are informational, and no formal action was needed.

## **Hearing of Permit Applications**

There were none.

## **Treasurer's Report**

Treasurer Bob Cutshall submitted the report. Manager Cutshall provided clarification on certain items in the report including the purchase of office furniture, cost-share grant reimbursements, cost-share grant signage, Normandale Lake work, and design work for the District's website.

**Manager Sheely moved, seconded by Manager Hunker, to approve the Treasurer's Report and pay the bills. Upon a vote, the motion carried.**

Manager Sheely asked why the revenue seemed low.

Administrator Anhorn explained the final tax disbursement for 2019 had not been received prior to the end of the November 30, 2019 Treasurers report. He mentioned that the final disbursement does not come in until mid- December and will be included in the year end Treasurers Report.

## **Staff Reports**

### **A. Permit and Water Resource Coordinator**

Permit and Water Resource Coordinator Foley discussed the proposal of requiring biodegradable erosion control blankets where contractors are using erosion control blankets as temporary stabilization. She asked for the Manager's thoughts and feedback.

Administrator Anhorn added that the Managers should decide whether to add it as a requirement or a recommendation.

Chair Peterson asked if any other districts were requiring the biodegradable erosion control blankets.

Permit and Water Resource Coordinator said that to her knowledge, only Minnesota Department of Transportation was requiring it at this time.

Administrator Anhorn stated that the nylon netting in the non-biodegradable erosion control blanket stays around long after vegetation is established and not only can be an eye sore, but can become a problem for wildlife. He said the District had used non-biodegradable erosion control blankets as part of Hopkins Streambank Stabilization Project in the very early 2000s and during the recent stream cleanup along that stretch, nylon netting was evident, and volunteers tried to remove what they could.

Manager Sheely was in support of requiring it.

Chair Peterson supported requiring it as well, but wanted to think about how to write and communicate the changing requirement.

Permit and Water Resource Coordinator Foley recommended a grace period.

Manager Sheely suggested that contractors request an exception if they have valid reasons to not use the biodegradable netting.

Attorney Smith added that from the standpoint of enforcing this requirement, it is preferable to go through a formal rulemaking process to provide affected parties with notice and an opportunity to provide comments. He added if the requirement was simply added as a general provision then decisions needed to be made about how to approach enforcement.

Manager Sheely asked about adding the requirement as a recommendation this year and adding it as part of the District's rules next year.

Attorney Smith recommended starting a period of education and adding the use of the biodegradable netting as a voluntary but preferred practice. He said that then at a later date, when the District was doing other housekeeping on its rules, it could be added as part of the rules. The Board of Managers and staff concurred in this approach.

## **B. Education and Outreach Program Coordinator**

Education and Outreach Coordinator Zembal updated the managers on the Citizen Advisory Committee meeting. She said that one member had attended leadership training and gave a presentation on what he learned. She added that there were four members not seeking reappointment; however, she had three applications and one interested person. She thanked Manager Sheely who volunteered as liaison between the board and the CAC. She also mentioned that a gathering to celebrate the District's volunteers was scheduled for February 5, 2020 from 6:30 – 8:00 p.m. She invited all of the managers to attend.

Education and Outreach Coordinator Zembal talked about diversity, equity, and inclusion. She shared it is a subject of interest to staff. She had drafted a policy and requested thoughts and feedback from the managers.

Chair Peterson asked about her vision, the audience, and the plan to reach other groups.

Education and Outreach Coordinator Zembal said that diversity was a broad issue and could be a large amount of work depending on how the District decided to address it. She said diversity meant more than just race. It meant gender expression, age, geographic distribution, etc. She wanted to improve who was targeted with programming, the diversity within the committees, and our welcome to people we interact with daily.

Chair Peterson asked what other districts had done.

Education and Outreach Coordinator Zembal said that some were adding a statement that said people could express their chosen gender. She added land acknowledgement since the District was on Dakota Territory and keeping native cultures in mind for programming.

Manager Hunker suggested training would be great.

Chair Peterson thought examples would be helpful and asked staff for a clearer picture of how it would work.

Education and Outreach Coordinator Zembal clarified that the managers wanted more framework prior to any specific direction from the Board.

Chair Peterson confirmed.

### **C. Program and Project Manager**

Program and Project Manager Sniegowski shared that she had spent a lot of time this past month working on the nonprofit Best Management Practices project doing outreach and working with Barr. She had also been working on the cost-share program. She talked about the Hennepin County Chloride Initiative. The Hennepin County group is still working to decide where it should spend time and money.

