

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

**TUESDAY, OCTOBER 24, 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: Bob Cutshall, Chris-Ann Lauria, Peggy Kvam, and Larry Olson

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

Staff Present: Randy Anhorn (Administrator), Lizzy Boor (Watershed Specialist), Brett Eidem (Natural Resources Project and Planning Manager), Dylan Monahan (Administrative Assistant, part-time), Erica Sniegowski\* (Deputy Administrator), Zach Stafslien (Regulatory Program Manager), and Gael Zembal\* (Education and Outreach Coordinator).

\*Indicates attended virtually

**2. Approval of Regular Meeting Agenda**

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

**3. Reading and Approval of Minutes**

**a. Draft Minutes of September 7, 2023, board Workshop**

**Manager Kvam moved, seconded by Manager Olson to approve the minutes of the September 7, 2023, board workshop as drafted. Upon vote, the motion carried.**

**b. Draft Minutes of September 20, 2023, Regular board Meeting**

**Manager Olson moved, seconded by Manager Kvam to approve the minutes of the September 20, 2023, regular meeting as drafted. 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.

board

**5. Staff Updates**

Lizzy Boor reported the district's online cost-share grant-application system is being tested and should be live online next year.

Ms. Boor said staff is developing a framework for the district's special cost-share program funds, which has a budget of \$50,000. She explained the program is for additions to partner projects, so the district does not miss opportunities. Ms. Boor said staff will bring updates to the board in the future. Michael Welch reminded the board the basis for the special cost-share program is in the district's 10-year plan.

Gael Zembal reported she has been in conversation with the City of Eden Prairie regarding creating messaging for teachers.

**6. Treasurer's Report**

**Manager Olson moved, seconded by Manager Chris-Ann Lauria to accept the treasurer's report and pay the district's bills. Upon vote, the motion carried.**

**7. Administrator's Report**

Randy Anhorn noted staff found aquatic plants that might be hybrid watermilfoil in north Lake Cornelia. He said lab testing is being performed to confirm findings. Mr. Anhorn said hybrid milfoil is a hybrid of a native watermilfoil and Eurasian watermilfoil, an invasive species. He said staff enacted the district's aquatic invasive species rapid response protocol and if the plants are identified as hybrid watermilfoil, staff will do a survey in the spring to determine the distribution and extent of the infestation, then determine next steps.

Mr. Anhorn said the district will have a public hearing for the proposed Arrowhead Lake and Indianhead Lake projects at its November 2 workshop. He recommended that the November 2 workshop start at 4:30 p.m., with the public hearing at 5:30 p.m. The board consented to the recommendation.

**8. Unfinished Business**

**a. Arrowhead and Indianhead Lakes Feasibility Study & Preliminary Engineering Report**

Keith Pilgrim presented the findings of the engineer's feasibility study of several water-quality improvements for Arrowhead Lake and Indianhead Lake in Edina.

Dr. Pilgrim noted that the study evaluated internal and external load controls. He presented the study recommendations:

- For internal load control, conducting a combined aluminum and iron treatment and upgrading/installing a lake aeration system.
- For external load control, performing street sweeping in the tributary watersheds.

Dr. Pilgrim also recommended the lake associations discontinue the copper sulfate applications. Regarding the aeration design elements, Mr. Anhorn said staff heard feedback at the community meeting that there is interest in the aerator being centralized. Janna Kieffer said if the project moves forward to design, there will be a discussion with the city about how it wants to operate the system in the winter. She said there will be permitting requirements.

Dr. Pilgrim recommended a 10-year sediment treatment and monitoring plan for Arrowhead Lake, including tasks such as year one ferric chloride and sodium aluminate first-half dosing and year three second-half of the dosing, five years of monitoring, and reassessment in year 10. Dr. Pilgrim reported the estimated annualized cost per pound of total phosphorous removed for the proposed Arrowhead Lake sediment treatment and aeration is \$1,700.

For the Indianhead Lake 10-year sediment treatment and monitoring plan, Dr. Pilgrim recommended a ferric chloride and sodium aluminate dosing in year one and then in years five and 10. He said he expects the treatment to last 10 to 15 years. Dr. Pilgrim said the estimated annualized cost per pound of total phosphorous removed for the proposed Indianhead Lake sediment treatment and aeration is \$1,000.

Regarding external loading of phosphorous, Dr. Pilgrim said the areas with higher tree canopy coverage and no existing stormwater treatment tend to be higher priorities for street sweeping. Mr. Anhorn added that cities with phosphorus-reduction responsibilities can now receive credit for beyond-compliance street sweeping.

Dr. Pilgrim said other steps include finalizing the feasibility report with any comments from the board or public and the board ordering the project.

**b. RES Scope of Work for Whited Fen Restoration Project Action**

Brett Eidem presented the RES scope of work for restoration of Whited Fen in Minnetonka.

