

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

WEDNESDAY, FEBRUARY 21, 2024

1. Call to Order

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), Brett Eidem (Natural Resources Project and Planning Manager), Dylan Monahan (Administrative Assistant), Erica Sniegowski (Administrator), Zach Stafslie (Regulatory Program Manager), Jordan Wein (Water Resources Project Manager), and Gael Zembal (Education and Outreach Coordinator).

1. Approval of Regular Meeting Agenda

Manager Cutshall moved, seconded by Manager Lauria, to approve the meeting agenda as presented. Upon vote, the motion carried.

2. Public Open Forum

No members of the public were in attendance.

3. Consent Agenda

a. Reading and Approval of Minutes

i. Minutes of January 4, 2024, Workshop

ii. Minutes of January 17, 2024, Regular Meeting

Manager Kvam moved, seconded by Manager Cutshall, to approve the consent agenda as presented. Upon vote, the motion carried.

4. Treasurer's Report

Manager Butler moved, seconded by Manager Cutshall, to accept the treasurer's report and pay the district's bills. Upon vote, the motion carried.

5. Unfinished Business

a. Lake Cornelia

Administrator Erica Sniegowski said that the City of Edina has proposed turning over the annual herbicide treatment of Lake Cornelia to the district. She explained that this would involve amending the cooperative agreement with the city for the work in Lake Cornelia and directing Barr Engineering to prepare the necessary contracting materials and oversee the work. She noted that Barr has prepared the necessary scope and, in order to be prepared to get the treatment done this year, the managers would need to approve the scope this evening. The scope includes leading and conducting the technical services for curly-leaf pondweed and hybrid Eurasian watermilfoil treatments.

Administrator Sniegowski noted that because the district's original order for the Lake Cornelia project specifically including the city's conduct of the treatment, legal counsel is recommending a public hearing and board consideration of an amendment to that order. She said that to make the timing work, she has already sent the public notice for the hearing for the board's March 7, 2024, workshop to the newspapers for publication. Administrator Sniegowski said the amendment to the cooperative agreement between the district and the City of Edina will lay out the partnership approach and memorialize the change from what the board originally ordered. The amendment will also go to the Edina City Council for approval.

Janna Kieffer summarized the proposed scope of work, which includes identifying and confirming the herbicide treatment approach for Lake Cornelia's curly-leaf pondweed and hybrid Eurasian watermilfoil and coordinating with the district and City of Edina. Ms. Kieffer said the scope also includes preparing contract documents for the herbicide treatments, soliciting quotes, completing a pre-treatment plant survey, managing permitting, and overseeing the treatment contractor.

Manager Cutshall asked for a cost estimate for the herbicide treatment. Administrator Sniegowski said in the past, a single treatment cost approximately

\$10,000. She recommends that the district not ask the city to split the cost for Barr's services, but instead ask the city to pay for 75% of the herbicide treatment cost.

Manager Butler moved, seconded by Manager Kvam, to authorize the Barr Engineering scope of work for not to exceed \$23,650, including a subcontract to James Johnson of Freshwater Scientific Services for not to exceed \$4,500. Upon vote, the motion carried.

Manager Grace Butler asked what would happen if the City of Edina did not agree to pay the higher percentage of the herbicide treatment. Administrator Sniegowski said the city has indicated support for paying 75 percent.

b. Normandale Herbicide Treatment Scope of Work

Administrator Sniegowski said follow-up herbicide treatments of Normandale Lake have taken place since 2020. She said the district plans to do a follow-up treatment this spring. A spring plant survey will determine the extent of treatment needed. She noted the district and the City of Bloomington split the cost of the Normandale herbicide treatments 50-50. Administrator Sniegowski said the cooperative agreement with the City of Bloomington will need to be amended to include the 2024 herbicide treatment.

Ms. Kieffer explained that Barr Engineering's scope of work includes providing technical services to implement the 2024 treatment. She noted the total estimated number of staff hours for the scope of work presented is 117 hours, not 116 as listed in the proposed scope of work.

