

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

THURSDAY, FEBRUARY 3, 2022

I. Call to Order of the Workshop

President Cutshall called the Nine Mile Creek Watershed District Board of Managers workshop to order at 5:30 p.m. on Thursday, February 3, 2022. The meeting was conducted by web-based video conference, pursuant to Minnesota Statutes section 13D.021, after the president determined that because of the COVID-19 pandemic, it was not prudent for the board of managers to meet in person.

Managers Present: Grace Butler, Bob Cutshall, Erin Hunker, Peggy Kvam, and Larry Olson

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

Staff Present: Randy Anhorn, Brett Eidem, Lauren Foley, Erica Sniegowski, and Gael Zembal

Others Present: Lisa Breu (SRF Consulting), Douglas Mensing (RES), C.M., Mialachalam Shanmugam, Collin Smith, and Eric Roerish

II. High Quality Wetland Prioritization and Scoping Update Presentation

Administrator Anhorn pointed that out SRF and RES, the consultants for NMCWD's wetland project, provided a technical memo that is in the workshop packet. He said SRF and RES will be presenting on the prioritization matrix, the evaluation of the four high-quality wetlands that were prioritized, results, and a recommendation.

Ms. Breu, Mr. Mensing, and Mr. Smith introduced themselves. Ms. Breu explained tonight's presentation includes information about the project background, the wetland prioritization criteria and matrix, the project benefit matrix, and the consultants' recommendation. She said the goal is to end up with an idea of how the

board wants to move forward. Ms. Breu displayed a map, showed the location of the wetlands being discussed, and discussed work conducted. She went through the prioritization matrix.

Mr. Mensing discussed vegetation components, noting all the wetlands investigated are high-quality, but there are nuances between them such as the degree to which they are experiencing invasive species pressure. He talked about aquatic invasive species, noting in particular that narrowleaf cattail is a significant concern in Whited Marsh.

Ms. Breu said different perspectives about project value will really come into play with the stormwater engineering component of the four proposed projects.

Ms. Breu commented project timeline was considered in the evaluation of the projects and in the consultant recommendations.

Manager Hunker asked if the invasive species vegetation costs displayed in the matrix, such as the \$48,000 invasive species cost for Whited Marsh, represent a one-time cost to do the work, or if they include costs for additional or ongoing maintenance. Mr. Mensing said the ecological cost estimates are not for only one year and instead the cost assumes a three-year intensive management/ecological restoration approach. He explained the types of activities that would take place over the course of the three years. Mr. Mensing noted the cost estimates assume a professional ecological contractor would be hired to do the work. He commented on possible cost-savings such as through using volunteers to do some tasks.

Manager Butler said she is more familiar with Whited Marsh and the wetland near Rowland Road, and she suggested the Rowland wetland would be a better wetland to start with. She mentioned she thought Tierney's Woods will be getting a lot of support from the Izaak Walton League. Manager Butler commented that she isn't as familiar with the other wetlands in the prioritization matrix, and without being presented pictures of them, she can't see what the consultants are seeing and talking about this evening. She talked about how a project at Whited Marsh would require the need for education of the property owners nearby so they would understand the ecology of wetlands and understand what the project is trying to achieve. She said she thinks education needs its own line item in the matrix. Manager Butler added that the City of Minnetonka lists Whited Marsh as a high-priority item, which should help facilitate the city's interest and participation in the project. Manager Butler asked for more details about Rowland Marsh.

Ms. Breu said it sounds like there is interest in heavier weighting of projects that would have more of an education opportunity and landowner involvement, such as through buffers or rain gardens. She displayed a map of the Rowland wetland area and went into greater detail about that potential wetland project.

Attorney Welch noted that legal requirements for undertaking the possible wetland work have not yet been assessed.

Manager Hunker asked if through the District's existing grant program, the District could target certain geographical areas for projects. Administrator Anhorn said he thinks the District could work within its existing grant program and target parcels.

Administrator Anhorn said ultimately staff needs direction on a project for the consultants to bring forward to a feasibility-level analysis, at which time they would evaluate that potential project in additional detail. He pointed out the consultants' recommendation is to do the invasive species work at Whited Marsh. Administrator Anhorn reminded the Board the goal is to start with one project, then systematically undertake others.

Manager Kvam spoke in favor of starting with Whited Marsh, explaining she likes that there isn't parking. She said educational signage should be part of this project, so people who do make it there know what the District is doing with the wetland. There was a brief discussion about a kindergarten outdoor immersion program at an elementary school located adjacent to the wetland. Manager Butler said she is nervous about Whited because if the landowners don't buy in, she is concerned with how that would affect the project. She said she is leaning toward the Rowland wetland as the first project.

Administrator Anhorn said Hennepin County is interested in potentially being a grant partner on the Whited project. Natural Resources Project and Planning Manager Eidem provided more details about grant opportunities District staff have been investigating. Manager Olson said the criteria of Whited Marsh looks reasonable to him and he is in favor of moving forward with it. Chair Cutshall said he doesn't have a preference on which project to start with. Manager Hunker said she is in favor of starting with Whited, and she noted that besides Whited, the two other wetlands investigated also rated higher than the Rowland wetland in the prioritization matrix.

Administrator Anhorn said with this direction from the Board to move forward to the next step with Whited Marsh, SRF and RES can move forward with the feasibility study. He said the feasibility study will be brought to the Board either at its April meeting or May workshop.

