

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

THURSDAY, JANUARY 5, 2023

Call to Order of the Workshop

President Bob Cutshall called the Nine Mile Creek Watershed District Board of Managers workshop to order at 5:30 p.m. The meeting was held at the NMCWD office, Discovery Point, 12800 Gerard Drive, Eden Prairie, MN.

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

Managers Absent: Erin Hunker

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

Staff Present: Randy Anhorn (Administrator), Lizzy Boor (Intern), Brett Eidem (Natural Resources Project and Planning Manager), Alissa Schmidt (Minnesota GreenCorps member), Erica Sniegowski (Program and Project Manager), and Gael Zembal (Education and Outreach Coordinator)

Randy Anhorn requested adding a discussion of the NMCWD's engineer work on the city of Minnetonka Water Resources Management Plan Amendment.

Manager Butler moved, seconded by Manager Kvam to approve the agenda as amended. Upon vote, the motion carried.

I. Diversity, Equity, Inclusion and Awareness in Water Management

Alissa Schmidt opened the discussion on diversity, equity and inclusion in watershed work by providing common language around the terms equity and environmental justice.

Ms. Schmidt listed research undertaken by staff to review what other organizations are doing around diversity, equity, inclusion, and awareness, such as examining Hennepin County's climate vulnerability assessment.

Lizzy Boor said NMCWD could use such assessments and tools to benefit the areas of the Nine Mile Creek watershed that are more vulnerable. She discussed evaluating the district's programs against a vulnerability composite score.

Ms. Boor reported on cost share grant location data. She said the district can take this data and consider why we see certain grant funding distribution, which could include reasons such as language barriers, and time or economic limitations. Ms. Boor showed a map indicating locations of the district's education and outreach events and school events, noting gaps where events have not taken place.

Brett Eidem said NMCWD could look through the lenses of equity and vulnerability as it evaluates opportunities to collaborate with partners on green infrastructure for managing stormwater and sequestering carbon projects.

Mr. Eidem said staff recommends as a next step that the district memorialize a DEIA plan. He explained staff has started to identify ways the district's programs are currently working and where there is overlap or where the district could incorporate greater thoughtfulness on how to impact vulnerable communities.

Mr. Eidem said it would be helpful to get a consultant on board who is an expert on equity to help inform the district on where to focus to incorporate and integrate DEIA. He said the Capitol Region Watershed District (CRWD) has done this, and the NMCWD could work with CRWD to acquire its scope of work and get more information about how it got its DEIA plan achieved and incorporated into its 10-year plan.

Ms. Boor identified steps the district can take immediately to make sure its communications are inclusive and representative and to make sure it is making connections in vulnerable communities and holding events in a variety of communities. She also said the district could request a scope of work from Metro Blooms to provide technical assistance support to the cost share program to help reduce barriers to program participation.

Peggy Kvam asked if there are other organizations that are looking for partners like the district, where their targeted goals may be different than the district's but the goals are synergistic. Mr. Eidem said yes, and it is important to identify common goals and multiple community benefits that can be achieved.

Grace Butler said her observation is that the district needs to work better and collaboratively with its partners including Bloomington, Eden Prairie, Richfield, and Hopkins. She said the district needs to work with its industrial partners differently and

look at doing industrial cost share grant opportunities, because industry controls so much of the property.

Mr. Anhorn said the district needs to start with a plan, and he thinks a consultant can help the district with the planning process.

Gael Zembal talked about the significance of finding out and understanding what other watershed districts are doing. This is part of the process that a consultant could help with, but she emphasized the importance of prioritizing how the board and staff want to address NMCWD's unique needs and policies and how to plan for this district's unique situation. She said staff has ideas but there needs to be a holistic process to identify priorities and implement them.

Michael Welch said whatever the district does needs to stem organically from NMCWD's watershed-protection role.

Mr. Welch said the board needs to develop and adopt a policy tying the DEIA work discussed with the watershed plan and NMCWD statutory purposes and powers

Manager Butler suggested that in the meantime the district can consider taking steps in projects it has in motion to evaluate how to improve the quality of the projects. She gave the example of the current streambank stabilization repair project in Hopkins and work done on city property and if the district could have considered how to make that project bigger and better. She said the district could look at work it is already planning to do that are in the vulnerable areas and consider how to make them bigger and better.

Erica Sniegowski said staff requests direction from the board to develop a request for proposals to start getting costs about what this could take. Bob Cutshall said it is fine for staff to draft an RFP. Mr. Welch said the board first needs to provide staff with the policy, which will then provide staff direction for the RFP.

II. Phase 3 of Flood Risk Reduction and Resiliency Study Update

Janna Kieffer updated the board about the first task of Phase 3 of the Atlas 14 study. She shared a PowerPoint presentation "Atlas 14 Flood Risk and Resiliency Phase 3: Task 1.1 Identification & High-level Evaluation of Flood Mitigation Opportunities within the Creek System."

Ms. Kieffer reminded the board of the task's objectives:

- Identify 10-12 potential flood risk reduction project opportunities throughout the creek system;
- Conduct a high-level evaluation of the project opportunities to identify which are promising enough to evaluate further (in Task 1.2).

