

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

THURSDAY, MAY 2, 2024

1. Call to Order

President Larry Olson called the Nine Mile Creek Watershed District Board of Managers workshop to order at 5:30 p.m. The meeting was held at the NMCWD office, Discovery Point, 12800 Gerard Drive, Eden Prairie, Minnesota.

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

Advisors Present: Bob Obermeyer, Janna Kieffer (Barr Engineering), and Michael Welch (Smith Partners)

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

Other Attendees: Carol*, Renae Clark (City of Bloomington), Cheri Hillsdale*, Connie*, Mike and Sue Hagen*, Burgess Johnson*, Ann Kattreh (City of Bloomington), Michele Lloyd*, Tim Vitters*

*Attended virtually.

2. Nine Mile Creek Lower Valley: Project History

Janna Kieffer reviewed the Nine Mile Creek Watershed District's history of work in the lower valley of Nine Mile Creek in Bloomington, focusing on the project district led in the early 1990s to stabilize the creek after the 1987 superstorm. She

summarized components of the district-led lower valley project, which included storm sewer outfall improvements, repair of damaged and eroded areas, and installation of sediment basins. Ms. Kieffer highlighted some of the project benefits, including the Moir Park/Central Park amenity, the bioengineering techniques creating a natural-appearing channel, habitat diversity improvements, and enabling the stream to adapt to changing conditions.

Bob Obermeyer provided additional details about the superstorm and the district-led project.

3. Lower Valley – Bloomington/NMCWD Memorandum of Understanding

Administrator Sniegowski reported that the district staff and legal counsel are working on revisions to the memorandum of understanding with the City of Bloomington. She said the MOU is not ready yet for board consideration.

Manager Chris-Ann Lauria provided comments on her concerns about the memorandum. She said she is a Bloomington resident and, as such, has knowledge of the details publicly shared about the Nine Mile Creek Corridor Renewal Project. Manager Lauria said she is concerned about the potential effects of adding more pavement and trails to the watershed. She stated she has concerns about the impacts on creek and groundwater quality and flood control, and more specifically, she is concerned about the loss of inorganic nutrient capture, loss of infiltration and retention, the movement of pollutants into the creek, threats to the aquatic biotic community, and streambank erosion that could occur with such a change to the corridor. Manager Lauria said the sales tax increase, which will fund \$20,000,000 for the project, was contentious. She said many voters supported it due to the need for invasive species removal, and wetland, streambank, and woodland restoration. However, a bike trail through the park was not part of the vote. Manager Lauria said this remains a controversial issue in Bloomington. She said the Bloomington Parks and Recreation Department has consistently emphasized the importance of community input in the design process. She said Renae Clark has said the final project will result from a collaborative effort between the community and our consultant team. Manager Lauria said the district board of managers has received multiple emails from Bloomington residents regarding this project and the MOU. She said last November, the district heard from Alan MacPhail, who wrote that, “I am writing to inquire about what role the Nine Mile Creek Watershed District will play in the recently voter-approved restoration project, and I am wondering if the watershed district has any say in what is done in this project.” Manager Lauria stated, “Thankfully, yes.” Manager Lauria said in reference to the MOU, Michele Lloyd wrote, “I am concerned that acceptance of this document, with the specificity of the language about bicycle access, could be construed as tacit acceptance of such access before such access has even been decided upon and am concerned that implied

acceptance at this stage would interfere with the watershed's future ability to deny such access if that were considered warranted." Manager Lauria said Burgess Johnson had similar concerns and wrote, "The draft agreement between the Nine Mile Creek Watershed District and the City of Bloomington on the Nine Mile Creek renewal project has a statement that 'bicycle access to the Minnesota River and planned state trail is included in the project' and this statement is not appropriate for the MOU because a decision about whether to include a bike trail in the project will not be made until after there is public input into the design of the project later this year." Manager Lauria stated that the board heard from Dr. Brian Wolff at its meeting on April 17, 2024, who shared his concerns about the MOU's language and the impact of a potential bike trail through the corridor. Manager Lauria read an excerpt from a follow up email from Dr. Wolff, "I ask that you avoid any tacit approval of a bike trail in the communications with the city and convey the concerns we must unquestionably share." Manager Lauria said that after a comprehensive review of the MOU, she identified a section that concerns her. She said the last recital, number 10, in the MOU, states, "The District's and the City's practical experience, data, and expertise provide the foundation for a strong team aligned with a common vision and goals." Manager Lauria stated she contends there cannot be a common vision and common goals if the City of Bloomington develops plans for additional trails that would result in degraded creek and groundwater quality and/ or adverse flood control. Manager Lauria said that given the substantial controversy and concern about the potential impacts of additional paths on water quality and flood control, she makes two requests, including:

1. Attorney Welch confirm that signing the MOU with the current language of bicycle access to the Minnesota River and planned state trail, a topic subject to future community input, does not preempt community engagement either implicitly or explicitly.
2. NMCWD managers and staff avoid any tacit approval of a bike trail, the details subject to future community input, in the district's communications with the city and that the district unambiguously convey the district's concerns, which we have all committed to uphold.

