

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

WEDNESDAY, MARCH 16, 2022

1. Call to Order of the Regular Board Meeting

President Cutshall called the Nine Mile Creek Watershed District Board of Managers regular meeting to order at 7:00 p.m., Wednesday, March 16, 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; Michael Welch, Smith Partners

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

Other Attendees: Jessica Wilson (City of Edina), Charlotte Lefebvre (CAC Member)

2. Approval of Regular Meeting Agenda

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

3. Reading and Approval of Minutes

a. Draft Minutes of the February 3, 2022, Board Workshop

Manager Kvam moved, seconded by Manager Olson to approve the minutes of the District's February 3, 2022, Board workshop as posted. On a roll call vote, the motion was approved 5-0.

b. **Draft Minutes of the March 3, 2022, Public Hearing/Workshop**

Manager Hunker moved, seconded by Manager Butler to approve the minutes of the District's March 3, 2022, public hearing and workshop as posted. On a roll call vote, the motion was approved 5-0.

4. **Public Open Forum**

a. **General Interest**

Ms. Charlotte Lefebvre, District Citizen Advisory Committee member, introduced herself, noting that she lives on Nine Mile Creek in Edina and is looking forward to listening in on this evening's meeting.

5. **Consent Agenda**

a. **Administratively Approved Permits**

b. **Permit Inspection Report**

c. **Updated Governance Manual**

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**

Administrator Anhorn noted the Governance Manual is on the consent agenda because the Board previously approved the electronic signature policy and directed staff to incorporate it into the District's Governance Manual.

6. **Hearing of Permit Applications**

7. **Treasurer's Report**

Manager Kvam noted there are no pay apps.

Manager Olson moved, seconded by Manager Butler to accept the Treasurer's Report and approve paying the District's bills. On a roll call vote, the motion was approved 5-0.

8. **Administrator Report**

Administrator Anhorn noted the Board has a workshop on April 7th. He announced the April 12th webinar on shallow lakes, and he said the webinar details

are on the District's website. He said he will be on vacation April 8-14, and the District's legal counsel has recommended the Board designate a temporary administrator to have signing authority, such as for permits, in his absence.

Manager Hunker moved, seconded by Manager Butler, to appoint Erica Sniegowski as the temporary administrator April 8-14. On a roll call vote, the motion was approved 5-0.

Administrator Anhorn mentioned that supply-chain issues are delaying some components needed for an electrical panel for the Rosland Park project.

President Cutshall and Manager Kvam volunteered to help Program and Project Manager Sniegowski with the cost-share grant application review, and Manager Butler volunteered to be backup help.

Administrator Anhorn recommended the Board discuss at its April meeting the topic of in-person meetings. He reported on an incoming permit application for Interlachen Golf Course, which is in both the Minnehaha and Nine Mile watersheds.

9. Unfinished Business

a. Consider Lynmar Basin Stormwater Retrofit Project

i. Draft Resolution 22-04

Administrator Anhorn reported on the public involvement process and public hearing as well as on comments received about this proposed project. He talked about the question received from a resident about ongoing maintenance of the vegetation and the infiltration trench and said he has communicated with the resident to provide her more information about the City of Edina's stormwater inspection and maintenance program and the District engineer's opinion of the extent of maintenance that would be required. Administrator Anhorn reported on the City of Edina's comments and support for the project and willingness to partner on the storm-sewer infrastructure project that will bring added drainage to the project, increasing the project's benefit.

Administrator Anhorn discussed Resolution 22-04. He explained the resolution orders the project and authorizes Barr Engineering to bring the design from 30% to 100%, assist with the bidding process, and perform construction management at a cost of \$200,000, which is lower than the estimated cost for engineering, design, and construction services for design concept C, which was preferred by the managers.

Manager Kvam mentioned an article in the *Star Tribune* about the public reaction to a flood-risk reduction project at Weber Park. She asked if there could be another public meeting at the 90% design point of the Lynmar Basin project, so the residents are clear about the plans.

Administrator Anhorn suggested conducting a presentation of the 90% design at one of the Board's regular meetings. He said notification of the presentation would be sent to the property owners near the project and to people who have commented on the project. Manager Butler suggested that NMCWD install temporary signage on and before the date trees are going to come down, so people know what to expect. She suggested the planting design consider the sledding areas, so that what gets planted doesn't impact sledding. Administrator Anhorn agreed the next design phase will take park use into account.

ii. **Barr Scope of Work**

Engineer Kieffer discussed the proposed scope of work for engineering oversight on the Lynmar Basin project. She noted the project schedule is aggressive and described milestones as well as review and approval deadlines that would need to be met to keep the project on track. Manager Hunker asked about issues that could arise from trying to get construction bids that late in the construction season. Engineer Kieffer said the District could look at flexibility in the construction schedule regarding fall dates or even dates in early 2023 if the District wants to try to get better pricing.

Manager Kvam asked about leaving the excavated area unplanted over winter and spring thaw. Engineer Kieffer and Manager Hunker stated that standard temporary erosion control measures will be in place. Manager Kvam agreed that it could be OK to wait until spring 2023 to do the grading work.

