

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

WEDNESDAY, FEBRUARY 15, 2023

1. Call to Order of the Regular Board Meeting

Chair Bob Cutshall called the Nine Mile Creek Watershed District Board of Managers regular meeting to order at 7:02 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 (Barr Engineering Company) and Michael Welch (Smith Partners)

Staff Present: Lizzy Boor (Permitting and Communications Intern), 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)

2. Approval of Regular Meeting Agenda

Manager Peggy Kvam moved, seconded by Manager Larry Olson to approve the meeting agenda as drafted. Upon vote, the motion carried [Manager Butler absent from vote].

3. Public Open Forum

a. General Interest

No members of the public were in attendance.

4. Consent Agenda

a. Draft Minutes of January 5, 2023, Board Workshop

Manager Hunker noted the minutes should be corrected to remove her name as a participant as she did not attend the workshop.

Manager Olson moved, seconded by Manager Kvam to approve the minutes of the January 5, 2023, board Workshop as amended. Upon vote, the motion carried 4-0 [Manager Butler absent].

b. Draft Minutes of January 18, 2023, Regular Board Meeting

Manager Hunker moved, seconded by Manager Olson to approve the minutes of the January 18, 2023, Regular board Meeting as drafted. Upon vote, the motion carried 4-0 [Manager Butler absent].

Manager Grace Butler arrived, 7:08 p.m., from Minnesota Watersheds Legislative Day at the Capitol.

5. Staff Updates

Ms. Gael Zembal provided an update on the Hennepin County Chloride Initiative's Low Salt, No Salt Minnesota campaign. She shared that the campaign includes working with townhome and condominium associations and faith-based organizations to help them design a solution to reduce salt application. Ms. Zembal said she and Alissa Schmidt, the District's MN GreenCorps member, will start to implement the campaign, including use of the toolkit designed for it, and will be partnering closely with the cities in the watershed.

Brett Eidem reported that staff recently submitted a letter in response to a request from the Minnesota Board of Water and Soil Resources for assurance of NMCWD's capacity to maintain the South Fork of Nine Mile Creek project, when completed, to assure BWSR of the longevity of investment of Watershed-Based Implementation Funding. Mr. Eidem said BWSR's acceptance of the letter is the last step before signing the agreement and releasing the watershed-based implementation funds to the district.

President Cutshall asked when construction for the South Fork project is expected to start. Mr. Eidem said 2024 because obtaining property access is still in process.

Mr. Eidem reported on discussions with the City of Bloomington regarding Moir Park improvements and the possibility of incorporating NMCWD work into the city project or collaborating on water-resources improvements. Mr. Eidem said there is at least 6,000 linear feet of streambank eroding in the area.

6. Hearing of Permit Applications

No permit applications presented.

7. **Treasurer's Report**

Manager Kvam highlighted some of the invoices and disbursements listed in the Treasurer's report.

Manager Olson moved, seconded by Manager Butler to accept the Treasurer's Report and authorize the Administrator to pay the district's bills. Upon a roll call vote, the motion was approved 5-0.

8. **Administrator's Report**

Erica Sniegowski said the district Administrator's report included in the meeting packet highlights Administrator Randy Anhorn's activities for the month. She said staff will put out an RFQ for the Normandale herbicide treatment. She said similar to last year, the RFQ will have options for both a partial-lake and whole-lake treatment, and the treatment will be determined by the results of the spring plant survey. Ms. Sniegowski said staff will bring quotes for the herbicide treatment to the board at the April workshop.

Ms. Sniegowski reported the plant surveyor noted an anecdotal increase last fall in Eurasian Watermilfoil along the shoreline of Normandale Lake. She said district staff want more information and want the surveyor to take a look at Eurasian Watermilfoil during the spring vegetation survey of Normandale Lake.

Ms. Janna Kieffer reported that the district's Technical Advisory Committee discussed NMCWD's Atlas 14-informed assessment of flood risk in the watershed. She said the discussion included summarizing and prioritizing the locations of opportunities to store water and communication of information on flood risk.

Ms. Kieffer said the TAC also discussed regulation of linear road projects. Michael Welch said he thinks the discussion and feedback indicate that the district should propose a direction and let the TAC react.

