

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

WEDNESDAY, SEPTEMBER 20, 2023

1. Call to Order of the Regular Board Meeting

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, MN.

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

Advisors Present: Janna Kieffer (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), Erica Sniegowski (Deputy Administrator), Zach Stafslie* (Regulatory Program Manager), and Gael Zembal (Education and Outreach Coordinator).

*Attended virtually

2. Approval of Regular Meeting Agenda

Randy Anhorn recommended removing the RES scope of work for the Whited Fen Restoration Project and the 2024 Metro Blooms technical assistance agreement, and shifting the succession planning discussion to after the managers reports.

Manager Grace Butler moved, seconded by Manager Erin Hunker to approve the meeting agenda as amended. Upon vote, the motion carried.

3. Reading and Approval of Minutes

a. Draft Minutes of August 3, 2023, Workshop

Manager Butler moved, seconded by Manager Peggy Kvam to approve the minutes of the August 3, 2023, workshop as drafted. Upon vote, the motion carried.

b. Draft Minutes of August 16, 2023, Regular Board Meeting

Manager Hunker moved, seconded by Manager Larry Olson to approve the minutes of the August 16, 2023, meeting as drafted. Upon vote, the motion carried.

4. Public Open Forum

a. General Interest

No members of the public were in attendance and no items were raised in the public open forum.

5. Consent Agenda

a. Administratively Approved Permits and Inspection Report

b. Engineer's Report

c. Project and Program Manager Job Description

Mr. Anhorn highlighted the Project and Program Manager job description, noting that they would be posting the position yet this week.

6. Staff Updates

Janna Kieffer reported the National Oceanic and Atmospheric Association announced a nationwide update of the precipitation frequency estimates, which will be titled Atlas 15. She said NOAA solicited feedback on the proposed methodology in fall of 2022 and Barr Engineering submitted comments. Ms. Kieffer said preliminary estimates will be released in 2025 and the peer-reviewed publication will be out in 2026.

President Cutshall asked if the district's models will need to be updated with the new estimates. Ms. Kieffer responded yes. She said staff and the district's models are well situated to incorporate the new precipitation data.

Gael Zembal reported she and Erica Sniegowski met with the Riley Purgatory Bluff Creek Watershed District and the Lower Minnesota River Watershed District to kick off planning for watershed education for elected officials.

7. **Treasurer's Report**

a. **US Site Works Pay Application #6 for the Lynmar Basin Stormwater Retrofit Project**

Ms. Kieffer said the US Site Works pay application is for the payment of the remaining plant plugs installed. She said that the requested payment reflects a total quantity of plant plugs consistent with the quantity in the project bid documents. Ms. Kieffer reported that US Site Works provided appropriate documentation and the engineer recommends full payment of the pay app in the amount of \$4,296.60.

Manager Olson moved, seconded by Manager Hunker to accept the treasurer's report and pay the bills including the US Site Works pay application #6 for the Lynmar Basin Stormwater Retrofit Project. Upon vote, the motion carried.

8. **Administrator's Report**

Mr. Anhorn reminded the board that its October 5th workshop will include a presentation on several of the district's cost-share grant program. Mr. Anhorn mentioned staff members and President Cutshall plan to meet to discuss setting up a flood resiliency visioning task force. He asked for another manager to participate. Manager Butler agreed to participate in the task force.

Ms. Sniegowski reported staff is planning to cancel its Zoom subscription and using Microsoft Teams instead.

9. **Unfinished Business**

a. **Minnesota Watersheds Annual Conference**

i. **RPBCWD 2023 Proposed Limit Wake-Boat Damage to Shorelines and Water Quality Resolution**

Manager Butler moved, seconded by Manager Kvam to support Riley Purgatory Bluff Creek Watershed District's proposed 2023 resolution on wake-boat damage and authorize the administrator to communicate the support to Minnesota Watersheds. Upon vote, the motion carried.

President Cutshall suggested that NMCWD consider introducing a resolution to Minnesota Watersheds in 2024 to support groundwater initiatives and entities that are trying to work on groundwater initiatives.

Mr. Welch suggested that support for completion of a Hennepin County groundwater plan.

c. **Phase 3 of Flood Risk Reduction and Resiliency Study Information/Discussion Update**

i. **Presentation**

Ms. Kieffer reviewed several specific possible projects NMCWD could undertake or support to address the flood risks that the NMCWD engineers have identified through the analysis of flood resiliency analysis of the Nine Mile Creek corridor.

