

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

**WEDNESDAY, JANUARY 17, 2024**

**1. Call to Order**

President Bob Cutshall 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), Erica Sniegowski (Administrator), Zach Stafslie (Regulatory Program Manager), and Gael Zembal\* (Education and Outreach Coordinator).

\* Indicates attended virtually

**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 arrived, 6:31 p.m.*

**3. Reading and Approval of Minutes**

**a. Draft Minutes of December 7, 2023, Board Public Hearing and Workshop**

**Manager Olson moved, seconded by Manager Butler, to approve the December 7, 2023, minutes as presented. Upon vote, the motion carried.**

**b. Draft Minutes of December 20, 2023, Regular Board Meeting**

**Manager Kvam moved, seconded by Manager Olson, to approve the December 20, 2023, minutes as presented. Upon vote, the motion carried.**

**4. Public Open Forum**

No members of the public were in attendance, and no public comments were made.

**5. Consent Agenda**

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

**b. Engineer's Report**

**c. 2023 Annual Communication**

**d. 2024 Annual Business Items and Designations**

**i. Naming of District Bank and Permit Security Depository**

**ii. Confirm Receipt of Broker Certificates for Investments**

**iii. Naming of Official Newspaper**

**iv. Review of Permit Fee Schedule**

**v. Review of Financial Assurances Schedule**

Gael Zembal announced the State of the Waters will be held Wednesday, March 13, 2024, from 6:30 p.m. to 8:00 p.m. at Discovery Point and will be in person and virtual.

**Manager Kvam moved, seconded by Manager Olson, to approve the consent agenda. Upon vote, the motion carried.**

**6. Staff Updates**

Elizabeth Boor reported that she toured the York Condo West Association's cost-share grant site, where the association installed heated pavement to reduce chloride pollution, and a writeup of the project will be in the City of Edina's newsletter.

**7. Treasurer's Report**

Manager Peggy Kvam reviewed the treasurer's report.

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

**8. Administrator's Report**

Erica Sniegowski noted that at the Metro Minnesota Watersheds meeting the previous evening Riley-Purgatory-Bluff Creek Watershed District asked if other districts are interested in jointly undertaking a salary survey. Ms. Sniegowski noted that the district completed a survey in 2022 and recommended that the District decline to undertake a joint survey now. The managers agreed.

Ms. Sniegowski asked for comments on the Birch Island Lake Water Quality Study so it can be finalized at the February workshop. Ms. Sniegowski requested any additional comments on the Arrowhead Lake and Indianhead Lake feasibility study, as well.

**9. New Business**

**a. Annual Business Items and Designations**

**i. Adoption of Schedule of Board of Managers Meetings and Workshops**

Ms. Sniegowski presented the schedule for 2024 meetings and workshops. Manager Larry Olson requested moving the October board meeting to October 23.

**Manager Kvam moved, seconded by Manager Olson, to adopt the 2024 schedule of the meeting as amended. Upon vote, the motion carried.**

**ii. Election of Officers and Designation of Liaisons**

After discussion among the managers, President Cutshall nominated Larry Olson as president, Bob Cutshall as vice president, Peggy Kvam as treasurer and Chris-Ann Lauria as secretary.

Manager Butler moved, seconded by Manager Olson, to appoint the officers as nominated. **Upon vote, the motion carried.** Michael Welch noted that with the vote, President Olson would now preside.

Manager Butler moved, seconded by Manager Cutshall, to appoint Larry Olson and Chris-Ann Lauria as Citizens Advisory Committee liaisons, Peggy Kvam as diversity, equity, inclusion and accessibility liaison, and Grace Butler as cost share grants liaison. **Upon a vote, the motion carried.**

iii. **Personnel Committee**

Manager Kvam moved, seconded by Manager Lauria, to appoint Grace Butler and Bob Cutshall to the Personnel Committee. **Upon a vote, the motion carried.**

iv. **Appointment of Citizens Advisory Committee Members**

Ms. Zembal announced the Citizens Advisory Committee application window is open on a rolling basis until all seats are filled. She reported there are eight CAC members seeking reappointment and two new candidates. Ms. Zembal stated she interviewed the two new candidates and recommended them for appointment. She said there have been up to 12 members on the CAC in the past.

Manager Cutshall moved, seconded by Manager Butler, to appoint John Arthur (Hopkins), Roger Bildsten (Edina), James Clark (Bloomington), John Hickman (Bloomington), Charlotte Lefebvre (Edina), Josh Lynn (Bloomington), Tim Ronhovde (Eden Prairie), Jon Scoll (Edina), Heather Johnson (Edina) and Mandy Pedigo (Hopkins) to the CAC. **Upon vote, the motion carried.**

v. **Review & Adopt the District's Employee Policy Manual**

Manager Butler moved, seconded by Manager Lauria, to adopt the revised District Employee Policy Manual. **Upon a vote, the motion carried.**

b. **Governance Manual Review**

Administrator Sniegowski and Michael Welch discussed possible changes to the Governance Manual to update the technology provisions and provide the managers with a per diem for preparation for meetings. They asked the managers to advise of any additional suggestions they would like to propose. Ms. Sniegowski said a revised manual will be brought to the managers for adoption at a meeting in the coming months.

