

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

WEDNESDAY, MAY 15, 2024

1. Call to Order

President Larry Olson 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.

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

Advisors Present: Janna Kieffer (Barr Engineering Company), Keith Pilgrim* (Barr Engineering Company), and Michael Welch (Smith Partners)

Staff Present: Hailey Buckentin (Field Intern), Brett Eidem (Project and Planning Manager), Dylan Monahan (Administrative Assistant), Erica Sniegowski (Administrator), Zach Stafslie (Regulatory Program Manager), and Gael Zembal (Education and Outreach Coordinator)

Other Attendees: Richard Baran*, Mike Berndt, Jim Phelps

*Attended virtually.

2. Approval of Regular Meeting Agenda

Manager Butler moved, seconded by Manager Cutshall, to approve the agenda as presented. Upon vote, the motion carried.

3. Public Open Forum

Michael Berndt shared a presentation reviewing floating aquatic vegetation covering Normandale Lake. He said the surface layer thickens and decays late in summer, releasing a foul odor. Dr. Berndt said FAV needs sustained high-nutrient inputs to grow, and a flowing creek delivers them. Dr. Berndt said blocking phosphorous from the sediments and using alum seem to temporarily block growth of FAV. He said something interesting occurs during droughts, such as the ones we have had these past three years. Dr. Berndt explained no nitrates entering Normandale Lake from the creek means no FAV. He said that for the district to understand its own data, it needs to compare dry years to dry years and wet years to wet years. Dr. Berndt said when Barr presents water-quality information on Normandale Lake later in the meeting, he hopes Barr only compares the last three years to 2007 and 2009, and the rest of the years to each other separately. Dr. Berndt displayed a graph showing results from the district's 2016 survey. He said many residents have identified Normandale Lake as a concern, yet controlling FAV has not so far been listed as a goal by the district. Dr. Berndt said he has been told privately that the district and Barr do not or cannot work on FAV because it is outside the district's purview or because neither the cities nor the district managers have asked the district to work on FAV. Dr. Berndt asked the managers to address FAV.

a. Lower Valley-Bloomington/NMCWD Memorandum of Understanding

Brett Eidem said the meeting packet includes a revision to the draft memorandum of understanding with the City of Bloomington for work in the lower valley of Nine Mile Creek presented to the managers at their previous meeting. He said staff requests the board authorize the president to enter the MOU.

Michael Welch recommended the board authorize the president to execute with such non substantive changes as are recommended by legal counsel and staff to effect the purposes of the MOU. Mr. Welch said the MOU is a framework for how the district and city will work together on the project.

Mr. Eidem reported the city council has already approved the MOU.

Manager Cutshall moved, seconded by Manager Butler, to authorize the president to execute with such non substantive changes as are recommended by legal counsel and staff to effect the purposes of the MOU. Upon vote, the motion carried.

b. Professional Services Contracts

Administrator Sniegowski said state law requires the district to solicit proposals for consulting services. She said the district received one letter of interest each for annual audit services, engineering services and legal services, and two letters for accounting services.

Administrator Sniegowski said she, President Olson, and Manager Grace Butler met to review the proposals and recommend that the managers select Barr Engineering for engineering services, Smith Partners for legal services, Redpath for auditing services, and Cavanaugh & Company for accounting services.

Manager Kvam moved, seconded by Manager Buter, to authorize the administrator to enter two-year professional services agreements with Barr Engineering for engineering services, Smith Partners for legal services, Redpath for auditing services, and Cavanaugh & Company for accounting services. Upon vote, the motion carried.

c. Appoint Interim Administrator

Administrator Sniegowski will be on vacation from June 6 to June 16, 2024. She recommended that the managers appoint Brett Eidem as interim administrator for that period.

Manager Lauria moved, seconded by Manager Butler, to appoint Brett Eidem as interim administrator during Administrator Sniegowski's absence from June 6 to June 16, 2024. Upon vote, the motion carried.

d. Cost-Share Grants

Zach Stafslie reported that the district received three cost-share grant applications in May, and one was administratively approved. He said the Grant Committee recommends funding one of the two – a swale project submitted by the Northmark Fourth Homeowners Association – at not to exceed \$7,250. He said the committee decided the other application needed more work by the applicant.

Manager Butler moved, seconded by Manager Lauria, to approve the cost-share grant for Northmark Fourth Homeowners Association not to exceed \$7,250. Upon vote, the motion carried.

e. **Shady Oak Aquatic Invasive Species Management Scope of Work**

Administrator Sniegowski said the City of Minnetonka requested a partnership with the district to manage the invasive Eurasian watermilfoil and brittle naiad on Shady Oak Lake in 2024. She said the district asked Barr Engineering to prepare a scope of work for contracting and implementation oversight. Administrator Sniegowski said the City of Minnetonka has agreed to split costs, including engineering and management, evenly with the district.

Manager Butler moved, seconded by Manager Kvam, to authorize Barr Engineer to undertake the Shady Oak aquatic invasive species management scope of work as presented in the packet not to exceed \$18,265. Upon vote, the motion carried.

4. **Treasurer's Report**

Manager Peggy Kvam reviewed the treasurer's report.