Ms. Jessica Wilson of the City of Edina spoke about how this proposed project aligns with the City of Edina's strategic planning and how the city is enthusiastic about it. She said the city has heard the public comments and understands the comments shared tonight about making sure the public is aware of the project design. Ms. Wilson also commented that there are a lot of unknowns about what to expect regarding bids as the bidding season is just opening. She added the project will need to include site-stabilization seeding post-grading no matter which season the grading takes place. She said it is common to separate the earth moving and the seeding activities.

Manager Olson moved, seconded by Manager Butler to adopt Resolution 22-04 as presented. On a roll call vote, the motion was approved 5-0.

b. Boardroom Audio/Visual Proposals

Administrator Anhorn noted he sent the iSpace and Alpha Video proposals to the managers, and he discussed the proposals and the reasons to consider moving forward with adding boardroom audio/visual. Administrator Anhorn recommended approval of a contract with Alpha Video.

Manager Hunker moved, seconded by Manager Olson, to authorize the District administrator to enter an agreement on advice of legal counsel with Alpha Video for not-to-exceed \$35,000. On a roll call vote, the motion was approved 5-0.

c. Phase 2 Flood Risk and Resiliency Budget

Administrator Anhorn said on January 20th, 2021, the Board authorized Barr Engineering to move forward on the scope of work at a cost of \$197,000. He said during work, a few areas of the model needed additional work to provide information needed for phase 3. He said he approved five instances of additional work on the model. Administrator Anhorn said NMCWD has spent roughly \$196,000 on phase 2 work but some costs have not yet been invoiced, approximately \$9,500, and there is still wrap-up work to be finished, like reporting. Administrator Anhorn asked the Board to approve \$13,000 additional budget for the items described for the Phase 2 Flood Risk and Resiliency project. He said this would amend the project's not-to-exceed amount from \$197,000 to \$210,000.

Engineer Kieffer said her memo in the meeting packet addresses the additional work that was needed, which required detailed review.

Manager Kvam moved, seconded by Manager Olson to increase the budget for the Phase 2 Flood Risk and Resiliency project from \$197,000 to \$210,000. On a roll call vote, the motion was approved 5-0.

10. New Business

a. Draft 2021 Annual Report and Annual Audit

i. Draft 2021 Annual Report

Administrator Anhorn said this draft is available for the managers to review and provide comments to staff. He said approval of the report will be on the agenda for the Board's April meeting

ii. 2021 Annual Audit

Administrator Anhorn said he and Treasurer Kvam met with the District's accountant and auditor to go through the annual audit report.

Administrator Anhorn said there were no findings and a clean opinion, and everything is going fine. He said the auditor can come present the report to the Board if the Board wishes. Attorney Welch commented he hasn't received the annual inquiry from the auditor. Administrator Anhorn said he'll follow up.

b. Update on Biennial Solicitation for Professional Services Proposals

Administrator Anhorn reminded the Board that every two years the District is required to solicit proposals for accounting, engineering, legal, and annual auditor services. He said he will post the solicitations on the District's website and have them published in the District's official paper. Administrator Anhorn said staff will bring recommendations to the Board at its May regular meeting.

Administrator Anhorn noted the last time the District solicited professional services proposals, it solicited proposals for a District engineering pool for stand-alone projects. The managers discussed whether to create a pool of engineering-services providers. Administrator Anhorn recommended against a pool in favor of soliciting proposals for projects as needed.

Manager Olson said he likes the idea of soliciting engineering services for stand-alone projects on a project-by-project basis. President Cutshall agreed. Administrator Anhorn said he will post the solicitations for everyday and auditor services as he described.

c. Noah and Associates Salary Survey Proposal

i. Proposal

Administrator Anhorn said the District has been using the salary data from the last time it had Noah and Associates conduct a salary survey, which was in 2017 or 2018. He presented the new proposal from Noah and Associates, outlining the tasks and costs. He noted the total cost is under \$5,000, so he is authorized to execute an agreement for the work, but he wanted to bring this to the Board for any comments.

Manager Butler moved, seconded by Manager Hunker to authorize the District administrator to enter into an agreement with Sarah Noah & Associates to provide a salary survey update the District at a cost not to exceed \$3,750. On a roll call vote, the motion was approved 5-0.

11. **Attorney's Report**

Attorney Welch had no items to report.

12. **Managers' Reports**

Manager Olson reminded the managers to complete their administrator reviews by the end of the month. Manager Butler reported that today was the Minnesota Association of Watershed Districts' day at the state capitol. She said she is finishing up a letter regarding the proposed chloride limited-liability legislation, which is continuing to move forward, and for the House and Senate file numbers for the proposed legislation to provide out-of-metro districts with expanded levy authority.

13. **Adjournment**

It was moved by Manager Olson, seconded by Manager Butler to adjourn the meeting at 8:25 p.m. On a roll call vote, the motion was approved 5-0.

Respectfully Submitted,

Grace Butler

Grace Butler, Secretary

