

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

**THURSDAY, MARCH 3, 2022**

**I. Call to Order of the Public Hearing and Workshop**

President Cutshall called the Nine Mile Creek Watershed District Board of Managers Public Hearing and Workshop to order at 6:00 p.m. on Thursday, March 3, 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, Janna Kieffer, and Keith Pilgrim (Barr Engineering)

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

Others Present: Jessica Wilson (City of Edina), Gwen Budd, Gary and Brenda Cooper, Ruth McIntyre, Robert Schnitzlein, and Sam Sturm.

**II. Lynmar Basin Stormwater Retrofit Project Public Hearing**

Administrator Anhorn displayed the public hearing notice and listed the ways the District publicized the public hearing. President Cutshall provided an overview of purpose of the public hearing, the procedure of the hearing, and how the public can provide comments to the District. Administrator Anhorn introduced Engineer Janna Kieffer to present on the Lynmar Basin Stormwater Retrofit Project.

Engineer Kieffer, Senior Water Resources Engineer with Barr Engineering, introduced Ms. Marcy Bean, Senior Landscape Architect with Barr Engineering. Engineer Kieffer displayed a PowerPoint presentation titled “Lynmar Basin

Stormwater Retrofit Project” and gave background on the project. She explained the project’s primary goal is to improve the water quality of Lake Edina, which is considered impaired by the Minnesota Pollution Control Agency. Engineer Kieffer said the lake is impaired for excess nutrients, specifically excess phosphorous. She explained stormwater runoff is a significant source of phosphorous to Lake Edina.

Engineer Kieffer went through the project components and timeline. She summarized the proposed project and went through the proposed conceptual design plan. Engineer Kieffer stated the project’s design goals include maximizing storage, maintaining some open space, having a path/sidewalk connection, minimizing tree loss, and keeping a neat/tidy aesthetic. She pointed out on the displayed slide the location of existing trees that are proposed to be removed to accommodate the sidewalk and features of the project design. Engineer Kieffer discussed the project’s technical considerations.

Engineer Kieffer described the benefits of the project, including primary benefits like stormwater runoff reduction, water quality improvements, and flood reduction, and secondary benefits like habitat enhancements, park improvements, and educational opportunities. She stated the project is estimated to reduce the annual runoff volume from the contributing watershed by 66% and reduce the annual total phosphorous loading from the contributing watershed by twenty-four pounds. Engineer Kieffer said the project will reduce the frequency of street flooding, and while it won’t prevent street flooding in the 100-year, 24-hour event, it should prevent road inundation in the 10-year, 24-hour event. She talked about enhancements to the park, like the walking path and benches, and how the project will enhance native habitat and provide education opportunities about stormwater management. Engineer Kieffer said the estimated project cost is \$1,255,000, noting the cost with the plus-minus contingency range is estimated to fall within \$1,067,000 - \$1,506,000.

President Cutshall opened the floor for public comments.

Mr. Robert Schnitzlein of 7112 Bristol Boulevard, Edina, said he has lived here approximately five years, and he bought the property because of its view to the park and its open green space. He said the proposed sidewalk on the northeast side of the park and providing the additional stormwater storage capabilities are great. Mr. Schnitzlein said he has participated in the Adopt a Drain program for nearby stormdrains on both sides of Bristol by his house, so he appreciates what is going on there from a technical perspective. He said from a lifestyle perspective, it’s the open green space that provides value to the community. He said the proposal to fill up the entire south side of the park with things will interfere with the residents’ day to day lives. Mr. Schnitzlein said there are always kids playing there, people playing golf and doing slip and slides, and in the winter skiing and sledding. He said it is a direct reduction in the quality of his life and his neighbors’ lives to have additional vegetation in that area. He said the north area of the park gets used a little more, but

he doesn't want the District to have the idea the south side doesn't get used, because it does. Mr. Schnitzlein said he likes the additional trees, and there needs to be a balance between what's being added from an aesthetic perspective and the damaging of a different aesthetic. He mentioned his wife went to the public meeting in 2021 and shared with him it seemed at the meeting there was one person who wanted to see butterflies, which is valid, but he doesn't see a lot of people going out there looking for butterflies. Mr. Schnitzlein said he sees a lot of kids playing games in the open green space. He commented he really doesn't like how much of the southern side is proposed to be taken up by non-functional vegetation. He said he wants nice open space for adventures and community usage.

Administrator Anhorn said there is a question in the chat from Mr. Gary Cooper of 7104 Bristol Boulevard, Edina, asking what the plans are to keep mosquitoes from the standing water. Administrator Anhorn said the project is built to infiltrate within 48 hours, so the water is not meant to be standing for more than 48 hours.