She explained staff undertook a screening-level analysis of 18 top-level project opportunities to understand which projects would move the needle and would be worth pursuing further. Ms. Kieffer said of the 18 opportunities, the analysis resulted in 12 opportunities prioritized for a high-level evaluation. She noted the 12 opportunities are located across 8 locations, and she displayed a map indicating the locations.

Mr. Anhorn remarked the district's Technical Advisory Committee meets Friday, February 3, from 1:00 p.m. to 3:00 p.m. to review the results of the high-level evaluation in detail.

Manager Cutshall asked for details about the criteria used to identify the 12 opportunities. Ms. Kieffer explained staff was generally looking for opportunities along the creek where there is water storage area nearby that can be better utilized to provide even more storage.

Ms. Kieffer identified the 8 locations (12 opportunities) for high-level evaluation:

- Walnut Ridge Park (N_01) - Edina (North Fork)
- Bredesen Park (N_02) – Edina (North Fork)
- South Fork Storage u/s of Highway 62 Crossing (S_01) – Minnetonka
- Creek Valley/ High School (N_03) – Edina (North Fork)
- Lake Smetana and Upstream Corridor (S_02) – Eden Prairie (South Fork)
- Braemar Golf Course (S_03) – Edina (South Fork)
- Bush Lake Road (S_04) – Bloomington (South Fork)
- Poplar Bridge Road (L_01) – Bloomington (Main Stem)
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Ms. Kieffer provided an overview of why the other six opportunities were not selected at this time, for reasons such as the need for storage in some of those areas are not as great as the opportunities selected for further analysis.

Ms. Kieffer said the next steps are deeper analysis of the 12 opportunities and getting feedback from the district's TAC. She explained the district will then need to narrow the list down to eight possible opportunities for more detailed analysis.

III. Barr Assistance with Minnetonka Water Resources Management Plan Amendment

Ms. Kieffer explained the City of Minnetonka plans to amend its water resources management plan to incorporate the city-wide Atlas 14 model updates, which are the updated flood elevations, and changes to certain stormwater management flow charts. She reported the city would like to work with Barr Engineering on the WRMP update to make those changes through a major plan amendment. Ms. Kieffer said as part of that process, the city sends its proposed changes to plan reviewers, including the NMCWD for a formal review. She explained that the current agreement between Barr and NMCWD includes a conflict of interest provision that prohibits Barr representing other entities for work which requires NMCWD review or approval without prior record or written approval of the NMCWD board of managers or administrator.

Mr. Welch stated the action in front of the board is to waive the conflict of interest if the board so desires.

Manager Cutshall asked if the work on behalf of the city and on behalf of the district would be done by the same Barr staff or different. Ms. Kieffer said different. She explained she will help write the language that updates the city's plan to reflect the Atlas 14 model and she recommends that she not be involved in reviewing the plan on behalf of the district and instead it would be reviewed by Bob Obermeyer or other Barr staff.

Mr. Anhorn said the district could go out for quotes for the review of the city's revised plan, but then that provider would need to get up to speed on the district's plan. He said he doesn't think the changes to the city's plan will be big as it is just incorporating the changes to reflect the Atlas 14 elevations.

Mr. Welch said if the board decides to waive the conflict of interest, the motion would be to authorize the administrator to articulate the waiver in writing with the appropriate separation of Barr staff.

Manager Butler said the district has realized it wants to involve more engineering firms and has set that in place as a plan. She said she thinks it is an important conversation to have regarding does the district go out for a full RFP or not. Manager Butler said the district has been trying to not just use Barr exclusively for everything, and there are times the district should go out for a bid. She said she challenges the board to tell her why the board has not had this conversation and how much this contract is. Mr. Anhorn and Mr. Welch noted the district has gone out for bids and cited examples of EOR and WSB.

Larry Olson said he is comfortable with the waiver. Manager Cutshall said he is, too. He said the review being discussed is part of the ongoing operations of the district. Manager Butler said she just wants the board to have the conversation. Manager Olson said he thinks it would be such a learning curve for another firm to do the review.

Mr. Anhorn said the district's 2023 work plan is on next month's agenda, and it could be a good time to see if there are projects on the plan the board wants to go out for quotes.

Manager Butler said she agrees that for the value of this contract it probably is not worth going out for proposals because it will take a lot of staff time and probably will not result in a better project. She said it is important the firewall is in place, or the district will not get any value out of what it is paying for.

The board agreed on a motion to authorize the administrator to articulate in writing a waiver of conflict of interest under the contract to allow Barr Engineering to both work on the plan from Minnetonka and review the plan for NMCWD with the appropriate separation of Barr staff.

Manager Olson made that motion, seconded by Manager Butler. Upon vote, the motion carried 4-0.

IV. 2022 Board Retreat Discussion

i. Summary

Mr. Anhorn said at the board meeting in November, the managers discussed that more specific plans need to be developed regarding how to address the priorities identified at the board retreat. He reminded the board the top three priorities included long-term and short-term district staffing, environmental justice and equity, and internal increases in flexibility, adaptability, efficiencies, innovation, and collaboration.

