

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

WEDNESDAY, JUNE 15, 2022

1. Call to Order

President Cutshall called the regular meeting of the Nine Mile Creek Watershed District Board of Managers to order at 7:00 p.m., June 15, 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: Marcy Bean and Janna Kieffer (Barr Engineering Co.), and Michael Welch (Smith Partners)

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

Other Attendees: Jerry and Sue DeWees (residents)

2. Approval of Regular Meeting Agenda

Administrator Anhorn stated the district was notified it received a grant from the Minnesota Stormwater Research Council for the monitoring of the Rosland stormwater filtration best-management practice. He requested that the managers add an item 12a to the agenda, authorization for him to sign the grant agreement.

Manager Kvam moved, seconded by Manager Butler to approve the meeting agenda as amended. On a roll call vote, the motion was approved 5-0.

3. **Reading and Approval of Minutes**

a. **Minutes of the May 5, 2022, Workshop**

Manager Butler moved, seconded by Manager Olson to approve the minutes of the district's May 5, 2022, workshop as presented. On a roll call vote, the motion was approved 5-0.

b. **Minutes of the May 18, 2022, Meeting**

Manager Hunker moved, seconded by Manager Olson to approve the minutes of the district's May 18, 2022, meeting as presented. On a roll call vote, the motion was approved 5-0.

4. **Public Open Forum**

a. **General Interest**

No items of general interest were raised.

5. **Consent Agenda**

a. **Administratively Approved Permits**

b. **Permit Inspection Report**

c. **NMCWD 2023 Budget Meeting Schedule**

d. **Staff Reports**

i. **Permit and Water Resources Coordinator**

ii. **Education and Outreach Coordinator**

iii. **Natural Resources Planning and Project Manager**

iv. **Program and Projects Manager**

v. **Engineer's Report**

1. **Rosland Park BMP Project Change Order #2**

Michael Welch said the managers should ratify the administrator's approval of the change order, which changes the substantial and final completion dates.

Manager Butler moved, seconded by Manager Olson to approve the change order #2 for the Rosland Park BMP construction contract with Pember Companies. On a roll call vote, the motion was approved 5-0.

6. **Hearing of Permit Applications**

None.

7. **Treasurer's Report**

Manager Kvam reviewed the report and reported that later this year the Board will need to amend the regulatory-program line item in the budget because costs are running ahead of expected.

Manager Olson moved, seconded by Manager Hunker to accept the treasurer's report and approve paying the bills. On a roll call vote, the motion was approved 5-0.

8. **Citizen Advisory Committee Update**

No CAC update.

9. **Administrator Report**

Administrator Anhorn said his report is in the meeting packet. Administrator Anhorn noted the community stakeholder meeting for Holiday, Wing and Rose lakes is June 22. He said the county has reached out about setting up a meeting about the possible redevelopment of the Southdale library property. Administrator Anhorn said he will meet tomorrow with Edina's community development director about the Cahill-area planning process.

Administrator Anhorn reported on a recent meeting he and President Cutshall had with the Minnehaha Creek Watershed District to review its proposed adaptive water control predictive-pumping system. Information on the system may be ready for board review in July.

Administrator Anhorn announced that there is an area along the streambank of the north fork of Nine Mile Creek in Hopkins that the district previously restored that is experiencing erosion, so he reached out to Barr to get a cost estimate to fix it. He has initiated conversation with the city on the possible need for repairs.

After discussion, the managers and staff agreed to return to in-person meetings for the July 20 regular meeting.

Manager Butler asked for a status update on the permit application for the Interstate 494 corridor-expansion project. Engineer Kieffer said she anticipates bringing the review to the board at its July meeting.

10. **Unfinished Business**

b. **South Fork Nine Mile Creek Bank Stabilization Project Environmental Assessment Worksheet**

Administrator Anhorn stated that the draft environmental assessment worksheet for the south fork project is in the packet for the

meeting this evening. Staff is seeking board approval of the draft and authorization to release it for the statutorily required review.

Mr. Welch said after the district receives comments and direction on what to do about the comments, the board, sitting as the Responsible Governmental Unit, will be asked to make a decision on whether additional environmental review is necessary. Manager Butler asked staff to present the timeline to the board at the next meeting.

Manager Butler moved, seconded by Manager Hunker to approve the South Fork Nine Mile Creek Bank Stabilization Project Environmental Assessment Worksheet and authorize the administrator to distribute it for comment. On a roll call vote, the motion was approved 5-0.

11. New Business

a. Agreement with the Minnesota Stormwater Research Council for the Grant for Rosland Filtration Monitoring

Administrator Anhorn asked the board to authorize him to enter into a grant agreement with the for the Minnesota Stormwater Research Grant for assessment of the Rosland Park facility constructed by NMCWD.

Manager Kvam moved, seconded by Manager Hunker to authorize the administrator to execute the agreement for Rosland BMP monitoring. On a roll call vote, the motion was approved 5-0.

12. Unfinished Business

a. Lynmar Basin Stormwater Retrofit Best Management Practice

i. 90 percent Design Plans

Administrator Anhorn introduced the review of the 90 percent complete design for the project. He noted that when the managers ordered the project in March, they directed staff and the engineers to consider public comments received on the project when advancing the design.