Ms. Gwen Budd of 4417 Fondell Drive, Edina, commented she doesn't live close to the park, but a friend does and told her about this hearing. Ms. Budd said she attended the public meeting last summer. She said she doesn't have the same concerns as the previous speaker in terms of kids playing in the space. Ms. Budd said in general she likes the sidewalk and keeping as many trees as possible. She said she understands the City of Edina wants a one-for-one tree replacement. Ms. Budd said she hopes someone will be responsible for watering the trees and making sure they survive. She said she reviewed the feasibility report and there was a reference in it about maybe putting an infiltration trench in. Ms. Budd asked if there will be ongoing maintenance to that trench to make sure it doesn't get clogged up and ensure it's able to drain within 48 hours. She said in terms of the plantings, they require maintenance. She asked who is going to be checking the plants, especially if there is a lot of water, a lot of rain, and the plants get stressed. Ms. Budd said it would take a lot of time and money putting the plants in and then they might not thrive. She talked about jumping worms, which are in Edina, and is there a way to ensure the invasive jumping worm isn't imported into the area.

Administrator Anhorn noted the vegetation will have a two- to three-year warranty period and after that, the City of Edina will take over the maintenance as part of the whole natural resources and park and green space maintenance program.

Mr. Sam Sturm of 7121 Bristol Boulevard, Edina said his property is adjacent to the park. He said one of the ideas raised in the public meeting last summer was to build a retaining wall, and he wants to make sure that retaining wall is not in the project design plans. Engineer Kieffer said the retaining wall is not part of the design. Mr. Sturm said he enjoys recreating in the park, especially in the summer. He said one of the reasons he bought this house is because he likes having that space available, and he likes to punt footballs there. Mr. Sturm said he enjoys how the neighbors enjoy using the park, whether hitting golf balls or sledding or just running

around. He said it is a community gathering place. He said he is concerned about standing water and how it might encourage mosquitoes. Mr. Sturm said he is allergic to bee stings, so he would rather the bees don't come too close to his property in large numbers. He said if he had to choose between looking at plants and bees or recreating in the park, he would choose recreating in the park. Mr. Sturm asked the reason for taking out the two trees in the basin area. Administrator Anhorn said it is for engineering reasons and grading. Engineer Kieffer said it is due to grading as the project proposes to drop the bottom of the basin by a foot.

Administrator Anhorn asked Ms. Jessica Wilson of the City of Edina for any updates from the City's perspective. Ms. Wilson said she hasn't received any calls or emails recently on this proposed project. She said the City Council was pretty enthusiastic about the project when it was presented to them and the Council asked for the one-to-one tree replacement at a bare minimum. Ms. Wilson said as a whole, the City Council is concerned about stormwater and has called it the biggest infrastructure challenge the city is facing.

Ms. Brenda Cooper of 7104 Bristol Boulevard, Edina asked about the standing water indicated in the presentation and said she is concerned about mosquitoes. She said she agrees with her neighbors in that one thing that attracted her to this property was the wide-open space across the street. Ms. Cooper said she grew up out in the country, and here she can feel very claustrophobic, and being able to look out at the open space makes her feel better. She said the kids enjoyed the park while growing up, playing football there and going sliding and running around doing all kinds of activities. Ms. Cooper said she finds more value in that. She said she supports lakes, but she is not in favor with the open space getting enclosed so much. Ms. Cooper said she loves the cottonwood trees as those are her favorite trees. She said she loves the sound of the wind blowing through the trees as it is very calming for her. Ms. Cooper asked if the cottonwood trees are removed, could cottonwood trees be replanted. She said so many people in the community use that open space, and she wants that to be noted and appreciated, as this is their community. Ms. Cooper said it's concerning for her in the community where on 72<sup>nd</sup> Street where the City wanted to build that up, and now this is going on, too – it's a real concern for her.

Administrator Anhorn noted the diagram with the pipe was showing the water underneath the pipe, but that was just to show water standing underneath the pipe, and the water will drain within 48 hours. He said written comments can be emailed or mailed to him, and it would be nice to receive them by March 11<sup>th</sup>.

President Cutshall called for additional comments. Upon hearing none, he closed the public hearing and opened the Board workshop.

### **III. Arrowhead and Indianhead Lakes Water Quality Study: Draft Report and Draft Summary**

Engineer Kieffer said the draft report has been completed. She said the goal tonight is to bring this information to the Board and get any feedback before sharing the report further. Engineer Kieffer introduced Dr. Keith Pilgrim, limnologist, and senior water resources scientist with Barr Engineering, to talk about the water quality study on these two shallow lakes.

Dr. Pilgrim shared a PowerPoint presentation and noted the primary author the report was team member Katie Turpin-Nagel. He provided an overview of Arrowhead Lake and Indianhead Lake, including size, depth, and size of their watersheds. Dr. Pilgrim noted there are no natural outlets for either of lakes. He talked about lake management objectives, a holistic approach to lake management to meet water quality standards and to achieve a balanced ecosystem, including a balance of nitrogen and phosphorous.