Manager Butler said the managers may need more understanding of the proposed Atlas-14 storage sites.

9. **Unfinished Business**

a. **Holiday, Wing, and Rose Lakes Feasibility Study Update**

Ms. Sniegowski reported district staff and the City of Minnetonka have been meeting about NMCWD's ongoing assessment of opportunities to improve water quality in Holiday, Wing and Rose lakes.

Ms. Kieffer summarized the preliminary concept of the Lake Holiday Park Filtration best-management practice, describing the recirculating filtration

concept. She explained the concept is to pump water from Lake Holiday by modifying the existing pump station, direct the pumped water to the surface filtration basin, and discharge the filtered water back to Lake Holiday.

Ms. Kieffer said the district met with the City of Minnetonka to review the general concept. She said the topics the city raised included safety, aesthetics of the park, and maintenance. Ms. Kieffer reported district take-aways and next steps include balancing the different, and sometimes competing, design elements.

Ms. Kieffer described the two sand filter options: the slow sand filter and the rapid sand filter. She explained the rapid sand filter has an estimated average phosphorous load reduction of 12 to 13 pounds versus the slow sand filter's estimated reduction of less than a pound. She indicated that the slow sand filter concept will not be considered further, since the pollutant reduction achievable through this approach is low, given the available land footprint.

Manager Olson asked how many acres the lake is. Ms. Kieffer said seven acres.

Ms. Sniegowski said district and City staff would like to continue looking at the rapid sand filter design concept and look at the numbers regarding phosphorus removal. Ms. Kieffer said the City of Minnetonka is considering the rigor of system maintenance.

Ms. Kieffer said next steps include refining the preliminary design, refining the cost estimate, recalculating the cost/benefit and annualizing the cost, and sharing the results with the city and the board.

President Cutshall asked if grant money would be available. Ms. Sniegowski said staff and the district Engineer are talking about looking for grant funds for this project.

Manager Butler said there are 18 properties on this lake and all the properties mow right to the lake. She asked what kind of project buy-in is there by residents. She said she does not want the district to invest in this lake until the property owners are also invested. Ms. Kieffer said this is an important part of the conversation around this project. Ms. Sniegowski said the City is willing to do a shoreline buffer demonstration project on the City's parcel. Manager Butler said that would be a great start and the district should fund it through the cost share program.

b. Administrative Support Technical Services Agreement

Ms. Sniegowski said staff is bringing forward a proposed agreement with Riley Purgatory Bluff Creek Watershed District for administrative assistance. She said NMCWD would utilize the assistant for 40 percent of the assistant's time at a

cost not-to-exceed \$25,996, and the assistant's work would be paid on an hourly basis.

Mr. Welch said staff recommends the board authorize the administrator, on advice from counsel, to enter into a technical services agreement with RPBCWD to provide administrative services at a not-to-exceed amount of \$26,000.

Manager Kvam moved, seconded by Manager Olson to authorize the administrator to enter into an agreement with RPBCWD for administrative services not-to-exceed \$26,000. Upon vote, the motion carried.

c. Discovery Point Landscape Maintenance RFQ Update

Mr. Eidem said staff would like the board to authorize staff to work with Barr Engineering to issue a request for proposals for Discovery Point landscaping. He said staff recommends a three-year maintenance contract. He explained the work would include both site-wide maintenance and the stormwater BMPs vegetation maintenance, along with some individual tasks, such as prescribed burns, spot treatment, seeding. These individual tasks may or may not be needed annually.

Manager Butler moved, seconded by Manager Hunker to authorize the Administrator to solicit quotes for the continued landscape management work at Discovery Point in the form of a three-year contract from 2023 to 2025. Upon vote, the motion carried.

d. Recognition Policy

Ms. Sniegowski said based on a review of the district's existing Public Purposed Expenditures Policy within the Governance Manual, a slight update to the volunteer provisions of the recognition policy is recommended. She noted the red-lined version of the policy is included in the meeting packet. The managers discussed the limit on expenditures for recognition events under the policy and set the amount at \$250. Ms. Sniegowski added that references to the Minnesota Association of Watershed Districts in the Governance Manual will be updated as well.

Manager Butler moved, seconded by Manager Kvam to adopt the revised recognition and appreciation policy as amended to set the dollar amount at \$250 and to update references to the Minnesota Association of Watersheds. Upon a roll call vote, the motion was approved.