Manager Lauria commented that she thinks it cannot be argued that adding more asphalt will have too small of an environmental impact on Nine Mile Creek. She said as a board we make many decisions, some of which have negative, albeit most are small, environmental impacts. However, Manager Lauria remarked that the worst environmental problems result from the cumulative effect of small, harmful changes. Manager Lauria said addressing current water quality and flood control issues instead require movements in the opposite direction.

Administrator Sniegowski suggested attorney Welch clarify the district's role in the project.

Michael Welch said that the MOU states, that “consideration of access, including a bike trail, will be part of the project.” This is not a commitment to a bike trail. He said NMCWD has an opportunity to ensure that the city project is designed to comport with NMCWD rule requirements regarding protection and improvement of watershed resources, including wetlands, and mitigating flood risks.

Mr. Welch added that the district does not have authority to say ‘yes’ or ‘no’ to a bike trail, but the district has explicit authority to review and mitigate the impacts of a trail if one is included, and NMCWD explicitly retains that authority in the draft MOU.

4. Administrative Specialist Position Description

Administrator Sniegowski reminded the managers that the agreement between the district and Riley-Purgatory-Bluff Creek Watershed District for sharing of an administrative assistant ends in June. The agreement will not be renewed as both districts needs full-time administrative help.

Manager Lauria moved, seconded by Manager Bob Cutshall, to approve the creation of a new administrative specialist position and the position description as presented. Upon vote, the motion carried.

5. Flood-Mapping Communication Tool

Gael Zembal demonstrated the draft flood-mapping communication tool created by staff. She said staff will send the district’s Technical Advisory Committee and Citizen Advisory Committee members access to the tool so they can try it and provide feedback.

President Olson noted the City of Edina has a similar tool and asked if the data are the same as the district’s. Janna Kieffer said the data sets are slightly different, so the district will want to consider how to communicate that.

Manager Grace Butler asked staff to ensure that the tool is accessible to those with a visual impairment. Manager Lauria referenced a keynote presentation by University of Minnesota climate change scientist Dr. Heidi Roop on climate adaptation and resiliency. Manager Lauria noted Dr. Roop talked about flood resiliency, which included being prepared, and shared preparedness tips through a tool kit, a version of which could perhaps be added to the district’s tool.

The managers expressed support for the staff’s continued development of the communications tool.

6. **Organizational Email Addresses/Microsoft 365**

Administrator Sniegowski reminded the managers to utilize their district organizational email accounts and Microsoft 365 access.

7. **Letter of Interest for Professional Services Update**

Administrator Sniegowski reported the district received one letter of interest for professional engineering services from Barr Engineering, one for legal services from Smith Partners, one from Redpath & Company for auditing services, and two for accounting services, from Cavanaugh and Company, the district's current accountant, and from Creative Planning Business Services. Administrator Sniegowski said she also has an inquiry in to the State Auditor's Office for more information on its auditing services. She said recommendations for professional-service contracts will be on the May regular-meeting agenda.

8. **Adjournment**

Manager Butler reminded the managers that the Minnesota Waters summer tour is June 26. Administrator Sniegowski said she would send the information to the managers.

Manager Peggy Kvam reported that she attended the Three Rivers Park District state of the parks session. She said the mayor of the City of Richfield commented about a goldfish problem and requested information from the district about what to do about it. She said a City of Richfield staff member asked if the district could help with some education through the Wood Lake Nature Center. Ms. Zembal noted the center is not in the Nine Mile Creek watershed, but the district has held some partnership events over the years with the Richfield-Bloomington Watershed Management Organization and district staff can reach out to start a conversation.

Jordan Wein reported that the hoop net was not as effective as anticipated in capturing carp, but staff were still able to remove 520 carp from the creek. He said that in the short term, staff may be able to remove additional carp from that location, and in the long term, it seems like a good location to continue to target.

Ms. Kieffer reported that sediment treatments are taking place for Arrowhead Lake and Indianhead Lake. She announced there will be a public information session on May 3 and the lake treatments are anticipated to occur on May 4 and May 6.

Manager Butler moved, seconded by Manager Kvam, to adjourn the meeting at 7:49 p.m. Upon vote, the motion carried.

Respectfully Submitted,



Chris-Ann Lauria (Jul 22, 2024 13:57 CDT)

Chris-Ann Lauria, Secretary

NMCWD-May-2-2024-Workshop-Minutes

Final Audit Report


2024-07-22

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