

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

WEDNESDAY, MAY 17, 2023

1. 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. The meeting was held at the NMCWD office, Discovery Point, 12800 Gerard Drive, Eden Prairie.

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

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

Staff Present: Randy Anhorn (Administrator), Lizzy Boor (Permitting and Communications Intern), Brett Eidem (Natural Resources Project and Planning Manager), Erica Sniegowski (Program and Project Manager), and Zach Stafslie (Regulatory Program Manager).

2. Approval of Regular Meeting Agenda

Manager Kvam moved, seconded by Manager Olson to approve the meeting agenda as presented. Upon vote, the motion carried

3. Reading and Approval of Minutes

a. Draft Minutes of April 6, 2023, Board Workshop

Manager Olson moved, seconded by Manager Butler to approve the minutes of the April 6, 2023, workshop. Upon vote, the motion carried.

b. Draft Minutes of April 19, 2023, Regular Board Meeting

Manager Kvam moved, seconded by Manager Olson to approve the minutes of the April 19, 2023, Regular Board Meeting. Upon vote, the motion carried.

4. Public Open Forum

No members of the public were in attendance and no items were raised in the public open forum.

5. Consent Agenda

There were no items on the consent agenda requiring actions by the managers.

6. Staff Updates

Erica Sniegowski reported staff and legal counsel are in discussions with the City of Minnetonka regarding repair and maintenance of the raingarden in Lone Lake Park that NMCWD constructed a number of years ago.

Ms. Sniegowski said staff is pleased with the early results of the fertilizer optimization pilot program in which the district offers residents in the Lake Holiday subwatershed a drop-off soil sample test service. She said residents can drop off their soil sample at the district office, and the district arranges transporting the sample and paying for the sample analysis conducted by the University of Minnesota. She said the district also helps the residents interpret the results. Ms. Sniegowski reported staff's goal is 30 soil sample tests conducted in the pilot program and so far 19 test kits have been requested. Ms. Sniegowski said the district is expanding the pilot program to the Wing Lake subwatershed.

Brett Eidem shared some photos of the nearly completed Lynmar Basin Stormwater Retrofit Project in Edina. He mentioned that he will be meeting with Three Rivers Park District staff to discuss the South Fork Nine Mile Creek Stabilization Project. Manager Grace Butler underscored her abiding interest improving the wetlands on the International School of Minnesota property adjacent to the project area as part of the project if feasible.

7. Treasurer's Report

Manager Olson moved, seconded by Manager Butler to accept the Treasurer's Report and pay the district's bills. Upon vote, the motion carried.

8. Administrator's Report

Randy Anhorn noted his report is in the meeting packet and asked the managers if they had questions. He reminded the managers of the Technical Advisory Committee meeting on May 23. The June workshop topic will be a presentation of data collected by the district's monitoring program, an update on the South Fork Nine Mile Creek Stabilization Project, and the review of received quotes for the repair of a section of streambank in Hopkins.

9. Unfinished Business

a. Phase 3 of Flood Risk Reduction and Resiliency Study Update

With regard to NMCWD's ongoing flood-risk reduction and resiliency study, Janna Kieffer solicited the managers' feedback on the updated partnership guidelines memo and communications strategy memo.

Manager Butler and Manager Peggy Kvam commended the update as reflecting prior board feedback. The managers encouraged the engineers to clarify the meaning of the statement "Project has the potential to negatively impact health of water resource(s)" in the memo, especially with regard to the implications of "negatively."

The managers agreed that both the partnership guidelines memo and the communications strategy memos should be presented as they are to the TAC at its May 23 meeting.

b. Whited Fen Project Update

Mr. Eidem reminded the managers that the district held a community meeting in March for landowners around Whited Fen in Minnetonka, which NMCWD has identified as a high priority for restoration. Mr. Eidem said the nine-acre wetland has a couple of acres of invasive vegetation species, but he anticipates the invasive species can be managed.

Mr. Eidem said the estimated total project cost is \$102,700. He said the district will continue discussions with the city on sharing costs and long-term maintenance. Mr. Eidem said next steps in the project include leading an informational walk around the fen with district and city staff, landowners, and Doug Mensing of Resource Environmental Solutions, working with RES on the scope of work for the final restoration design and construction oversight, and working with the city on the parcel restoration and potential overlook design.

Manager Butler asked whether trees in the center of the wetland should be removed. Mr. Eidem said soil analysis could be done and the district could consider whether the trees, although not typical in a wetland, are species that are

neither detrimental or invasive to the wetland. Manager Butler said her observation is the trees are not mentioned in the project report and were not spoken about in tonight's presentation. She said she would like documentation on whether the trees are to be left in place or not.

c. **Draft DEIA RFP**

Mr. Eidem said the draft request for proposals for a diversity, equity, inclusion and accessibility plan for the district has been reviewed internally and staff is ready to issue the request. He suggested the board designate an review team to select and interview finalists and bring a recommendation to the board.