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

a. **2023 Water Quality Monitoring Presentation**

Janna Kieffer presented the engineer's report on the results of 2023 water-quality monitoring. She reminded the managers that the district's 2023 program included monitoring of five lakes and 10 locations on Nine Mile Creek, lake level monitoring on 29 lakes, and groundwater observation at six observation wells. She reported that the district performed aquatic plant intercept surveys on lakes Cornelia, Minnetoga and Normandale, as well as an aquatic plant biomass survey on Normandale.

Ms. Kieffer reminded the managers that the district assesses lake health by evaluating water quality, aquatic communities and water level, and considering how recreation and wildlife habitat affect and are affected by overall lake health.

Ms. Kieffer said that 2022-2023 was the third snowiest winter on record and summer 2023 was very dry. She said June 2023 was the second-driest June in the 153 years that precipitation has been recorded.

Ms. Kieffer said the dry conditions in several lakes – including Lake Cornelia, Normandale Lake and Lake Edina – meant that chlorides were not flushing through the system. She reported that several lakes, such as Lake Cornelia, Normandale Lake and Lake Edina, had high chloride concentrations.

Ms. Kieffer summarized the 2023 monitoring data for the five lakes monitored. She said the district historically has not managed floating aquatic

vegetation because it is mostly an aesthetic concern. Ms. Kieffer noted the district has been hopeful that the management techniques implemented in recent years for water quality in Normandale Lake could have a positive effect on the diversity of aquatic plants.

Manager Cutshall asked if the Army Corp of Engineers has restrictions on what the district can manage on Normandale Lake. Ms. Kieffer said yes, the Corps has specific restrictions, including the west side of the lake cannot be dredged or have mechanical harvesting of vegetation. She said in the district's 2016 discussions with the Corps, they indicated support for management activities that improve the native plant community based on the premise that the lake should be managed more like a wetland versus a recreational lake.

Manager Chris-Ann Lauria asked if there are species that control the growth and abundance of filamentous algae, duckweed and watermeal. Ms. Kieffer said she will research and report back.

Ms. Kieffer said the board authorized a scope of work in 2023 for Barr to develop a project assessment framework to guide reviewing projects to understand if objectives have been met and if any additional management is needed. The District will collect one more year of data on Normandale Lake because conditions have been so dry the past two years, and it would be beneficial to see how the lake responds in different conditions.

Ms. Kieffer summarized the 2023 Nine Mile Creek monitoring data

Regarding the 2023 groundwater monitoring, Ms. Kieffer reported data showing a slight increase in water levels in 2023.

Ms. Kieffer said managers can send her comments on the draft 2023 report. Manager Cutshall asked if the report will address floating aquatic vegetation. Ms. Kieffer said floating aquatic vegetation is not within the current scope of assessment. Ms. Kieffer said she would like to provide further information to the board at a future meeting regarding the intended scope of the project assessment investigation, so the board has the opportunity to review and discuss.

Manager Butler said she likes having data and she appreciates all the appendices being included in the report.

Manager Olson asked about sediment cores collected on Normandale Lake. Ms. Kieffer said sediment cores were collected from Normandale Lake in fall 2023. She said they will be analyzed to determine the forms of phosphorus in the top sediment layer.

5. **Updates**

a. **Administrator's Report**

Administrator Sniegowski suggested moving the June board meeting to June 27 because the Minnesota Waters Summer Tour is June 26. The board consented to the change. Administrator Sniegowski noted that the district's summer intern, Hailey Buckentin, has started. Ms. Buckentin introduced herself to the board.

b. **Staff Reports**

Gael Zembal announced the district's education intern will start on May 20.

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

Mr. Stafslie noted one permit violation in Edina and said it is being remediated.

d. **Engineer's Report**

Ms. Kieffer reported she will be attending the National Adaptation Conference in St. Paul.

e. **Attorney's Report**

Mr. Welch said modifications to the chapter 103D watershed law were signed by the governor and make largely administrative improvements that the managers may notice in streamlined processes in the future.

6. **Adjournment**

Manager Lauria moved, and Manager Butler seconded, to adjourn the meeting at 8:28 p.m. Upon a vote, the motion carried.

Respectfully submitted,



Chris-Ann Lauria (Jul 22, 2024 13:56 CDT)

Chris-Ann Lauria, Secretary







NMCWD-May-15-2024-Regular-Board-Meeting-Minutes

Final Audit Report

2024-07-22

Created:	2024-07-22
By:	Erica Sniegowski (esniegowski@ninemilecreek.org)
Status:	Signed
Transaction ID:	CBJCHBCAABAAXLPadjGsMp80wkEGXX31Oln4FoxCQwu

"NMCWD-May-15-2024-Regular-Board-Meeting-Minutes" History

-  Document created by Erica Sniegowski (esniegowski@ninemilecreek.org)
2024-07-22 - 6:46:00 PM GMT
-  Document emailed to calauria21@aol.com for signature
2024-07-22 - 6:46:32 PM GMT
-  Email viewed by calauria21@aol.com
2024-07-22 - 6:55:47 PM GMT
-  Signer calauria21@aol.com entered name at signing as Chris-Ann Lauria
2024-07-22 - 6:56:14 PM GMT
-  Document e-signed by Chris-Ann Lauria (calauria21@aol.com)
Signature Date: 2024-07-22 - 6:56:16 PM GMT - Time Source: server
-  Agreement completed.
2024-07-22 - 6:56:16 PM GMT