

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

**WEDNESDAY, MARCH 15, 2023**

**Call to Order**

President Bob Cutshall called the Nine Mile Creek Watershed District Board of Managers regular meeting to order at 7:00 p.m. at the NMCWD office, Discovery Point, 12800 Gerard Drive, Eden Prairie.

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

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

Staff Present: Randy Anhorn (Administrator), Brett Eidem (Natural Resources Project and Planning Manager), Erica Sniegowski (Program and Project Manager), Zach Stafslie (Regulatory Program Manager), and Gael Zembal (Education and Outreach Coordinator)

Others Present: Joanne Lynch\* (Water Steward)

\*Attended virtually

**Approval of Regular Meeting Agenda**

Randy Anhorn suggested the addition of a discussion of snow melt and spring flooding.

**Manager Kvam moved, seconded by Manager Olson, to approve the meeting agenda as amended. On a vote, the motion was approved.**

**Public Open Forum**

Gael Zembal introduced Joanne Lynch, a Minnesota Water Steward from Hennepin County. Ms. Lynch introduced herself as a resident of Hopkins and noted she is studying to be a Minnesota Water Steward and plans to do her capstone project on a project in her front yard. The managers welcomed her and

said she could reach out to them with questions, noting several of the managers are Minnesota Water Stewards.

### **Consent Agenda**

**Manager Butler moved, seconded by Manager Hunker to approve the minutes of the February 15, 2023, regular meeting. On a vote, the motion was approved.**

### **Staff Updates**

Brett Eidem gave an update on the Whited Fen community stakeholder meeting in Minnetonka. He said 15 residents attended, including some adjacent landowners. Manager Grace Butler and Manager Peggy Kvam attended and Leslie Yetka, natural resources manager for the City of Minnetonka, attended as well. Mr. Eidem said the meeting was positive and the project received overall support from the landowners and nearby residents, some of whom indicated a willingness to play a role in helping NMCWD protect and improve the wetland.

Mr. Eidem said the next steps are to engage the rest of the landowners and host an educational spring walk-through at the site.

In response to President Cutshall's question about the timetable, Mr. Eidem said that after getting more feedback from neighbors and the public, staff will bring a scope of work for a final restoration design and construction oversight to the board for approval.

Mr. Anhorn said project access points still need to be identified and the district needs to secure temporary access licenses and easements, so there is still a lot of communication needing to happen.

Manager Butler commented on the importance of engaging the people on the other side of the street from the project site.

On another topic, Erica Sniegowski announced the cost-share application deadline is March 17. She said the application review meeting is set for 11:00 a.m. Tuesday, April 4, and she asked for two board members to volunteer to review the grant applications with staff. Manager Kvam and President Cutshall volunteered.

### **Treasurer's Report**

Manager Kvam presented the treasurer's report. Mr. Anhorn noted a permittee had not received a financial assurance reimbursement check for \$35,500 that the district approved in December. He said that the check had not cleared, the district put a stop payment on it and reissued it this month.

**Manager Olson moved, seconded by Manager Butler to accept the treasurer's report and authorize the administrator to pay the bills. Upon a roll call vote, the motion was approved 5-0.**

### **Engineer's Update on Snowmelt/Spring Flooding**

Janna Kieffer reported that the metropolitan area has received almost 80 inches of snow this year, which is in the top 10 of the snowiest Minnesota winters. She said the snow-water model shows there is about 3.5 to 4.5 inches of water in the snow throughout the watershed. She explained the potential issue is volume of water versus flow rate. Land-locked lakes and wetland, lakes that have a pumped outlet, or big lakes with small pipe outlets that cannot keep up with the amount of water could be most significantly affected by snow melt.

Ms. Kieffer said the district model includes a scenario of a 100-year snowmelt event of 7.5 inches over 10 days with an assumption of frozen ground. She explained that given the shallow frost depth, the scenario of 100 percent runoff does not seem likely.

Manager Butler said this is a good week to test sump pumps and make sure the outlets are not covered with snow or ice.