Manager Cutshall said he would like to the recognition policy allow a greater spending than the current \$250 to better recognize staff for their contributions. Manager Grace Butler asked whether legacy gifts could fund staff recognition. Mr. Welch said he would look into the option.

Manager Kvam suggested including new guidance for when managers may participate in board meetings virtually.

**c. Cost Share Grant Applications**

Ms. Boor reported the district received five cost-share applications, including one for \$3,000 in funding for native plantings that was less than \$5,000, so it was approved by Administrator Sniegowski. Ms. Boor said staff and the review committee of the CAC recommend authorization of the other four applications received:

- Richard Brown residential shoreline buffer – \$5,000
- Clarion Hills Townhome Association shoreline buffer – \$20,000
- Waters Edge Townhome Association shoreline buffer – \$20,000
- City of Hopkins Low-Salt Design Pilot – \$35,000

**Manager Kvam moved, seconded by Manager Olson, to authorize the administrator to enter into agreements with each of the four applicants for funding as presented by staff. Upon vote, the motion carried.**

Manager Butler asked staff to make available to managers tracking information on annual cost-share grants given out, including tracking of the total cost share budget and project locations.

**d. Hopkins Scope of Work**

Brett Eidem said staff has been exploring opportunities to partner with the City of Hopkins for projects in Hopkins' Park System Master Plan. Staff have identified opportunities to enhance city projects to provide flood-risk mitigation, water-quality improvement and habitat restoration.

Mr. Eidem explained that the Barr scope of work before the board provides for further assessment of the city's plan and conduct a high-level parks opportunity analysis. He said the work would identify approximately five stormwater-management opportunities. He noted the scope of work would identify the estimated benefits and costs of each opportunity. Mr. Eidem said district staff will meet with city staff at the end of February to discuss the opportunities and identify up to three opportunities for Barr to perform a more detailed analysis.

Manager Kvam said applications for the Minnesota Pollution Control Agency stormwater infrastructure upgrade grants are due April 11,

2024. She encouraged staff apply for such grants if any of the Hopkins projects are applicable.

**Manager Cutshall moved, seconded by Manager Butler, to authorize Barr Engineering's scope of work for the Hopkins Parks Assessment for not to exceed \$20,500. Upon vote, the motion carried.**

**e. Great River Greening Grant Agreement**

Mr. Eidem reported the district's South Fork Nine Mile Creek Bank Stabilization Project was awarded \$599,000 in grant funding from the Great River Greening of Lessard Sams Outdoor Heritage Council funding. He explained the grant funds will reimburse the district costs. Mr. Eidem said there is the potential for additional in-kind or reimbursement support of up to \$12,000 for volunteer events.

In response to a question from Manager Butler, Ms. Sniegowski said funding and partner recognition would be included in any signs at the project site.

**Manager Butler moved, seconded by Manager Cutshall, to authorize the administrator to enter into a agreement with Great River Greening to receive up to \$599,000 in Lessard Sams Outdoor Heritage Council funding for the South Fork Nine Mile Creek Bank Stabilization project. Upon vote, the motion carried.**

**f. Lake Cornelia herbicide treatment**

Administrator Sniegowski said the district is at the point with the Lake Cornelia Water Quality implementation projects to discuss results and next steps. She said a small batch of suspected invasive hybrid milfoil was discovered in the lake in late fall 2023. Staff is preparing an aquatic invasive species rapid response to protect the native plants, which have started re-establishing.

Administrator Sniegowski said the City of Edina has asked the district to take over the Lake Cornelia curly-leaf pondweed treatments. She reminded the board that the district has conducted curly-leaf pondweed treatments on Normandale Lake and will treat Lake Holiday as well, so there is history of the district treating curly-leaf pondweed in district lakes for water quality purposes. Administrator Sniegowski said if the district takes on the treatments, it will want to do public outreach to communicate with citizens about the transition and the district's treatment plan.

Manager Cutshall asked who would pay for the treatments. Administrator Sniegowski noted that Edina would split the costs with the district. In response to a question from Manager Lauria, Ms. Sniegowski stated that Bloomington and the

district split costs evenly for Normandale Lake treatment, while the district pays for Barr's oversight. She said the district will pay the entire treatment cost at Lake Holiday.

Hearing support from the managers, Ms. Sniegowski will develop action items for board approval of the curly-leaf pondweed treatment of Lake Cornelia.

**10. Attorney's Report**

Mr. Welch noted that Minnesota Watersheds' proposed housekeeping revisions of Minnesota Statutes chapter 103D, the watershed law, would have little effect on the district because it largely operates under chapter 103B, the metro-area law. Mr. Welch said the proposed chloride legislation is facing difficulties, but he continues to work on it and will keep the managers updated.

**11. Managers' Reports**

Manager Kvam reported that Connie Fortin of Bolten and Menck presented on low-salt design at the Metro Minnesota Watersheds meeting.

**12. Adjournment**

**It was moved by Manager Cutshall and seconded by Manager Lauria to adjourn the meeting at 8:43 p.m. Upon vote, the motion carried.**

Respectfully Submitted,



Chris-Ann Lauria (Feb 22, 2024 11:01 CST)

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Chris-Ann Lauria, Secretary

# NMCWD-January-17-2024-Regular-Board-Meeting-Minutes

Final Audit Report


2024-02-22

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