

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

WEDNESDAY, SEPTEMBER 18, 2024

1. Call to Order of the Regular Board Meeting

President Larry Olson called the Nine Mile Creek Watershed District Board of Managers regular meeting to order at 6:32 p.m. The meeting was held at the NMCWD office, Discovery Point, 12800 Gerard Drive, Eden Prairie.

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

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

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

Others Present: Mike Berndt, Brian Kirk, Brian Wolff, and Ms. Wolff

2. Approval of Regular Meeting Agenda

Michael Welch recommended administering the oath of office to Manager Robert Cutshall at the outset of the meeting.

Manager Peggy Kvam moved, seconded by Manager Grace Butler to approve the meeting agenda as modified. Upon vote, the motion carried.

4. **Action Items**

a. **Manager's Oath of Office: Robert Cutshall**

Robert Cutshall took the oath of office as manager of Nine Mile Creek Watershed District.

3. **Public Open Forum**

Brian Wolff, a resident of Bloomington, said he represents the group Restore the Nine, which has about 1,000 members. He reported that Restore the Nine recently prepared a position paper, and the District should have received an electronic copy. Dr. . Wolff and his wife handed the managers and staff paper copies of the position paper. He said the group can be reached through its website, and he can be reached at the contact information on his card, which he left with staff. Dr. Wolff said the District has a Memorandum of Understanding with the City of Bloomington and is a partner in the Nine Mile Creek Renewal Project. Restore the Nine wants the District to know the group's position on the project.

4. **Action Items**

b. **Eurasian Watermilfoil Treatment Contract**

Administrator Sniegowski explained the District wants to protect the native plant population in Normandale Lake, and this work would be for conducting herbicide treatment of the invasive Eurasian watermilfoil plant in the lake.

Janna Kieffer reported the District received one quote in response to its Request for Quotes. She said the quote for the treatment is \$14,700.00, which is a little higher than anticipated. Ms. Kieffer said it is unknown how fast the invasive species will spread, and she recommends treatment this fall.

Manager Butler moved, seconded by Manager Chris-Ann Lauria, to authorize the administrator, with advice of counsel, to enter into an agreement with PLM Lake & Land Management Corp for not to exceed \$14,700. Upon vote, the motion carried.

c. **Houston Engineering Scope of Work Amendment**

Lizzy Boor reported the Board previously approved the agreement with Houston Engineering for a scope of work with a cost not to exceed \$15,050 for an estimated 100 hours of work. She reported the work has included more iterations

and testing than anticipated, for 130 total hours of work to date and a cost of \$19,950. Ms. Boor said the District had not been tracking to make sure monthly invoices were received from Houston Engineering. Moving forward, staff will do so to make sure this type of unexpected overage does not happen again. She said Houston Engineering is asking for payment for the work.

Manager Cutshall said the agreement stated the not-to-exceed terms, and a change order would have been needed before Houston Engineering could proceed with additional work. Manager Butler commented that when the District started this project, it already seemed evident this would be module-type work where additional work and costs may be needed. She asked if the District could add this as a line item to the annual budget. She said she does not see the need for some ongoing work year-to-year going away. Manager Butler asked staff to look ahead and plan for this type of work each year.

Manager Peggy Kvam moved, seconded by Manager Butler, to authorize the administrator to execute an amendment to the agreement with Houston Engineering for \$4,900 for a total not to exceed \$19,950. Upon vote, the motion carried.

5. Treasurer's Report

Manager Kvam highlighted some of the disbursements and adjustments listed in the report.

Manager Butler moved, seconded by Manager Lauria, to accept the treasurer's report and pay the bills as presented. Upon vote, the motion carried.

6. Consent Agenda

a. Minutes August 1, 2024, Board Workshop

b. Minutes of August 21, 2024, Board Meeting

Manager Cutshall moved, seconded by Manager Butler to approve the consent agenda. Upon vote, the motion carried.

7. **Discussion Items**

a. **Lake Assessment Framework**

Ms. Kieffer displayed the slide presentation “Project Assessment Framework for Lake WQ Improvement Projects.” She reminded the Board the project is to develop a framework to:

- Formalize the District’s process for monitoring and assessing the effectiveness of lake management projects.
- Characterize the lake management status following project implementation.
- Identify/document the next steps for lake management.

Ms. Kieffer indicated that the District has been implementing an adaptive management approach to lake management, which promotes flexible decision-making and includes monitoring and periodic assessments.

Manager Butler commented she would like the process to include a way to exit the continual management process. She said there will also need to be a prioritization process, as there will not be enough money for every lake to go through every layer of the adaptive management process.

b. **South Fork Project Updates**

Brett Eidem updated the managers on conditions on a property needed for the portion of the South Fork project in Bloomington. He noted that the site has documented contamination and the property owner has worked with the Minnesota Pollution Control Agency to secure liability assurance for its project, but the review did not include the district’s proposed bank-stabilization and habitat-improvement work. He noted that the district’s project engineer has reviewed data on site conditions, and the board has reviewed a scope of work for additional testing on the property. But the property owner has expressed reluctance to authorize sampling by the district.

The managers indicated generally that they are not comfortable proceeding with the project unless NMCWD can obtain, at a minimum, additional data on site conditions.

8. **Updates**

a. **Administrator's Report**

Administrator Sniegowski announced that tonight is Manager Butler's final meeting as a manager. Administrator Sniegowski thanked Manager Butler for everything she has done for the District.

b. **Staff Reports**

Gael Zembal said the District's GreenCorps member starts on Monday.

Brett Eidem reported tree removal is in progress on the South Fork project. Temporary signage will go up tomorrow, notifying people that a restoration project is in process.

c. **Engineer's Report**

Ms. Kieffer reported on the Holiday Wing Rose Water Quality improvement project. She said the alum treatment will be either October 2nd or 3rd, and there will be a meeting for residents on October 1.

d. **Manager Reports**

Manager Butler encouraged her fellow managers to be comfortable voting no or abstaining from voting as they see fit.

9. **Adjournment**

It was moved by Manager Butler, seconded by Manager Lauria, to adjourn the meeting at 8:27 p.m. Upon vote, the motion carried.

Respectfully Submitted,

Chris-Ann Lauria
Chris-Ann Lauria, Secretary

Signature: 
Chris-Ann Lauria (Nov 1, 2024 05:57 CDT)

Email: calauria21@aol.com






NMCWD-September-18-2024-Regular-Board-Meeting-Minutes

Final Audit Report

2024-11-01

Created:	2024-10-24
By:	Cynthia Rubio (office@ninemilecreek.org)
Status:	Signed
Transaction ID:	CBJCHBCAABAAFIjrbkXCA72IC8plfVQagkF_3f_5-ShT

"NMCWD-September-18-2024-Regular-Board-Meeting-Minutes" History

-  Document created by Cynthia Rubio (office@ninemilecreek.org)
2024-10-24 - 6:52:54 PM GMT
-  Document emailed to Chris-Ann Lauria (calauria21@aol.com) for signature
2024-10-24 - 6:52:59 PM GMT
-  Email viewed by Chris-Ann Lauria (calauria21@aol.com)
2024-11-01 - 10:56:45 AM GMT
-  Document e-signed by Chris-Ann Lauria (calauria21@aol.com)
Signature Date: 2024-11-01 - 10:57:13 AM GMT - Time Source: server
-  Agreement completed.
2024-11-01 - 10:57:13 AM GMT