

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

**THURSDAY, MAY 4, 2023**

**Call to Order of the Workshop**

President Bob Cutshall 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.

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

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

Staff Present: Randy Anhorn (Administrator), Zach Stafslie (Regulatory Program Manager), and Gael Zembal (Education and Outreach Coordinator)

Others Present: Mike Berndt and Molly Seidel, watershed residents

\*Attended virtually

**I. Approve Payment of Cash Escrow Release for Permit 2021-098**

Randy Anhorn indicated that the proposed payment is for release of the cash escrow release of \$28,800 for Permit 2021-098.

**It was moved by Manager Kvam, seconded by Manager Olson to authorize release of the cash escrow in the amount of \$28,800 for Permit 2021-098. Upon vote, the motion carried.**

## II. 2022 Water-Monitoring Program

Janna Kieffer shared a summary of the results of NMCWD's 2022 monitoring of lakes and the creek. She said the district's 2022 program included water-quality monitoring of six lakes and ten locations on Nine Mile Creek, monthly lake-level monitoring on 29 lakes, and groundwater-level monthly monitoring at six observation wells. She pointed out 2022 was a dry year.

Mike Berndt said he emailed comments to Randy Anhorn that he hopes will be forwarded to the managers. Mr. Anhorn said he forwarded the comments to Keith Pilgrim and Ms. Kieffer of Barr Engineering. Mr. Berndt said he has been doing a research project on Normandale Lake and he thinks that due to the past two years of drought, the district's data are inconclusive as to the effectiveness of the 2020 alum treatment. He stated the lake behaved no differently in 2022 and 2021 than it did in 2007 and 2009, before the alum treatment and under the same kind of conditions as experienced in 2022. Mr. Berndt highlighted his point that the lake's past problems with low oxygen, odors and visible ugliness were not caused by filamentous green algae or curly-leaf pondweed but were caused by excess duckweed and watermeal. Mr. Berndt said issues could return when normal water flow conditions resume. He said the lake's problems may return.

Ms. Kieffer presented 2007 data with a phosphorous spike in late summer and noted that Barr feels confident in attributing the spike to internal loading. She pointed out the data in 2021 and 2022, after the alum treatment, do not show a late-summer phosphorous spike. Mr. Berndt stated in 2007 the lake's entire water column was flushed out from a big storm event and new water coming in from the creek, meaning the 2007 lake's phosphorous spike was not from internal loading but from the creek. Mr. Pilgrim said the data show that the alum treatment reduced internal loading in the lake, which was the goal of the alum treatment. Mr. Berndt stated the data cannot tell that for sure. He said he is concerned the managers are not getting the correct interpretation of what happened in the lake.

Ms. Kieffer pointed out that historically the district has not managed for aesthetics. Mr. Berndt said duckweed and watermeal are what causes the lake's oxygen level to be low. Mr. Anhorn said he will forward Mr. Berndt's paper to the managers when he gets it.

Manager Grace Butler understands Mr. Berndt to be suggesting that the district could consider shallow-water alum treatments on a more regular basis.

Meg Rattei slides and reported on the district's 2022 stream-monitoring program. She said the program included monthly measurement, March through October, of water quality and flow, including specific conductance, dissolved oxygen, pH, temperature, turbidity, and flow rates. She reported annual habitat

and fish monitoring took place during the summer and annual monitoring of macroinvertebrates occurred in October. She noted that 2022 was a dry year and low-water issues affected testing. Ms. Rattei recommended the district continuing to implement chloride-reduction strategies, further evaluate potential sources of high fall chlorides, consider updating the biological stressor analysis, continue water quality and biological monitoring, and contact the Minnesota Pollution Control Agency in 2023 to discuss ongoing stream monitoring and results, and to seek guidance on stressor evaluation.

Regarding lake-level and groundwater-level monitoring, Ms. Kieffer said that the 2022 data generally show that lake and groundwater levels dropped.

### **III. Phase 3 of Flood Risk Reduction and Resiliency Study Update**

1. After a presentation by Michael McKinney of findings and recommendations on NMCWD participation in flood-risk mitigation projects, Ms. Kieffer said staff is seeking manager feedback on the three topics: Criteria for district-led projects; types of district involvement; and, criteria/guidelines for NMCWD participation in others' projects.

Manager Kvam suggested, regarding the district's involvement, consideration of including some criteria to support or prioritize district involvement when a project may impact the actual streambed of the creek.

Manager Butler said she sees the biggest problems are around the creek and streambed as the district will have less control or less project management in those areas. She also commented she thinks the district should list in order of importance the ways in which the district's involvement may help.

President Cutshall commented that in his view all district projects are partnerships with the cities in which the projects are located. Ms. Kieffer said the district will likely have projects that it initiates and leads. She explained the list of involvement types is intended to apply to the projects in which the district is not the lead.

Ms. Kieffer explained the table presented in the memo is a proposed tool for communicating the district's project partnership criteria to partners.

Mr. Welch said it seems the regulatory-only category is being treated as a catch-all. He said this approach would help the district to not miss anything but he believes the district would be well advised to give that category some more thought to determine if there are some projects where the district would not have a regulatory role.

Ms. Kieffer said she would like to incorporate feedback into the draft memo and recirculate it to the managers and Technical Advisory Committee. President Cutshall

said he thinks the memo should be shared with the TAC with a general request for feedback.

Manager Butler wants the TAC to advise on how NMCWD could be involved in projects early in their development.

President Cutshall stated the district needs to come up with a big-picture plan to identify where water can be stored, where adaptive management can be used, where additional conveyance can be constructed, then the district should go to the TAC with that draft plan.

President Cutshall noted the scenarios presented tonight do not address who will pay for what. Mr. Welch said the higher levels of NMCWD involvement correlate with greater monetary involvement, though details will depend on the project. Manager Erin Hunker said it is too early to include this type of detail.

#### **IV. Adjournment**

**It was moved by Manager Hunker, seconded by Manager Butler to adjourn the meeting at 7:44 p.m. Upon vote, the motion carried.**

Respectfully Submitted,

  
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Grace Butler, Secretary