

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

THURSDAY, NOVEMBER 5, 2020

I. Call to Order

Chair Cutshall called the special meeting of the Board of Managers of the Nine Mile Creek Watershed District to order at 5:30 p.m., Thursday, November 5, 2020. 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

Manager Absent: None

Advisors Present: Janna Kieffer, Tom MacDonald, Bob Obermeyer, Barr Engineering, NMCWD engineers
Michael Welch, Smith Partners, NMCWD legal counsel

Staff Present: Randy Anhorn, Lauren Foley, Erica Sniegowski, and Gael Zembal

II. Employee 2021 Health Insurance Comparison Review and Recommendation

Administrator Anhorn reviewed the current healthcare benefits NMCWD provides employees. He said that in recent years, an annual maximum out-of-pocket amount for the health savings account (HSA) plan, known as BlueAccess HSA Gold 653, has risen from \$2,000 for individuals and \$4,000 for families in 2017 to \$2,500/\$5,000 this year (up from \$2,350/\$4,700 in 2020). He mentioned that per District policy, the District covers 100 percent of the employee cost and 75 percent of the family cost for insurance and the Board has elected to cover the full annual maximum out-of-pocket amount for each employee enrolling in the plan by providing an annual deposit into each employee's HSA account, which was \$2,350 in 2020.

Administrator Anhorn reminded the Board that last year the Board discussed that after the recent continued increases in premiums, staff was to work with its insurance brokerage firm, Morgan Planning Group to search and compare other health insurance options. Administrator Anhorn reported that after consulting with staff, the ad hoc personnel committee, and Morgan Planning Group, he recommends going with Health Partners 2400-100 HSA Open Access, which has lower monthly premiums for the District and employees, a \$2,400/\$4,800 annual maximum out-of-pocket amounts and nearly identical coverage. He pointed out the District's deposit into each employee's HAS account in 2021 would be \$2,400.

III. Lower Valley Creek Restoration History

Administrator Anhorn noted he and Mr. Obermeyer walked about four miles of the lower valley in Bloomington today to check on the condition of the creek. Tom MacDonald and Bob Obermeyer of Barr Engineering led a presentation on the history of the lower valley, including a summary of projects starting with projects from the early 1970s until present day. The early planning for the construction of an embankment at approximately 105th Street with a piped outlet to control the flows from the upstream watershed was presented. Based on comments received from the regulatory agencies, the Lower Valley plan was changed to the current plan allowing the creek to continue to naturally meander within the creek valley but provide the necessary stabilization for protecting the steep valley walls from erosion. In areas where the creek was undercutting the base of the valley walls, natural stabilization methods were not sufficient to prevent continued erosion from occurring and sheet piling was installed. Permeable timber vanes, stabilized with rock armoring, were constructed in other areas allowing flow in the creek channel to be maintained but away from the valley walls. The need for periodic maintenance with this type of stabilization was anticipated. At the completion of the project, the District and City of Bloomington entered into a maintenance agreement with costs incurred split 50-50. The maintenance costs incurred since the project's completion were presented.

Manager Sheely commented that regarding the Lower Valley Creek, it would be helpful for the District to permanently record what the costs were and who paid for them.

IV. Wetland Conservation Act 101

Attorney Welch noted the Wetland Conservation Act is a complicated law, and he will focus on presenting about the areas of the Act that NMCWD administers most frequently. He provided background and definitions. Attorney Welch discussed WCA versus state jurisdiction over Public Waters, administered by the Department of

Natural Resources (MnDNR). He said, that being said, that the MnDNR tools overlap with the District's tools at times and in some ways, WCA forces us to work together. He said in certain instance each can waive jurisdiction to one another, and enforcement activities are taken together. He said that for that reason, there is some overlap legal resources even through there is not actual overlap. Attorney Welch pointed out that WCA is state law but is implemented by Local Governmental Units, or LGUs, such as Nine Mile Creek Watershed District.

Attorney Welch explained WCA isn't land use law, but it is a process of shaping the use. He defined the no-loss determination and talked about exemptions and wetland banking. Attorney Welch described the WCA process, starting with an application to the WCA and moving on to the technical evaluation panel, which makes findings and recommendations. He said the timeline for WCA decisions is the same as for any regulatory decision that NMCWD makes: 60 days, which can be unilaterally extended to 120 days. Attorney Welch talked about the responsibility for the board to heed the TEP recommendation.

Manager Sheely asked for more details about Attorney Welch's reference to comprehensive wetland management plans. Attorney Welch stated that WCA authorizes such plans, which replace WCA rules with a tailored wetland-management plan for a defined subwatershed area. Manager Sheely said she thinks wetlands have been undervalued, particularly in terms of carbon sequestration and stormwater management. She said she has been thinking about how NMCWD can use science-based reasoning to evaluate the wetland-protection standards the District has in place and consider how it can strengthen wetland protection.

V. Adjournment

It was moved by Manager Olson, seconded by Manager Hunker, to adjourn the meeting at 7:34 p.m. On a roll call vote, the motion was approved unanimously.

Respectfully Submitted,



Erin Hunker, Secretary