Manager Cutshall asked if the bill going through legislature regarding limited liability passed.

Manager Sheely answered that although the legislation had passed the House, it was eventually pulled from the Omnibus bill. She said that it would be reintroduced this session.

#### **D. Administrator**

Administrator Anhorn added a couple things to his report. He said the managers needed to update the Minnesota Campaign Finance Board form annually and that they each would be getting a letter directly from the State.

Administrator Anhorn said that he was working on scheduling an upcoming stakeholder meeting on the results of the Lake Smetana Use Attainability Analysis (UAA) update. He said the water quality was generally good; however, it did have high chlorides.

Administrator Anhorn noted the lakes throughout the district continue to be very high and was scheduling a meeting with local cities, counties, and Three Rivers Park District to discuss current lake and groundwater level and the potential need to undertake a snow melt analysis to understand potential risks and define partner roles, areas of collaboration, and gather information that can be shared collectively.

Chair Peterson asked if this was mostly a response to high water and clarification on roles related to emergency response.

Administrator Anhorn stated that yes, that would be part of the discussion.

Chair Peterson asked if staff thought it could lead to a more long-range thinking around the issue.

Engineer Kieffer said it was a good first step. The lakes were starting with such high levels that it increased flood risk during the spring snow melt. She said that staff wanted better communication with the cities.

Administrator Anhorn said they would be talking about high surface water and groundwater, lake levels, potential problems, how to work together, etc.

Manager Sheely said she received a couple inquiries from the City Minnetonka's Public Works about the District's permitting records. They have a couple of flooded homes in around Shady Oak Lake, but they couldn't find the permit approval for the homes in their records. She said they asked if the District potentially could have records of their approval.

Administrator Anhorn asked for addresses and approximate dates in order to check for any records.

Manager Sheely also said there has been neighborhood pushback on pumping of Shady Oak Lake due to noise.

Manager Cutshall asked if the construction documents were completed for the District Office building addition and if there was a timetable for going out to bid.

Administrator Anhorn said that Eden Prairie City Council recently approved the District request for the addition and will be sending back a copy of the executed amendment to the development agreement. He also noted that he recently had a meeting with LHB Architects, to work on next steps with the goal to go out for bid in February.

Manager Olson asked how the meeting with the City of Edina’s Park Commission on the proposed Cornelia Lake Rosland Park stormwater BMP project went.

Administrator Anhorn answered that it went very well. He said that City staff wanted to be proactive to ensure they had input from the city’s parks and recreation commission and that the commission was overall in favor of the project. He further added that staff would be discussing the proposed project later in the meeting this evening.

**Unfinished Business**

**A. Board Retreat Planning Update**

Administrator Anhorn said an ad-hoc board retreat group made up of managers Cutshall and Hunker, himself and Program and Project Manager Sniegowski had their first meeting earlier tonight and are looking at the retreat as more of a team building, vision and prioritization focus. He said it was a relatively new Board and they wanted to reevaluate prioritization discussed during the development of the recent ten-year plan. He said the group would be looking to find an experienced person outside the organization to lead the retreat discussions and that staff would be reaching out to partners to get ideas on holding a successful retreat and identifying potential facilitators.

Manager Cutshall added that part of the team building would be to understand the District’s history.

Administrator Anhorn requested input on dates and time frame.

The Board discussed the potential of holding the retreat on a weekday or weekend and their availability in March and April, but no exact date was selected.

**B. AIS Management Strategy**

Administrator Anhorn noted the Aquatic Invasive Species Management Strategy would end up on a workshop down the road. He said he needed direction from the Board on determination of lead and partner roles, determination of which lakes were involved in various activities, and determination of a list of activities. He asked the Board to complete the table on their thoughts on defining when the District should lead, partner or not be involved at all.

Chair Peterson mentioned that she was not part of the designation of the lake classifications and thought they should look at all of the lakes.

Administrator Anhorn said Engineer Keiffer could further explain the lake classification system historically used by the District and why some were not prioritized. He said that determining the AIS prioritization level for the District's lakes would be the focus of an upcoming workshop, but the current designations could be a good starting point.

Engineer Kieffer added that the District's historic water quality standards were based on designated beneficial uses.

### **C. Scheduling of Upcoming Special Meetings/Workshops**

Administrator Anhorn explained the need to tentatively schedule special meetings and workshops to provide time to address various items that may promote lengthy discussions. He said that in the past, these meeting have been the first Thursday of the month and could be cancelled if not needed. He suggested the potential dates of January 9<sup>th</sup>, February 6<sup>th</sup>, March 5<sup>th</sup>, April 2<sup>nd</sup>, and May 7<sup>th</sup>.