Mr. Anhorn said at the end of the board retreat, the group started documenting plans. He said he has planning templates for 90 days, six months, one year, and two years out. Manager Cutshall suggested the group discuss the top three priorities.

Mr. Anhorn started with the priority of staffing and reported the district's new regulatory program manager will start the position on January 16. He reported on progress of developing a position for an administrative assistant that would be a job share between NMCWD and the Riley Purgatory Bluff Creek Watershed District. Mr. Anhorn asked the board to authorize him with help with legal counsel to draft an agreement for the shared position with the RPBCWD.

Mr. Anhorn said that if the board authorizes him to work with the RPBCWD, he will work with its administrator on drafting the job description and conducting the interview process.

It was moved by Manager Butler, seconded by Manager Olson to authorize the administrator to execute an agreement with the RPBCWD to share an administrative assistant position. Upon vote, the motion carried 4-0.

It was moved by Manager Butler, seconded by Manager Olson to waive conflict of interest with the attorney to work on behalf of both parties on the agreement between NMCWD and RPBCWD. Upon vote, the motion carried 4-0.

Mr. Anhorn said another staffing topic raised during the board retreat is working with Eden Prairie on site staff restrictions. He said since that time the NMCWD received acknowledgment from the city that the district can hire staff who does not office at the district office building. Mr. Anhorn said the city agreed that staff members can be added with a flexible schedule requiring this person be physically in the district office the one day of the week the entire staff is on site for staff meetings. He said the remainder of the week the district office building will stay at the cap of five full-time staff members.

Mr. Anhorn said looking at staffing long term, it would be good to revise the policy regarding the number of meetings the district holds per year. He said right now it is set at 20 but realistically the district holds at least 22 workshop and board meetings. Mr. Anhorn said it would also be nice to raise the full-time staff member cap set for Discovery Point, for example raising it to eight staff members.

Mr. Anhorn said he suggests bringing the amendment to the declaration of covenants back to the board to review and discuss and clarify what the district wants to ask the city planner. President Cutshall agreed it is a good idea to start going through the administrative process.

Mr. Anhorn reviewed the district's current staff member organizational chart. He noted two future hires could be a watershed specialist and then another project position. Mr. Anhorn said he would like the district to have a DEIA lead and to be able to put together a job description for it, even if it is a consultant position. He said he would like the watershed specialist position to handle the cost-share grant program, moving it out of Ms. Sniegowski's job description, and also to assist with the district's education and outreach program and permitting program. Mr. Anhorn said the group will need to look at the staff job descriptions and see about spreading out some of the responsibilities. He said that in in the next 90 days, he would like to bring back to the board a description for the proposed watershed specialist role.

Manager Cutshall said this proposal is part of the priority to make the district more efficient and productive. He suggested designating a manager-staff ad hoc committee to work on organizational issues and internal operations. Mr. Anhorn said he will add this topic to the board's January 18th meeting agenda. Manager Cutshall said he wants the district to first figure out the organizational

responsibilities along with the new staff's roles and tasks are before finding the right person for any new position.

Mr. Anhorn talked about other priorities the board and staff identified for their focus in the next six months, including DEIA. He said he will bring information to the board after he gets information from Capitol Region Watershed District regarding its DEI plan. The managers provided suggestions on items to focus on and to accomplish in the next six months, including Atlas-14, land acknowledgment, and hiring a DEI consultant. Mr. Anhorn and Ms. Sniegowski mentioned the scope of work in progress with Houston Engineering regarding online applications and permitting applications. Ms. Sniegowski said having online application capability for the cost share program is likely out a year.

Manager Butler said it seems that having the administrator responsible for building management and plowing is a waste of the administrator's time and figuring out who to designate those responsibilities to would be a good item for the internal operations task force to address.

Mr. Anhorn talked about cross-training staff. He reminded the board he will be out of town in February, so the board and staff will be talking about appointing Ms. Sniegowski as interim administrator. He said the board and staff need to have a conversation about what succession planning might look like for his future retirement.

Manager Butler asked who is the lead, besides Barr Engineering, on starting the new 10-year plan. Mr. Anhorn said the plan would need to be adopted September 2027, so the process would start by September 2025 at the latest. Ms. Kieffer indicated the board had discussed starting the process as early as 2024. Mr. Anhorn said the board can talk about how it wants to go about the plan process and who it wants to lead and help. Mr. Welch said cities' expectations are high in terms of the level of water management sophistication it wants to see in the water management plans. Manager Butler said she would like the board to start talking this fall about what consultants are needed and what it wants to see in the plan. Mr. Anhorn said it could be a workshop topic.

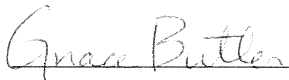
V. MAWD 2022 Annual Conference Discussion

Manager Cutshall said this topic can be addressed at the next board meeting. Manager Butler asked staff to put the no salt/low salt topic on the February agenda.

VI. Adjournment

It was moved by Manager Olson, seconded by Manager Kvam to adjourn the meeting at 7:45 p.m. Upon vote, the motion carried.

Respectfully Submitted,



Grace Butler, Secretary