Mr. Eidem said the district will work with the city to secure long-term access to the restored wetland buffer areas and even potentially adding signage and a viewing platform. Mr. Eidem noted for the cost estimate for the six-acres of invasive plant control included in the project is for hand-wicking versus mechanical methods. He said the manual process is more accurate and creates less disturbance to the wetland.

Mr. Eidem said staff requests the board authorize the administrator to enter into an agreement with RES for completion of the October 17 scope of work to design the Whited Fen restoration and assist with permitting and contract solicitation for a total cost not to exceed \$26,000.

**Manager Olson moved, seconded by Manager Kvam, to enter into an agreement with RES LLC for completion of the October 17 scope of work to design the Whited Fen restoration and assist with permitting and contract solicitation for not to exceed \$26,000. Upon vote, the motion carried.**

**9. New Business**

**a. 2024 Metro Blooms Technical Assistance Agreement**

Ms. Boor reported the cost-share technical assistance program with Metro Blooms was very successful and staff recommends continuing the program for 2024. She said staff requests the board authorize the administrator to enter into a contract with Metro Blooms Design + Build on advice of legal counsel for not-to-exceed \$10,000.

**Manager Kvam moved, seconded by Manager Olson to authorize the Administrator to enter into contract with Metro Blooms Design + Build on advice of legal counsel for not-to-exceed \$10,000. Upon vote, the motion carried.**

**b. Barr Phase III Flood Risk Reduction and Resiliency Budget**

Mr. Anhorn reminded the board it approved a scope of work in December 2021 to complete Phase 3 of the Atlas 14 Flood Risk and Resiliency Project for \$180,000. Mr. Anhorn said the district received a 90% grant, or \$162,000, from the Federal Emergency Management Agency for the project. He said the district started the project in November 2022 and costs have changed compared to the estimates in the original scope of work.

Ms. Kieffer said project costs invoiced to the district through September 29, 2023, exceed the approved project costs by \$1,396.40. Ms. Kieffer requested that the board approve the additional project budget in the amount of \$15,000 to complete the scope of work.

**Manager Olson moved, seconded by Manager Lauria to authorize the additional expense not to exceed \$15,000 for the Atlas 14 scope of work authorized in December 2021. Upon vote, the motion carried.**

**c. Draft Linear Project Rule Revision**

Zach Stafshien explained that staff has completed work on a draft revision of the district's stormwater management rule as it pertains to linear or road projects. Mr. Welch said the purpose of the revision is to harmonize the district's linear provisions with the state requirements on public entities such as cities, while continuing to impose more stringent than the state rule on large project. Mr. Welch said with the revision the district will see more applications for linear projects and will be able to get a better sense of how much stormwater treatment opportunity is being missed.

Mr. Anhorn asked the board to authorize staff to release the proposed rule revision for the required 45-day comment period.

**Manager Olson moved, seconded by Manager Kvam to authorize staff to release the draft rules and memo for the statutory 45-day comment period. Upon vote, the motion carried.**

**10. Attorney's Report**

Mr. Welch reported the Plumbing Board, an entity under the Department of Labor and Industry, has issued an interpretive decision that makes a great number of stormwater best management practices noncompliant with state plumbing code. He said a number of entities are trying to work with the board to revise or refine its position. He will keep the board updated.

**11. Managers' Reports**

Manager Kvam said she attended the quarterly meeting of the metro chapter of Minnesota Watersheds. She said the Metropolitan Council is starting to work on its next comprehensive-plan framework, for cities' 2050 plans. Metropolitan Council started has issued research papers that are available on its website. She said perhaps the district could start its 10-year plan update with those research papers as well.

Manager Kvam reported that she attended the Minnesota Water Resources Conference in person.

**12. Adjournment**

**It was moved by Manager Olson, seconded by Manager Lauria to adjourn the meeting at 8:50 p.m. Upon vote, the motion carried.**

Respectfully Submitted,



Grace Butler, Secretary



## Minnesota Watersheds 2023 Delegate Appointment Form

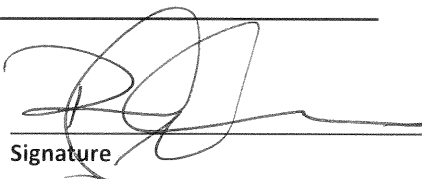
The NINE MILE CREEK WD hereby certifies that it is  
*name of watershed organization*  
a watershed district or watershed management organization duly established and in good standing pursuant to Minnesota Statutes 103B or 103D and is a member of Minnesota Watersheds for the year 2023.

The NINE MILE CREEK WD hereby further certifies  
*name of watershed organization*  
the following individuals have been appointed as delegates, or as an alternate delegate, all of whom are managers in good standing with their respective watershed district or watershed management organization.

Delegate #1: GRACE BUTLER

Delegate #2: PEGGY KVAM

Alternate: \_\_\_\_\_

Authorized by:   
Signature \_\_\_\_\_ Date \_\_\_\_\_  
ADMINISTRATOR  
Title \_\_\_\_\_

\*\* Please return this form to [mnwatershed@gmail.com](mailto:mnwatershed@gmail.com) at your earliest convenience. \*\*