Manager Cutshall said April 2<sup>nd</sup> was the only date that did not work for him.

Manager Sheely suggested Tuesday, April 7<sup>th</sup>.

The Board agreed to the rest of the dates including April 7<sup>th</sup>.

### **D. Cost-Share Program Updates**

Program and Project Manager Sniegowski shared the proposed revisions to the Cost-Share Program. She said that she needed Board feedback on the priority ranking criteria as well as forming a sub-committee to discuss whether the District should have restoration grants as a separate grant track.

Chair Peterson said it was a good starting point, but still had some questions like the fairness between different types of grants.

Manager Sheely wanted the worksheet to emphasize whether or not the project could be sustained.

Program and Project Manager Sniegowski said that is addressed in two ways. First, there is a specific question on the cost share application regarding maintenance that also references the required maintenance agreement with the District. She said that in addition, the District was giving restoration projects two years to complete the process to give them more time for site preparation.

Manager Sheely said that she was not sure about the long-term benefits of the cost-share grants.

Program and Project Manager Sniegowski said that they had implemented inspections and the projects they had seen were in good shape. She said that another benefit of the added

application information was that staff could use the added information to run the Minimal Impact Design Standard (MIDS) calculator from the MPCA's Minnesota Stormwater Manual to calculate each project's resulting nutrient and sediment load reductions. She further stated that these grants had both educational and water quality benefits.

Manager Sheely said she was still struggling with the amount of work considering the District lost all benefit at the end of the agreement.

Program and Project Manager Sniegowski said the restructuring of the applications and ranking process would save staff work in the future even though it was more work now.

Chair Peterson was interested in moving forward. She noted that they could reevaluate if it was not working and asked the Board if it agreed in general to using this formula going forward.

The Board agreed and discussed forming the ad hoc group to discuss the potential of having an entirely separate grant for restoration projects.

Chair Peterson thanked staff for its hard work.

## **New Business**

### **A. 2020 BCBS Rates**

Administrator Anhorn explained the District had been contracting with Blue Cross Blue Shield for health insurance since January 1, 2015. He said that it had been four to five years since the insurance brokerage firm, Bearence Management Group, had completed a comparison to other options. He said he asked them to complete a comparison in time for open enrollment for 2021.

Administrator Anhorn said that per District policy, the District covers 100 percent of the employee cost and 75 percent of the family cost for insurance and in the past the Board has elected to cover the full deductible coverage for each employee enrolling in the plan by providing an annual deposit into each employee's HSA account.

Administrator Anhorn said that in addition to insurance rates going up in 2020, their current plans deductibles were increasing from \$2,200/\$4,400 to \$2,350/\$4,700. He asked if the Board if it wanted to increase the annual deposit into each employee's HSA account to match.

Chair Peterson supported exploring other options because she thought the market was pretty competitive.

Manager Cutshall suggested forming a personnel committee that would meet annually to deal with the entire package of compensation benefits.



Attorney Smith confirmed that some Districts do this depending on the size of staff. Nine Mile Creek Watershed District would probably need two members and the meeting would still need to be noticed.

Chair Peterson suggested adding it to the list of jobs to be decided in January and asked what the total value of the Health Savings Account increase was.

Administrator Anhorn said the difference was \$600.00.

**Manager Hunker moved, seconded by Manager Cutshall, to increase the annual HSA contribution per employee to \$2,350.00 for 2020. Upon a vote, the motion carried.**

**B. Eden Prairie Deer Management Request**

Administrator Anhorn explained that the city of Eden Prairie was requesting permission to use the District's property at 12800 Gerard Drive for its 2019-20 Deer Management Program. He said that the District had agreed to the same in 2018 and 2019; however, they had yet to use the property.

**Manager Olson moved, seconded by Manager Cutshall, to approve the request to use Nine Mile Creek Watershed District property at Discovery Point for the City's 2019-20 Deer Management Program. Upon a vote, the motion carried.**

**C. Cornelia Lake Stormwater BMP – Rosland Park**

Engineer Kieffer talked about periodic blue green algal blooms and sources of phosphorus in Lake Cornelia and Lake Edina. She said the stormwater treatment design goals and criteria were to treat as much stormwater as possible, to target dissolved phosphorus removal, and to minimize footprint/park disruption.