Manager Butler moved, seconded by Manager Kvam to authorize the administrator to issue the request for proposals to develop a NMCWD diversity, equity, inclusion, and accessibility plan. Upon vote, the motion carried.

10. **New Business**

a. **Greenhouse Air Conditioning Unit**

Mr. Anhorn presented a quote from Titan Heating & Cooling for furnishing and installing a mini-split air-conditioning system for the NMCWD greenhouse and disposing of the old equipment. President Cutshall suggested staff look into options that could provide shading.

Manager Olson moved, seconded by Manager Butler to authorize the administrator to accept the quote from Titan Heating & Cooling for the mini-split system at a cost not to exceed \$9,208. Upon vote, the motion carried.

b. **Drone**

Mr. Anhorn noted staff's interest in purchasing and operating a drone for various program and project purposes, such as capturing projects and using aerial video footage for education and outreach. Lizzy Boor noted that a drone would be particularly useful in capturing footage of large capital improvement projects. Ms. Boor noted that staff is reviewing and coming to understand legal and insurance requirements for operation of a drone.

Manager Butler asked for more information when the matter comes forward for board action on heat-detection and -measuring capacity, if any, of a drone staff proposes to purchase.

c. **Staffing**

Mr. Anhorn reported he met with the Eden Prairie representatives who were receptive to the district proposing to increase the number of board meetings each year from 20 to 24 meeting per year and increasing the full-time staff to 10.

Mr. Anhorn said the city staff suggested the district coordinate a neighborhood meeting to share the district's plans and to collect comments from residents. Mr. Anhorn suggested inviting the three new city council members to visit Discovery Point to learn about the district's mission. The managers concurred in the proposed effort.

Mr. Anhorn said Riley-Purgatory-Bluff Creek Watershed District has hired an administrative assistant, some of whose time will be contracted to NMCWD. The new assistant will start June 26.

Mr. Anhorn said that given concurrence of the managers in Ms. Sniegowski's stepping into the administrator role upon his retirement, he suggested promoting her to deputy administrator starting July 1. He said she will be involved in the development of the district's 2024 draft workplan and budget. He said that he will also be working with her in the development of a knowledge-transfer documentation, noting required annual reporting and administrative needs.

Mr. Anhorn said he as the process continues, he will reaching out to the Personnel Committee and the president to form an ad hoc succession-planning task force.

11. **Attorney Report**

Michael Welch noted that in light of the recent decision of the Minnesota Supreme Court in *Circle Pines vs. Anoka County*, managers seeking reappointment should take steps to have their city nominate them to continue to serve at least 60 days before the manager's term ends. Mr. Welch said the county's list needs to have three names on it but the cities' lists need only one. Mr. Welch said the city should nominate the manager to continue to serve on the board.

12. **Managers' Reports**

Manager Kvam reported on her tour of the Shady Oak construction site. Manager Butler reported on a residence that uses entirely white clover as their lawn ground cover and noted the resident does not mow or use fertilizer. She said it is an interesting use-case for the district to keep tabs on.

Manager Butler said, regarding her informal monitoring of huge snow mounds; she found there is additional sediment in the mounds and garbage cleanup is needed after the mounds melt.

President Cutshall asked if there is action for the district to take regarding the letter and information the district received following the May 4, 2023, workshop. Ms. Sniegowski commented she does not think the information from Mr. Mike Berndt changes the district's management strategy unless the district changes strategy to include managing resources for recreation. Ms. Kieffer agreed, saying the information provided included interesting observations but does not relate the observations with the district's management strategy, which has not included managing for aesthetics or recreation. Manager Butler suggested tabling this topic and bringing it up with the topic of water-quality monitoring and reporting. She said she wants to know if the district needs to do anything additional to test and understand nitrogen limiting and for which lakes it would be appropriate. Administrator Anhorn stated the district currently includes nitrogen in its array of laboratory work as part of its monitoring program and mentioned that the realization that many of the district's shallow lakes go back and forth from being phosphorus limiting to nitrogen limiting throughout the summer is the reason the district has started a fertilization optimization program for landowners to only fertilize to the level that their soils need. He said that because there is a ban on the use of fertilizers containing phosphorus, the fertilization optimization program focuses on the reduction of nitrogen loading to the district's downstream water resources.

13. **Adjournment**

It was moved by Manager Olson, seconded by Manager Kvam to adjourn the meeting at 9:07 p.m. Upon vote, the motion carried.

Respectfully Submitted,



Grace Butler, Secretary