

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

**THURSDAY, OCTOBER 3, 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.

Managers Present: Brian Kirk, Peggy Kvam, Chris-Ann Lauria, Larry Olson

Manager Absent: Bob Cutshall

Advisors Present: Bridgette Bjorkland\* (Zann Associates), Janna Kieffer\* and Greg Williams (Barr Engineering), and Michael Welch (Smith Partners)

Staff Present: Elizabeth Boor (Watershed Specialist), Brett Eidem (Planning and Project Manager), Cynthia Rubio (Administrative Specialist), Erica Sniegowski (Administrator), Zach Stafslie (Regulatory Program Manager), Claire Volk (-GreenCorps Member), Jordan Wein (Water Resources Project Manager), and Gael Zembal (Education and Outreach Coordinator).

\*Indicates virtual attendance

**2. Oath of Office: Brian Kirk**

Brian Kirk took the oath of office as manager of the Nine Mile Creek Watershed District.

3. **Water Management Plan Gaps Analysis Scope of Work**

Erica Sniegowski said the gap analysis is a soft kick-off of the district’s watershed management plan update process. She introduced Greg Williams of Barr Engineering to share the scope of work for the gaps analysis requested by the district. This will help managers and staff understand the current plan, prepare for the plan update process, and identify issues to address.

Mr. Williams described components of the gap analysis, including assessment, review, and identification of priority issues. Barr will also facilitate a workshop with the board as a first step in setting the direction for the plan update and informing other engagement steps.

Ms. Sniegowski noted the scope-of-work schedule is aggressive, with a plan to conduct the work and present it to the board at its November workshop. She added that staff time, mostly hers, will be needed to meet this timeline.

Ms. Sniegowski said staff are asking the board to approve the scope of work.

**Manager Kvam moved, and Manager Lauria seconded, to authorize Barr Engineering to complete the gaps analysis for not to exceed \$12,000. Upon vote, the motion carried.**

4. **Diversity, Equity, Inclusion and Accessibility Draft Plan**

Elizabeth Boor summarized work performed by the district since 2022 regarding its diversity, equity, inclusion and accessibility analysis, policy, and plan development. She shared the district’s DEIA policy’s language adopted by the board:

The Nine Mile Creek Watershed District strives to understand and prioritize diversity, equity, inclusion and accessibility. Within the context of strategic watershed management, the district will work toward addressing current and historical inequities in every facet of its operation.

Bridgette Bjorkland of Zan Associates shared the slide presentation “A DEIA Lens to Environmental Work.” She talked about the importance of organizations holding themselves accountable to build trust with vulnerable populations, which builds relationships with those populations and leads to collaboration. Ms. Bjorkland walked the board through the Zan Associates’ deliverables to the district, including the public-facing summary of the district’s DEIA plan, internal DEIA checklist, and Equity Tool.

Ms. Boor said the next steps include district staff and legal counsel reviewing Zan’s recommendations and deliverables to determine what is feasible legally and economically and then setting up a timeline for incorporating those things. She said staff will publicly release the district’s DEIA plan executive summary. Ms. Boor

asked the managers to email her directly with any requested edits regarding the materials presented.

**5. Holiday, Wing, Rose Birch Island Lakes Drainage Study**

Ms. Sniegowski said the district has a partnership opportunity with the City of Minnetonka. She summarized that the City of Minnetonka is considering upsizing pumps to move more water from Lake Holiday to Wing Lake when water levels are too high, she said the impacts of moving that water downstream are unknown.

Ms. Sniegowski said the scope of work is drafted for Barr Engineering Co. to complete the work for the City of Minnetonka. Minnetonka has requested that the district participate in the study as a project partner. Ms. Sniegowski said under the guidelines for NMCWD participation in flood management and flood risk-reduction efforts developed in 2023, the study is a high priority for district involvement, especially given the regional nature of the flooding concern. She said the next step if the Board agrees to move forward is to formalize the partnership and to determine the district's financial contribution toward the project cost of \$94,550. Ms. Sniegowski recommended that the district contribute \$25,000. She said the district has funds in its 2025 budget for costs and funds in its 2024 budget if work starts this year.

On response to a question from Manager Brian Kirk, Michael Welch stated that the agreement between the city and district would provide a process for decision making and directing the work. It would provide for mutual indemnification, and neither party would take responsibility for the other party's actions or decisions. The agreement would explicitly provide for the district to retain its regulatory authority. Manager Chris-Ann Lauria asked how Barr would work to fulfill the scope of work for the City of Minnetonka and represent the district with full transparency. Mr. Welch noted that under the agreement between the district and Barr, the managers would need to waive the conflict of interest and authorize Barr to work for the city on the project.

Manager Kirk mentioned the need to consider the potential financial liability and public opinion when assessing the risk of a potential conflict of interest. He asked staff and the engineer to present information to the board that would give the managers an idea of the level of risk. Manager Kirk said he understands the legal aspects of the issue will be resolved, but the district needs to address the political aspects of it.


6. **Adjourn**

**Manager Lauria moved, and Manager Kirk seconded, to adjourn the workshop at 7:39 p.m. Upon vote, the motion carried.**

Respectfully Submitted,

---

Chris-Ann Lauria, Secretary

Signature:   
Chris-Ann Lauria (Nov 26, 2024 17:04 CST)  
Email: calauria21@aol.com






# NMCWD-October-3-2024-Workshop-Minutes

Final Audit Report

2024-11-26

Created:	2024-11-21
By:	Cynthia Rubio (office@ninemilecreek.org)
Status:	Signed
Transaction ID:	CBJCHBCAABAAopV61PmsOt5vs2XCAylriGxrYQdFqFbv

## "NMCWD-October-3-2024-Workshop-Minutes" History

-  Document created by Cynthia Rubio (office@ninemilecreek.org)  
2024-11-21 - 6:07:02 PM GMT
-  Document emailed to Chris-Ann Lauria (calauria21@aol.com) for signature  
2024-11-21 - 6:07:07 PM GMT
-  Email viewed by Chris-Ann Lauria (calauria21@aol.com)  
2024-11-26 - 11:03:56 PM GMT
-  Document e-signed by Chris-Ann Lauria (calauria21@aol.com)  
Signature Date: 2024-11-26 - 11:04:23 PM GMT - Time Source: server
-  Agreement completed.  
2024-11-26 - 11:04:23 PM GMT