III. Pentagon Park/Border Basin Recap

Administrator Anhorn reminded the Board of its January 6 workshop review of a variance request from a permit applicant located within the Pentagon Park area. He said the Board will be seeing more redevelopment permit applications and variance requests from parcels in the same area. He said there was a study undertaken by the District, in partnership with the cities of Edina and Bloomington, on Pentagon

Park/Border Basin, and he thought it would be helpful to have a presentation about that study.

Engineer Kieffer shared a PowerPoint presentation “Overview of 2018 Pentagon Park/Border Basin Study.” She said the study started in 2016 and was finalized in 2018. Engineer Kieffer said the study included stakeholder involvement, evaluation of flood risk reduction scenarios, and the evaluation of regional stormwater management/treatment options.

Engineer Kieffer explained the study concluded there isn’t a silver bullet flood risk reduction option, and many parcels will have to continue to store stormwater onsite.

Engineer Kieffer explained the study identified possible stormwater management and treatment projects. One proposed project would be the construction of a new regional pond. Administrator Anhorn stated that NMCWD collaborated with the City of Edina on its master plan for the former Fred Richards Golf Course. He noted the City of Edina has a \$10,000,000 bond up for vote on an upcoming ballot, and if the bond is approved, the city is interested in moving forward with implementing the master plan.

Engineer Kieffer summarized the conclusions gleaned from the Pentagon Park/Border Basin Study:

- Maintain existing flood storage at former Fred Richards golf course and expand that storage if possible.
- As the area redevelops, maintain flood storage.
- In terms of redevelopment, the cities and other stakeholders should consider a regional approach to coordinating and facilitating flood storage creation and flood-risk mitigation.
- Cities could consider developing a master land use plan for the area.
- Manage for storm sewer system capacity restrictions.
- Implement building low-floor requirements.
- Maintain existing stormwater management infrastructure.
- Consider moving forward with the identified regional stormwater management opportunities.
- Maintain or improve water quality benefits provided by existing land use at the former Fred Richards Golf Course.

Chair Cutshall asked about the types of variance requests the Board should anticipate seeing as redevelopment project permit applications come to the District. Engineer Kieffer talked about the variance request from NMCWD's requirement that low floors provide two feet of freeboard that the Board reviewed at its January 6 workshop. Attorney Welch commented on the difficult position the District could be in when these redevelopment permit applications and variance requests come in if the cities haven't been communicating to the applicant a message consistent with the conclusions in the Pentagon Park/Border Basin Study. He pointed out the importance of the District revisiting the study, findings, and conclusions with the cities. Chair Cutshall addressed the importance of the District communicating with potential permit applicants and applicants early in the regulatory process.

Manager Butler noted that the District needs to consider storm sewer issues.

IV. NMCWD Low-Floor Policy

Attorney Welch stated that staff, the engineers and legal counsel placed a discussion item on the agenda to solicit manager feedback and direction on application of the low-floor requirement in sections 2.3.1 and 4.3.3 in the NMCWD rules. He explained the low-floor requirement means applicants must have two feet of freeboard above the 100-year flood elevation for the low floor of a building. The difficulty that is the topic of the discussion is that the definition of "structure" in the rules to which the requirement applies is purposefully very broad, causing it to apply in certain cases where the engineers find that there is no protection of a structure or no flood-risk reduction achieved. For example, he noted, a permit presented at the January 6 workshop included a variance request from the low-floor standard for a parking lot and pickleball court, even though the NMCWD engineers determined that there is no flood-risk or damage-risk difference between flood waters being stored on an impervious surface versus a pervious one.

Attorney Welch the District could review and revise its rules to narrow that definition of structure and not make flat impervious surfaces subject to that freeboard criterion. He added that short of undertaking a rulemaking, the board could adopt a policy that a flat at-grade structure will not be subject to the low-floor or freeboard requirement. He noted that if the project includes fill in the floodplain, the fill will still need to be compensated for, and the District's rules would still require no loss of flood storage. He said there is some urgency to the matter that supports adoption of a policy, because the issue will come up with applications that have been or will soon be received.

Manager Olson commented the City of Edina's most recent newsletter announced some changes to ordinances regarding impervious surfaces, first floor elevations, and whether or not patios, tennis courts, and sports courts would be considered impervious surfaces. He asked if cities are passing their own regulations that may be

in conflict with the District's regulations, or if the District is in sync with the city's changes. Manager Olson said he would share the newsletter with District staff and legal counsel. Administrator Anhorn said he is not aware of the changes. Otherwise, the managers expressed understanding of the need for and supported the concept of an interpretive policy.

Attorney Welch said a draft resolution would be presented at the regular February meeting for consideration.

V. Lynmar Basin Stormwater Project Update

Administrator Anhorn updated the managers on the status of the Lynmar Basin Stormwater project. He said the draft feasibility study for this project will be ready for the Board's next meeting, and staff would like to hold the public hearing at the Board's March 3 workshop.

Engineer Kieffer reported on the project status, noting the analysis is wrapping up and will be distributed to the managers for review in advance of the meeting.

Administrator Anhorn suggested the Board's March workshop start at 6:00 p.m. instead of the usual 5:30 p.m. start time. The managers agreed.

VI. Adjournment

It was moved by Manager Olson, seconded by Manager Hunker to adjourn the meeting at 7:45 p.m. On a roll call vote, the motion was approved 5-0.

Respectfully Submitted,



Grace Butler, Secretary