Engineer Leuthold discussed the different conceptual BMP design options that were presented to city staff, including an underground system below a parking lot to minimize impact to the park as well as a completely above ground system fully within the park itself. He talked about the advantages and disadvantages and maintenance between the options and shared feedback and examples. He said that ultimately city staff asked for a modified version of the underground system just adjacent to the parking lot. He said the advantages to the modified version would be that by using a pump to get water to the facility (pumped roughly 12 hours a day 6 months a year) rather than gravity, the amount of water treated could easily be controlled and the design constraints presented by the minimal difference in water elevation between the upstream pond and North Lake Cornelia would be avoided. He also mentioned that the treatment chamber could be compartmentalized so that the effectiveness of different treatment media could be tested and compared.

Manager Hunker asked how much water was being treated and how that number was landed on.

Engineer Leuthold answered that the concept presented would be within the ballpark of the goals of the Use Attainability Analysis. The final design would look to balance the costs of pumping and the construction of the vault with the volume of treatment to arrive at the optimum dimensions and pump size. He presented a rendering of the proposed BMP in the Rosland Park parking lot and hill to show that signage, public art, or education could be integrated.

Administrator Anhorn asked about pump noise.

Engineer Leuthold explained that electric pumps were very quiet and would be a submersible pump in a manhole. He talked about the addition of solar to offset the power consumption. He shared the cost of each concept and potential add-ons.

Administrator Anhorn explained that ultimately the City would provide the park space; the District would pay to build it and then eventually turn ownership over to the city to maintain. He further stated staff thought that there was a good potential to receive grant funds to subsidize the costs of building the BMP.

Engineer Kieffer added that this concept-level analysis was the first step. She said that the next step would be moving forward with a more detailed feasibility analysis with fine-tuned details, treatment capacity, and cost.

Manager Cutshall thought option three made sense, but was unsure about the use of solar at this scale without first determining its cost effectiveness.

Chair Peterson said that she liked the project.

Manager Hunker asked if the top grate above the facility would have any issues with clogging.

Engineer Leuthold explained the grate served as a physical barrier to prevent people from walking on or coming in contact with the filter material in the vault. Water would not be flowing through the grate.

Engineer Kieffer added that with the pumped above-ground system, they would be able to control when and how the filter media dried out.

Manager Sheely thought they would see a lot of changes in the next ten years as far as media so it would be nice to not have something permanent.

Engineer Leuthold said there was a media called CC17 which was a small, crushed limestone that they could look into.

Manager Sheely also wanted to do something that would get kids involved especially hands-on.

Chair Peterson said everyone was in agreement to move forward.

Administrator Anhorn said that due the fact that the meeting was running long and that the next agenda item, item D Urban Stormwater BMP Cost Effectiveness, was a presentation that would likely provoke a lot of discussion. He asked the Board if they wanted to table the agenda item and reschedule it for the January 9, 2020 special meeting.

It was the consensus of the Board that in the interest of time and allowing for ample discussion to table agenda item D and move it to the January 9, 2020 special meeting.

### **Engineer's Report**

Engineer Kieffer said in regard to Normandale Lake that Barr had developed a draft Lake Vegetation Management Plan in preparation for the spring 2020 herbicide treatment. The District and Barr would meet with the Minnesota Department of Natural Resources in early January to discuss the planned treatment. She talked about the change in timing for the aluminum treatment for Lake Cornelia. HAB Aquatic Services agreed to complete the treatment between May 10 and May 31, 2020, allowing time to conduct the herbicide treatment targeting curly-leaf pondweed.

Administrator Anhorn added the contract was amended.

### **Attorney's Report**

Attorney Smith had nothing further to report.

### **Managers' Report**

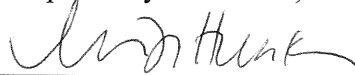
The Chair called for reports.

Manager Sheely had completed online training concerning the biological condition of coral reefs. She thought it applied to the District and said she would write a report on what she learned. She also mentioned that as delegates at the Minnesota Association of Watershed Districts, she and Chair Peterson decided to support the Riley Purgatory Bluff Creek Watershed District's resolution concerning wake boats and shoreline erosion. She noted that it did not pass.

### **Adjournment**

**It was moved by Manager Sheely, seconded by Manager Hunker, to adjourn the meeting at 9:28 p.m. Upon a vote, the motion carried.**

Respectfully submitted,



Erin Hunker, Secretary

ATTACHMENTS:  
Treasurer's Report

