

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

**WEDNESDAY, MARCH 20, 2024**

**1. Call to Order**

Vice 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, Minnesota.

Managers Present: Grace Butler, Bob Cutshall, Chris-Ann Lauria, and Peggy Kvam

Manager absent: Larry Olson

Advisors Present: Katie Turpin-Nagel (Barr Engineering Company) and Michael Welch (Smith Partners)

Staff Present: Elizabeth Boor (Watershed Specialist), Brett Eidem (Natural Resources Project and Planning Manager), Dylan Monahan (Administrative Assistant), Erica Sniegowski (Administrator), Zach Stafslie (Regulatory Program Manager), Jordan Wein\* (Water Resources Project Manager), and Gael Zembal (Education and Outreach Coordinator).

\*Attended virtually.

**2. Approval of Regular Meeting Agenda**

Administrator Erica Sniegowski requested the addition of the Lake Cornelia herbicide treatments to the agenda.

**Manager Peggy Kvam moved, seconded by Manager Chris-Ann Lauria, to approve the agenda as amended. Upon vote, the motion carried.**

**3. Public Open Forum**

No members of the public were in attendance.

4. **Action Items**

a. **Cost Share Grants**

Lizzy Boor provided background on the cost-share application from the Dewey Hill III Association, a townhome association on Lochmere Terrace. The application proposes a shoreline buffer for a portion of an onsite stormwater pond. Ms. Boor noted that the association has received several cost-share grants from the district, all of which have been great demonstration projects, prompting applications from others.

Ms. Boor said the request is for \$762.25, which is the remaining amount available to the association under the district's \$40,000 lifetime cost-share grant cap. She stated the Grant Committee recommends funding the project.

Ms. Sniegowski said the district's cap limit was last reviewed in 2020 and should perhaps be reviewed again soon.

**Manager Lauria moved, seconded by Manager Kvam, to authorize the administrator to enter into a cost-share agreement with Dewey Hill III Townhome Association for \$762.25. Upon vote, the motion carried.**

b. **2024 Herbicide Treatment Contracts**

i. **Normandale Lake**

Ms. Sniegowski reported the district received two quotes for the Normandale Lake herbicide treatment. She reminded the managers that the spring plant survey will determine if the treatment will be a partial- or whole-lake treatment. Ms. Sniegowski recommended the district contract with the low-cost vendor based on the results of the pretreatment survey, which for the partial-lake treatment is PLM Lake & Land Management Corp., and for the whole-lake treatment is Lake Restoration Inc.

Ms. Sniegowski explained the recommendation by Barr Engineering is for the board to also delegate authority to approve change orders not to exceed in aggregate 10 percent of the contract cost to cover the possibility of changing conditions on the lake, such as the volume of water, changing the amount of herbicide needed.

**Manager Kvam moved, seconded by Manager Lauria, to authorize the administrator, on advice of counsel, to enter into an agreement with PLM Lake & Land Management Corp. for a partial lake treatment at not-to-exceed \$3,223.15 or to enter into an agreement with Lake Restoration Inc. at not-to-exceed \$46,539 for a whole lake treatment, as directed by the results of the vegetation survey, and to delegate to the administrator the authority to approve change orders not to exceed 10 percent in aggregate of the contract cost. Upon vote, the motion carried.**

*Manager Butler arrived, 6:45 p.m.*

**ii. Lake Holiday**

Katie Turpin-Nagel reported that the district sent a request for quotes for herbicide treatment of Lake Holiday to two companies. She noted the RFQ specified contractors provide project examples demonstrating experience with applying the specified herbicide, Galleon SC. Perhaps because application of Galleon SC to manage curly-leaf pondweed in Minnesota is novel, only PLM Lake & Land Management Corp. submitted a quote. Ms. Turpin-Nagel said Barr recommends awarding the contract to PLM Lake & Land Management Corp. for \$2,464.62.

Manager Cutshall commented on the RFQ's requirement of submitting project examples demonstrating experience with Galleon SC and encouraged staff to ensure that qualifications do not inhibit respondents from submitting.

Ms. Turpin-Nagel summarized that the application of Galleon SC requires monitoring herbicide concentrations after application and possibly applying secondary "bump" treatments making the application more complicated than other herbicides used to manage curly-leaf pondweed. For these reasons, project experience was included in the RFQ.

Ms. Sniegowski recommended delegation of change-order authority for this project as well.

**Manager Lauria moved, seconded by Manager Kvam, to authorize the administrator, on advice of counsel, to enter into a contract with PLM Lake & Land Management Corp. for the Lake Holiday herbicide treatment at not to exceed \$2,465 and to authorize the administrator to approve change orders not to exceed 10 percent of the cost of the contract in aggregate. Upon vote, the motion carried.**

**c. Arrowhead Lake & Indianhead Lake Land-Use Agreements**

Ms. Sniegowski, legal counsel and the managers discussed the required duration of land-use rights on private property for access to and maintenance of the aeration systems on Arrowhead Lake and Indianhead Lake and concurred that a recorded license with a 10- to 15-year term would be consistent with the district's interests and the expected life of the systems.

**Manager Butler moved, seconded by Manager Kvam, to authorize the administrator, on advice of counsel, to enter into land-use agreements with**

private property owners, as needed, to facilitate timely implementation of the Arrowhead Lake and Indianhead Lake water-quality improvement project. Upon vote, the motion carried.

d. **Electronic/Hazardous Waste Disposal**

Mr. Welch explained the liability risk associated with improperly disposing of data and recommended the district protect itself against that liability as best it can.