Ms. Kieffer reminded the managers the locations of the project opportunities investigated, including Bredesen Park, Creek Valley/Edina High School Floodplain, Lake Smetana, Braemar Golf Course, and the floodplain upstream of East Bush Lake Road. She pointed out the Bredesen Park project opportunity shows the best direct-flood impact benefit to cost ratio, at a ratio of 0.7, of the six projects explored. Ms. Kieffer said that the project opportunities with the greatest benefits for creating downstream flood storage capacity included Bredesen Park, Lake Smetana, and the Braemar Golf Course. These projects also had lower cost/benefit, reported as \$ per acre-foot of downstream flood storage capacity. Ms. Kieffer reminded the board the primary objective of the overall study is to look at the creek as a whole and try to optimize flood storage. Mr. Welch asked if there will be ongoing maintenance costs associated with any of the six evaluated projects. Ms. Kieffer said yes, any infrastructure project will have ongoing maintenance costs, which have not been figured into project costs at this point.

Ms. Kieffer pointed out project considerations include upstream flood impacts, permitting, landownership, partnerships, project constructability, potential natural resource impacts, and site-specific land uses. Mr. Welch noted the district has condemnation authority. Ms. Kieffer added the flood resiliency analysis focused on public properties.

Manager Butler asked if there is additional flood storage capacity just north of Normandale Lake and west of East Bush Lake Road. Ms. Kieffer said based on the information the district has, it does not seem like there is, but collecting topographic survey information in that area would help to determine available flood storage capacity.

Ms. Kieffer said based on the analysis of the six possible projects, the engineer's recommends the district to move forward to order a feasibility study for the Bredesen Park/North Fork of Nine Mile Creek

project in coordination with the City of Edina. She explained the district engineer does not recommend moving forward with the Creek Valley/Edina High School concept but to consider incorporating portions of that concept into the Bredesen Park feasibility analysis.

Ms. Kieffer reported the district engineer recommends grouping the Lake Smetana and Braemar Golf Course projects together and to order a feasibility study and coordinate with city partners, Bloomington and Eden Prairie. She said the district engineer does not recommend moving forward at this time with the South Fork at East Bush Lake Road concept. She explained if the Lake Smetana plus Braemar Golf Course projects move forward, peak flows through this area would be much lower during large storm events, meaning there may be a better concept to address those new conditions. Ms. Kieffer recommended the district consider incorporating portions of that concept into the Lake Smetana/Braemar Golf Course feasibility analysis.

Ms. Kieffer recommended next steps to include modeling the combination of the Bredesen Park/North Fork of Nine Mile Creek and Lake Smetana/Braemar Golf Course flood mitigation projects to determine their combined downstream flood storage benefits.

Mr. Anhorn said no action is needed tonight. He said the draft report will go to the district's Technical Advisory Committee and once staff receives the TAC's comments, staff will bring this topic back to the board. Then the board may consider moving forward with feasibility studies on these projects.

Manager Butler said she is more excited about the second project, Lake Smetana/Braemar Golf Course, and the idea of working with multiple cities. President Cutshall said it is hard to ignore the Bredesen project, even though it is complicated, because it will achieve the biggest bang for the buck.

Mr. Anhorn commented these projects have beneficial downstream impacts, so the district needs to look at the projects in that sense, even if the district has done projects previously in some of those locations.

10. **Attorney's Report**

Mr. Welch reported that he continues to work with a task force on limited-liability chloride legislation.

The board recessed the meeting at 8:25 p.m.

The board reconvened the meeting at 8:32 p.m.

10. New Business

b. Succession Planning Discussion

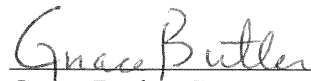
Mr. Anhorn provided the managers with his letter of resignation stating that his last day will be December 31, 2023. He said that as part of the transition to hiring Ms. Sniegowski as his successor, the managers needed to discuss and agree on the terms of their offer to her.

It was moved by Manager Butler, seconded by Manager Olson to authorize the board president to offer the position of administrator of the Nine Mile Creek Watershed District to Erica Sniegowski starting January 2, 2024, at a starting annual salary of \$120,000 with a 6-month probationary period, after which the salary would increase to \$125,000 per year with annual reviews and an increase in paid time off accrual to 10.33 hours per pay period. Upon vote, the motion carried.

12. Adjournment

It was moved by Manager Olson, seconded by Manager Kvam to adjourn the meeting at 8:38 p.m. Upon vote, the motion carried.

Respectfully Submitted,



Grace Butler, Secretary