On a different topic, Ms. Kieffer stated that the district's lake water-quality studies include a component of evaluating what could be done to reduce pollutant loading from the watershed. She said Fox Meadow Park, on the west side of Mirror Lake in Edina, may provide an opportunity for stormwater management.

### **Administrator's Report**

Mr. Anhorn noted his report is in the meeting packet. He reminded the managers about the State of the Waters event at 6:30 at the district office March 29.

Manager Kvam asked if the METRO rapid transit bus line project through Bloomington and Eden Prairie is part of the 494 project. Zach Stafslie responded it is separate from the 494 project.

## **Unfinished Business**

### **Diversity, Equity and Inclusion**

Mr. Eidem presented a revised draft Nine Mile Creek Watershed District diversity, equity, inclusion and accessibility policy:

The Nine Mile Creek Watershed District strives to understand and prioritize diversity, equity, inclusion, and accessibility, working towards addressing current and historical inequities, within the context of strategic watershed management.

The managers and staff discussed possible revisions and Mr. Anhorn said he will bring a revised policy back to the board at a future meeting.

## **4. New Business**

### **Draft 2022 Annual Report**

Mr. Anhorn asked managers to send any corrections to Ms. Zembal. Manager Butler asked if all the use-attainability analysis language could be removed and references to “we” replaced with “the district.” Staff agreed to make those changes.

#### **i. Annual Audit**

Mr. Anhorn reported that he and Manager Kvam met with Redpath, the firm that does the annual audit, and Cavanaugh & Company, the district’s accountant, to prepare the annual audit. Mr. Anhorn reported that Redpath audit includes a clean opinion and no findings, similar to previous years’ audits. He said the auditor is available to schedule a presentation to the managers and to answer questions.

President Cutshall asked if it would make sense for the district to do a periodic legal audit to ensure its operations and procedures meet statutory requirements. Mr. Welch said the audit is legally prescribed and the audit activities include ensuring the district has the right processes in place. He said his view is that NMCWD consistently complies with the relevant requirements.

Ms. Sniegowski said it would be helpful, since the district has new staff hires, for Mr. Welch to repeat the staff training on data practices.

The managers indicated an interest in a future presentation on the district’s investment and options for change.

b. MN GreenCorps Member Resolution

Mr. Eidem reminded the board that the district is planning to apply to be a MN GreenCorps member host site for 2023-2024. He reviewed the proposed workplan for the GreenCorps member, including supporting the development of a capital improvement project database and supporting the maintenance and functionality of cost-share projects, among other work.

**Manager Olson moved, seconded by Manager Kvam to adopt Resolution 2023-03 Committing to MN GreenCorps Application. Upon a roll call vote, the motion was approved 5-0.**

c. Blue Water Science Fisheries Survey

Mr. Anhorn reminded the board the district contracted with Blue Water Science to conduct fisheries surveys in five lakes in 2022 at a cost of \$7,800, but with the dry conditions, only three lakes were accessible and not all of the allocated funds were spent. He presented the quote from Blue Water Science to conduct the fisheries surveys in 2023 for Lake Rose and Lake Otto at a cost of \$1,600 per lake.

**Manager Butler moved, seconded by Manager Hunker to authorize the administrator to enter into an agreement or modify the existing agreement with Blue Water Science to conduct two fisheries surveys at a cost not to exceed \$3,200. Upon a vote, the motion was approved.**

Attorney Report

Mr. Welch reported the limited liability salt legislation likely will not pass this legislative session. The managers expressed interest in continuing to find a viable path to supporting salt use-reduction strategies.

Managers' Reports

Manager Larry Olson provided a report from the Personnel Committee. He said the committee has been rewriting the administrator performance review document to standardize the review and make the document easier to fill out. Manager Butler said the committee hopes to get the draft to the other managers by the end of this month.

**Adjournment**

**It was moved by Manager Kvam, seconded by Manager Olson to adjourn the meeting at 8:37 p.m. Upon a vote, the motion was approved.**

Respectfully Submitted,

  
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Grace Butler, Secretary