**Manager Butler moved, seconded by Manager Lauria,, to authorize the administrator to enter into an agreement with Safety-Kleen Systems Inc., on the advice of counsel, to dispose of the electronic and hazardous waste in the district’s office building for not to exceed \$6,025. Upon vote, the motion carried.**

e. **Utility Trailer Purchase**

Jordan Wein explained that staff needs a trailer to transport items such as the pop-up education cart, field and project equipment, and other project materials. Mr. Wein said the trailer can be stored at Discovery Point.

**Manager Kvam moved, seconded by Manager Butler, to authorize the administrator to purchase a utility trailer and pay related security costs and registration fees at a cost not to exceed \$3,000. Upon vote, the motion carried.**

f. **Insurance Liability Coverage Waiver**

Ms. Sniegowski reminded the board this action comes to the board each year and, in the past, the board has elected not to waive the statutory limits on the municipal tort liability. Mr. Welch said he recommends that the managers decline to waive the cap.

**Manager Butler moved, seconded by Manager Kvam, not to waive the limits on tort liability in Minnesota Statutes section 466.04. Upon vote, the motion carried.**

g. **Lake Cornelia Herbicide Treatments**

Ms. Sniegowski reported that the district received one quote for the Lake Cornelia herbicide treatments and that she expects to receive a second quote this week. She asked the board to amend its action authorizing her to enter into a contract for the work to increase the amount from \$20,000 to not to exceed \$23,000.

**Manager Butler moved, seconded by Manager Kvam, to amend the existing authorization for the Lake Cornelia herbicide treatment to not-to-exceed \$23,000. Upon vote, the motion carried.**

**5. Treasurer's Report**

Manager Kvam presented the treasurer's report.

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

**6. Consent Agenda**

**a. Reading and Approval of Minutes**

**i. Draft Minutes of February 1, 2024, Board Workshop**

**ii. Draft Minutes of February 21, 2024, Regular Meeting**

**Manager Kvam moved and Manager Butler seconded, to approve the consent agenda as presented. Upon vote, the motion carried.**

**7. Discussion Items**

**a. Draft Annual Report**

Ms. Sniegowski stated that the annual report that the district is required to submit to the state has been provided to the managers in the meeting packet for review. She asked managers to submit any comments to Gael Zembal. Ms. Sniegowski said the final draft will be presented in April.

**b. 2023 Annual Audit**

Ms. Sniegowski reported that the district has received a draft of the annual audit required by the state and that the auditor raised no concerns. She said the final audit report will be delivered soon.

**c. Letters of Interest for Professional Services Biennial Request**

Ms. Sniegowski reminded the managers that the district is required to request letters of interest for legal, professional and other technical services at least every two years. She said staff will review the responses and will bring recommendations to the board in May.

Manager Cutshall noted the district could use one engineering firm for its day-to-day work and some project work, but he thinks the district should tap into a variety of engineering firms for different projects. Manager Butler said she is happy with the professional service providers the district is working with. She said she is interested in seeing the costs of the services submitted in the letters of interest, and she thinks the district should continue to have another engineering firm, other than the district engineer, do at least one project a year.

Mr. Welch noted the district can ask the state to conduct the district's annual audit. He said the state charges for the work but would have to provide the audit if the district requests it. Manager Butler said it would be interesting to inquire what the state would charge.

**8. Updates**

**a. Administrator's Report**

Ms. Sniegowski said her report is in the meeting packet.

**b. Staff Reports**

Ms. Boor updated the board on the cost-share grants with watershed cities for low-salt design pilot trainings. She said district staff is sitting in on the trainings, and the cities are excited, and she thinks the training has been productive.

Manager Kvam asked about the status of the Hennepin County Home School wetland bank. Brett Eidem reported the county is exploring considerations such as flood mitigation under future conditions, whether there is potential to store more water in the Glen Lake area, and/or an opportunity to expand the wetland bank area. He said the county will come back to the district with updates about those considerations.

Mr. Eidem updated the board on the district engineer's review of the Hopkins parks master plan. He said from the tasks completed, staff and the engineer have identified some high-level opportunities and shared those concepts with Hopkins staff. Mr. Eidem said three concepts have been identified as being advanced within the existing scope of work with Barr to develop best-management practice-sizing costs to help inform future park designs.

Ms. Boor added that between the work with Hopkins on the parks master plan and the low-salt design training, she reasons that the city is recognizing the district could be a good partner.

Manager Butler asked Gael Zembal to email the managers with details about events for which managers' help is needed.

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

Zach Stafslie said an application from Bloomington for a permit for redevelopment of Bryant Park is slated to come to the board for determination at its April 4 workshop.

**d. Engineer's Report**

Ms. Turpin-Nagel noted the engineer's report is in the meeting packet.

**e. Attorney's Report**

Mr. Welch reported that the representatives from the landscapers association have stated that the association does not want to be in the coalition supporting a negligence-standard in state legislation providing a limit on liability for property owners and maintenance firms for compliance with state chloride-use training.

**f. Managers' Report**

Manager Butler reported she attended the City of Minnetonka's State of the City. She noted a situation in Lino Lakes in which a property owner wanted to install artificial turf instead of grass. Manager Butler said the district might want to get ahead of that type of proposal by property owners. She commented on the heat factor of artificial turf and the heat problems that come with climate change.

**9. Adjournment**

**It was moved by Manager Butler seconded by Manager Lauria, to adjourn the meeting at 8:15 p.m. Upon vote, the motion carried.**

Respectfully Submitted,



Chris-Ann Lauria (Apr 29, 2024 10:28 CDT)

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Chris-Ann Lauria, Secretary



# NMCWD-March-20-2024-Board-Meeting-Minute

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Final Audit Report


2024-04-29

Created:	2024-04-29
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