Dr. Pilgrim talked about lake nutrients, water columns of shallow lakes, and other unique characteristics of shallow lakes. He shared information about internal loading of phosphorous in shallow lakes. He went through the water quality data for Arrowhead Lake and Indianhead Lake. Dr. Pilgrim described the lake management activities in place for Arrowhead Lake and Indianhead Lake, including the activities undertaken by each lake association including the use of copper sulfate. He gave an overview of lake modeling for the lakes, noting these two lakes should respond strongly to internal load controls since the watersheds are so small, they won't be adding high levels of nutrients. Dr. Pilgrim said management of external sources can't be ignored, and there are three nutrient-management strategies being recommended: street sweeping, nitrogen reduction efforts by offering homeowners soil testing and yard fertilizing recommendations and encouraging residents to apply for cost-share grants.

Dr. Pilgrim discussed the recommended strategies for managing internal loading of nutrients:

- Reduce in-lake phosphorous cycling
  - Monitor effectiveness of existing aeration system
  - Sediment Treatment – Alum + Ferric Chloride
- Aquatic invasive species management – continue to monitor growth and impacts of curly-leaf pondweed
- Promote sustainable management techniques
  - Determine timeline and trigger to discontinue copper sulfate treatments to manage algae
  - Encourage residents to promote healthy aquatic plant growth
  - Encourage residents to discontinue lake dye applications

Dr. Pilgrim discussed the planning level costs and cost benefit for the recommended management techniques that have the greatest potential for achieving water quality improvement.

Ms. Wilson of the City of Edina talked about the City of Edina's lake and pond policy, part of the City's watershed resources management plan, and how the City works with the lake associations.

The managers discussed the recommended management techniques. Manager Butler suggested the discussions with property owners about their lawns include information about fescue lawns and other practices besides just providing information about fertilizer reduction.

Administrator Anhorn talked about the timeline for management activities, noting that the potential timeline in the draft report does not align with the timeline in the District's water management plan as it relates to levying for and implementing the projects. Manager Butler asked about the District's efforts regarding flooding concerns with these two lakes. Administrator Anhorn and Engineer Kieffer provided an update on working with the City of Edina regarding management of the pumping.

#### **IV. 2021 Permitting Year in Review**

Permit and Water Resources Coordinator Foley shared a PowerPoint presentation titled "Review of 2021 Permits". She reported the District received 176 permit applications last year, pointing out that 2021 permit activities were higher than the previous 5-year average. Permit and Water Resources Coordinator Foley provided details and narrative about the 2021 permit program, including considerations about the District's rules. She went into detail about the common scheme of development and the financial assurance requirements for single family homes under the current rules.

Permit and Water Resources Coordinator Foley raised two items for manager feedback: the cost-benefit for single family home stormwater rule implementation and potential modifications to reduce the occurrence of triggering the stormwater rule for single-family home projects. She said staff can bring back proposals to the Board to change the stormwater rule as it relates to single family homes and financial assurance schedule based on feedback.

Manager Hunker supported looking into this and said it would be helpful if staff would provide background on what went into developing the single family home stormwater rule as it stands today. Administrator Anhorn provided background details. There was discussion about the District's time spent on permits regarding single family home stormwater and the idea that the cost benefit isn't favorable.

Manager Butler talked about the District's previous action to bring the permit and inspections work in house from Barr Engineering, the large workload, and her concern that the District didn't have a back-up plan with Barr for when the work became unmanageable in-house.

Manager Olson said the District could consider using an outside firm like Barr Engineering as a pressure release valve during times of large workload and agreed the District should revisit its policy. Manager Kvam suggested looking at how Minnehaha and Riley Purgatory Bluff Creek watersheds handle single family home stormwater and permit applications.

Manager Butler said the District may need to talk with the cities further about how this process plays out. President Cutshall said he would like the District to consider the cost benefit of other District activities as well, such as cost share grants and programs that take a lot of staff time and effort. The Board agreed by consensus for staff to work on and bring back recommendations to the Board. Administrator Anhorn said staff will bring recommendations back over the next few months.

**V. Minnesota GreenCorps Member Resolution**

**a. Resolution 2022-03**

Program and Project Manager Sniegowski said District staff would like to apply for a Minnesota GreenCorps member to serve with the District. She said District staff met and discussed staffing and program needs and developed a work plan for the Minnesota GreenCorps member. She explained the Resolution provides for the District to apply and if the District is selected as a host site, the District will support that Minnesota GreenCorps member and enter into agreement with the MPCA to follow through with the terms and conditions of that agreement. Administrator Anhorn said this is identical to the resolution the District undertook last year for its Minnesota GreenCorps member.

**It was moved by Manager Olson, seconded by Manager Hunker to adopt Resolution 22-03 Committing to MN GreenCorps Application. On a roll call vote, the motion was approved 5-0.**

**VI. Adjournment**

**It was moved by Manager Butler, seconded by Manager Hunker to adjourn the meeting at 8:08 p.m. On a roll call vote, the motion was approved 5-0.**

Respectfully Submitted,

  
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Grace Butler, Secretary