Manager Butler commented that district staff's knowledge base is growing, and asked if there is a way to utilize it, such as staff taking on plant surveys. Administrator Sniegowski mentioned that there will be discussions over the next year regarding the potential for bringing certain work in-house.

Manager Kvam moved, seconded by Manager Cutshall, to authorize the Barr Engineering scope of work for not to exceed \$21,545, including a subcontract to Endangered Resource Services for not to exceed \$2,500. Upon vote, the motion carried.

6. New Business

a. Vernon Ave/Trunk Highway 100 Regulatory Authority

Zach Stafslie said that the district, and Minnehaha Creek Watershed District have agreed to streamline regulatory review of the city's reconstruction of the Highway 100 and Vernon Avenue interchange by having MCWD conduct the

review for the entire project, which includes approximately 1.21 acres within NMCWD legal boundary. He explained the project will provide the Nine Mile Creek watershed with some stormwater treatment that would not be required if NMCWD permitted the work.

Michael Welch added that Smith Partners is also MCWD's legal counsel, so the board's authorization of the agreement for exercise of regulatory authority request necessarily includes waiver of that conflict of interest.

Manager Butler moved, seconded by Manager Lauria, to authorize the administrator to enter into an agreement to allow Minnehaha Creek Watershed District to exercise regulatory authority for the entire Vernon Avenue and Trunk Highway 100 Interchange Project. Upon vote, the motion carried.

b. 2023 Water Management Plan Tracking

Administrator Sniegowski presented a summary of progress of program implementation action items listed in the district's 10-Year Watershed Management Plan. She said this document is used to meet part of the district's required annual reporting to the Minnesota Board of Water and Soil Resources. Administrator Sniegowski reviewed the 2023 report and noted that most plan activities for 2023 have been completed.

Mr. Welch noted the prominence of adaptive management in the district's approach to project implementation and suggested that the board and staff incorporate this idea into the district's upcoming new 10-year plan.

c. 2024 Draft Work Plan

Administrator Sniegowski said the district's 2024 work plan will go in the district's annual report, which is submitted to BWSR.

Manager Butler commented she thinks the district is doing more education and outreach than is reflected in the plan and asked staff to ensure that it is comprehensive.

7. Staff Updates

a. Administrator's Report

Administrator Sniegowski reported that district staff met today with Bloomington staff about the Nine Mile Creek corridor renewal project to discuss creek issues, the city's timing for the request for proposals, and what a district--city partnership might look like for this project. She said it is still very early in the development of the city's plans for the corridor, and staff will keep the managers apprised as decision points arise.

Administrator Sniegowski reminded the managers that Minnesota Watersheds Day at the Capitol is March 6-7.

Staff Reports

Administrator Sniegowski reported that new staff member Jordan Wein will take over lake project management and explore development of district fisheries-management program.

b. Engineer's Report

Ms. Kieffer noted she and staff are meeting tomorrow with staff from Hennepin County and the City of Minnetonka to discuss the Glen Lake outlet and downstream wetland banking project. She said there may be some opportunities to modify the project to meet multiple water-management goals, including flood storage and wetland hydrology.

c. Attorney's Report

Mr. Welch said a chloride limited-liability bill has been introduced this year into each of the senate and house, but the bills both include indemnification language that the trial lawyers will not accept. He said he hopes to find a positive path forward this year, but he is not overly optimistic.

d. Manager's Report

Manager Butler mentioned that one person from Minnetonka has applied to fill her upcoming vacancy on the district board.

Manager Peggy Kvam said she would like NMCWD to organize a tour of the proposed Glen Lake wetland bank area. Brett Eidem committed to following up on the request.

8. Adjournment

It was moved by Manager Lauria and seconded by Manager Cutshall to adjourn the meeting at 8:23 p.m. Upon vote, the motion carried.

Respectfully Submitted,


Chris-Ann Lauria (Mar 21, 2024 11:18 CDT)

Chris-Ann Lauria, Secretary







NMCWD-February-21-2024-Regular-Board-Mee ting-Minutes

Final Audit Report

2024-03-21

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