Janna Kieffer and Marcy Bean of Barr Engineering reviewed the 90 percent complete design, including the planting plan. Ms. Bean noted the existing trees that will be preserved on the perimeter of the site and pointed out the grouping of trees that will be removed from the existing low area where water moves through the site. She also noted that although shown on the 90 percent planting plan, the grouping of cottonwoods on the north side of the proposed basin have since been removed from the planting plan. She highlighted the proposed sidewalk along Hazelton

Road, which will be positioned on the park side of the existing trees. Ms. Bean talked about the berm that will be placed in the basin, the trees that will be replacing the removed cottonwood trees, and the rest of the planting plan.

Ms. Bean highlighted several components of the 90 percent design that address feedback received from the public during the conceptual design phase of the project and the March 3, 2022 public hearing, including maximizing the amount of turf area left undisturbed, maintaining potential sledding areas, planting a variety of plants, shrubs and trees throughout the basin to maintain long-term infiltration, including river birch in the planting plan to mimic the sound of the existing cottonwood trees, and adding a stepping stone path throughout the bottom of the basin for visual interest and passive recreation. Ms. Bean said the site is designed to drain within 48 hours, so there won't be long periods of standing water. Engineer Kieffer displayed a table of the 90 percent design cost estimate and stated the estimated construction cost is \$983,000. She noted the estimated total cost including engineering, design, and construction is \$1,229,000. Engineer Kieffer said next steps include finalizing the design in the next few weeks and preparing the technical specifications and contract documents. She said the goal is to be out for bid by mid-July. Administrator Anhorn stated that Edina is responsible for paying for the sidewalk and that the district and the city will share the cost of the stormwater infrastructure modifications related to the conveyance of additional drainage to the basin.

Manager Hunker asked about any grading for drainage to the sand trench. Ms. Bean said it is designed flat. Manager Butler asked if the turf field will be planted with fescue grass after grading. Ms. Bean said it will be used for staging but won't be graded. She added that it will be decompacted after staging. She said a fescue mix could be used if that is preferred. Manager Butler said fescue would reduce the water needed and would grow slower, and she is in favor of it.

Chair Cutshall opened the floor for comments from the public. Jerry DeWees of 7100 Bristol Boulevard asked how big the turf field will be. He said his kids are grown but there have been little kids playing in that space for 30 years and it seems like most of the area is going to be taken up by exotic plantings. Brett Eidem said the turf area will be about 150 feet long and the north to south direction will be about 130 feet wide. Ms. Bean said at least 0.5 acre. Mr. DeWees said that is a small space compared to what it is now. He asked if this is going to be maintained so it actually does drain in 48 hours. He said right now along the existing sidewalk he can't walk it without hitting his head on tree limbs because

nobody maintains it. Mr. DeWees said if this project is maintained the way the trees are, then this area could be a swamp in a year and a half. Engineer Kieffer responded that maintaining infiltration in the basin is important to both the district and the city. Administrator Anhorn said the project will be maintained as part of the city's robust stormwater-maintenance program. He added that the city and district will be develop a maintenance plan for the project.

Manager Butler said she is hearing that the plantings just beyond the turf may need to be more grass-like and robust to allow for possible traffic from the turf area. Ms. Sue DeWees of 7100 Bristol Boulevard said she likes the idea that the proposed grouping of cottonwood trees are no longer included in the planting plan, as it could hinder recreation in the open space area She said the existing cottonwoods in the low area of the basin came in by seed after her family moved in and the planting plan presented will keep that area open. Ms. DeWees said she likes Manager Butler's idea of the plantings just beyond the turf to accommodate sledders going into that area.

ii. Cooperative Agreement

Mr. Welch said city staff are reviewing the 90 percent plans now. Administrator Anhorn said the agreement is on the consent agenda for Edina's City Council meeting on June 21. He said staff is looking for the board to authorize the president to execute the agreement.

Manager Olson moved, seconded by Manager Butler to authorize the president to execute the agreement, on advance of counsel. On a roll call vote, the motion was approved 5-0.

13. New Business

b. Upcoming Meeting Topics

i. Draft Outline for Five-Year Lookback at the District's 10-Year Plan

Administrator Anhorn said he has talked with President Cutshall about this and presented a draft outline provided in the packet for a board review at its 10-year watershed management plan. He asked for manager ideas for a meeting to review NMCWD's 2017 watershed plan after five years. Manager Hunker suggested that discussion around topics such as goals could happen at the board retreat. Administrator Anhorn said the

lookback could happen at the board's August workshop, then follow up with a board retreat in October.

Manager Butler said she would like the discussion to include an overview of possible future capital projects. She said the outline is phenomenal and the managers will need more information on the capital projects.

ii. Board Retreat Discussion

Administrator Anhorn asked for feedback about what the managers would like to accomplish through the retreat and said the goals of the board retreat probably need to be redefined from previous retreat planning in 2019 and early-2020. President Cutshall said he would like to look at all the things the district does and rank them to determine what we consider more important. He said then the district can look at how it's applying staff time and funds compared to the identified priorities.

Manager Butler said she'd like big picture thinking about the remainder of the 5-year plan and if there other things the managers would like included. She said she wants managers and staff to bring their big ideas and their vision. Manager Butler suggested considering Lauren Foley and Erica Sniegowski to facilitate the retreat. President Cutshall said that he thinks a facilitator role should be neutral, not a staff member. Manager Butler said she prefers that the facilitator not be someone associated with another local municipal or watershed organization.

Administrator Anhorn said staff will proposed next steps at a future meeting.

14. Attorney's Report

No attorney's report.

15. Managers' Reports

No managers' report.

16. Adjournment

It was moved by Manager Butler, seconded by Manager Olson to adjourn the meeting at 8:50 p.m. On a roll call vote, the motion was approved 5-0.

Respectfully Submitted,



Grace Butler, Secretary