10. New Business

a. Online Permits and Cost Share Grants Applications Proposal

Ms. Sniegowski reported the district received a proposal from Houston Engineering to create online application modules for the district's permit and cost share programs. She said the cost of the project is \$25,500, plus an annual subscription fee increase to \$6,000 from \$4,000 for MS4Front due to the additional support for the online modules.

Mr. Welch recommended that the managers authorize the administrator to enter into the agreement at not to exceed \$27,500 to include the license amendment, and authorize the administrator to approve change orders totaling 10 percent of the project cost in aggregate.

Manager Olson moved, seconded by Manager Kvam to authorize the administrator to enter into an agreement with Houston Engineering for the development of online permit and cost share applications through MS4Front for an amount not to exceed \$27,500 and authorize the administrator to approve change orders up to 10 percent of the cost in aggregate. Upon vote, the motion carried.

b. Watershed Specialist Job Description

Ms. Sniegowski said staff met with the Personnel Committee to review the watershed specialist job description. She said the committee is in favor of the creation of this position. Ms. Sniegowski said staff is asking the board to authorize the creation of the position.

Manager Kvam asked about the City of Eden Prairie's stance about the district hiring another full-time position. Ms. Sniegowski said the city recognizes the district's hybrid work model in which the full number of staff are only all together in the office one-half of a day a week. Mr. Welch added that the city communicated in writing that the covenant does not need to be amended to accommodate the new position. He said eventually the district will need to amend the covenant, but not for the creation of this position. Mr. Cutshall agreed that at some point the district will need to gear up its number of staff to get all the district's projects done. Manager Butler said the district should address it with the City when it has the right opportunity and relationship with the City and not push covenant amendment work down the road too far.

Manager Hunker moved, seconded by Manager Olson to approve the creation of the position. Upon vote, the motion carried.

c. Diversity, Equity, Inclusion, and Accessibility Policy

Ms. Sniegowski said staff has drafted a diversity, equity inclusion and accessibility policy in line with previous board direction and discussion. Mr. Eidem presented the draft policy for consideration.

Mr. Eidem said staff would like board feedback on the draft policy. Manager Kvam noted a grammatical correction to change the word “successfully” to “successful.” In response to a question from Manager Kvam, staff noted that a land acknowledgement could be developed following adoption of the DEIA policy.

Ms. Sniegowski said the managers can take time to review the draft policy, provide feedback to staff, and staff can bring the policy back to the board.

Manager Cutshall said the policy should stay within the framework and scope of the watershed district’s mission. Mr. Welch said that point is exactly why the district needs a policy because everything needs to tie back to the district’s purposes.

Lizzy Boor reviewed the research that staff performed regarding other area watershed districts’ and water management organizations’ DEIA programs and initiatives. She presented staff’s recommendations for the district’s next steps, including issue a request for proposals for development of a DEIA plan. Ms. Boor explained staff’s expected outcome of the scope of work is a plan that contains prioritized, actionable steps the district can take to improve DEIA through projects, programs, policies, partnerships and other areas. She said staff recommends the deliverable include cost estimates, resources required, staff-time estimates, and timelines for implementation and for the planning process to involve all stakeholders.

Ms. Zembal reminded the board that Manager Kvam had volunteered to be board liaison for this work, so Manager Kvam will participate in the development of the RFP, which will be developed and presented to the board for authorization.

11. Attorney Report

Mr. Welch reported the draft state construction stormwater general permit is out for comment, but he does not see policy or significant issues that require the district attention. Mr. Eidem added the permit language is focused on how to process inspections.

12. **Managers' Reports**

Manager Butler noted she came to tonight's meeting directly from the Minnesota Watersheds meeting. She reported the salt liability-limitation bill will be heard by the Environmental Committee in the Senate on February 16.

Manager Kvam said Senator Steve Cwodzinski would like to attend one of the district's meetings. Staff should reach out to the senator's staff to schedule.

13. **Adjournment**

It was moved by Manager Olson, seconded by Manager Kvam to adjourn the meeting at 9:09 p.m. Upon vote, the motion carried.

Respectfully Submitted,



Grace Butler, Secretary