

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

THURSDAY, SEPTEMBER 21, 2022

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: Bob Cutshall, Erin Hunker, Peggy Kvam, and Larry Olson
Manager Absent: Grace Butler
Advisors Present: Janna Kieffer (Barr Engineering) and Michael Welch (Smith Partners)
Staff Present: Randy Anhorn (District Administrator), Brett Eidem (Natural Resources Project and Planning Manager), Lauren Foley (Permitting and Policy Manager), Erica Sniegowski (Program and Project Manager), and Gael Zembal (Education and Outreach Coordinator)
Others Present: Brian Beck (Minnehaha Creek Watershed District) and Ross Bintner (City of Edina)

2. Approval of Regular Meeting Agenda

Manager Olson moved, seconded by Manager Hunker to approve the meeting agenda as drafted. On vote, the motion was approved.

3. **Reading and Approval of Minutes**

a. **Draft Minutes August 4, 2022, Public Hearing and Workshop**

Manager Kvam moved, seconded by Manager Olson to approve the minutes of the August 4, 2022, public hearing and workshop as drafted. On vote, the motion was approved.

b. **Draft Minutes August 17, 2022, Public Hearing and Regular Board Meeting**

Manager Hunker moved, seconded by Manager Olson to approve the minutes of the August 17, 2022, public hearing and regular board meeting as submitted. On vote, the motion was approved.

4. **Public Open Forum**

a. **General Interest**

No members of the public raised any items of general interest.

5. **Consent Agenda**

a. **Administratively Approved Permits**

b. **Permit Inspection Report**

c. **Revised Proposed MAWD Chloride Reduction Legislation Resolution**

d. **Staff Reports**

i. **Permit and Policy Manager**

ii. **Education and Outreach Coordinator**

iii. **Natural Resources Project and Planning Manager**

iv. **Program and Project Manager**

v. **Engineer's Report**

Brett Eidem stated that construction on the Lynmar Basin project has started, with tree removal. Grading will begin next week. Installation of the sand trench and silt fence will happen in early October. Manager Peggy Kvam asked when they will do the sewer connections. Mr. Eidem responded removal of storm structures will happen concurrently or just after the installation of the sand trench, likely in the first or second week of October.

Erica Sniegowski announced the district's Minnesota GreenCorps member, Alissa Schmidt, started this week and will be here through mid-August 2023.

6. **Treasurer's Report**

Manager Kvam highlighted some of the invoices and disbursements listed in the treasurer's report. Manager Kvam said she, President Cutshall, and Randy Anhorn met with the accountant about a new page in the report, which shows where the district is at with its budget dollars that are assigned versus unassigned funds. President Cutshall explained the page shows total revenue, expenses and amounts remaining after the grants and levies.

Manager Olson moved, seconded by Manager Hunker to accept the treasurer's report and approve paying the district's bills. Upon a roll call vote, the motion was approved 4-0.

7. **Administrator Report**

Mr. Anhorn noted reported that county appointments to the board will take place September 27. Mr. Anhorn said staff discussed design options for the Southdale Library site with Hennepin County staff. The site is set to be redeveloped into a new library and low-income residential. He said staff will be meeting with the county again to discuss partnership opportunities between Hennepin County and the district.

Mr. Anhorn reminded the managers that the board retreat will be take place from 3 to 7:30 p.m. October 27 at Eden Prairie Community Center

8. **Unfinished Business**

a. **Minnehaha Creek Watershed District's Water Level Monitoring**

Mr. Anhorn introduced Brain Beck, research and monitoring program manager with Minnehaha Creek Watershed District (MCWD). He stated that at the request of the Board President, Mr. Beck was here tonight to provide a presentation on their water level monitoring and management system using artificial intelligence.

Mr. Beck, provided a presentation on how MCWD uses predictive technology to measure streamflow, rainfall and runoff to manage storage in Lake Minnetonka and discharge from Gray's Bay dam to Minnehaha Creek.

Mr. Beck said MCWD has determined that such machine-learning supplements but does not replace hydrologic and hydraulic models for data analysis and prediction.

City of Edina staff member Ross Bintner commented the adaptive approach the MCWD is using is consistent with the city's adaptive-management approach at its Morningside flood-infrastructure project. He indicated that the city has approached NMCWD, Richfield and Bloomington to discuss a partnership to

review options for utilizing an adaptive-management approach for locations within the Nine Mile Creek watershed.

The managers thanked Mr. Beck for taking the time to present MCWD's work.

b. Proposed District Rule Revision

i. Matrix of Proposed Changes

Lauren Foley review proposed rule changes, noting that there are no new changes from prior review.

Ms. Foley said staff presented the proposed changes to the district's Technical Advisory Committee, along with the summary of the analysis staff completed that supported revising the threshold for the Stormwater Management Rule to reduce the number of single-family home projects subject to it. She presented data showing that 75 permits for projects on properties other than single-family home sites resulted in 1,148 pounds of phosphorous removed, 225,175 pounds of total suspended solids removed, and 824,759 cubic feet of stormwater volume retained. The 94 single-family home projects reviewed produced 23.8 pounds of phosphorous removed, 5,544 pounds of total suspended solids removed and 115,076 cubic feet of stormwater volume retained.

Ms. Foley stated that the data show that non-single family projects are providing the majority of the water quality and water quantity benefits.

Ms. Foley reported staff has received comments from the TAC about the district's rules, particularly related to liner projects and the state Municipal Separate Storm Sewer System program. She said staff will come back to the board with an addition to the proposed rules changes to address the stormwater rule related to linear projects.

Attorney Michael Welch noted that single-family home owners could either inadvertently or knowingly parcel out their projects to escape coverage under proposed change to single-family home stormwater provisions. But he said the district cannot really regulate for that possibility. President Cutshall said that would not be a cost-effective way for a homeowner to do a project.

c. **Nonprofit BMP Agreement Amendments**

Erica Sniegowski said discussions with nonprofit partners on whose property best-management practices have been installed has identified a concern about maintenance of underdrains installed to allow rain gardens to drain in the event stormwater does not infiltrate. She said the work required is beyond the capacity of the volunteers who, for the most part, will provide maintenance. Staff recommends an amendment to the agreements with the nonprofits to provide for maintenance of the underdrains by NMCWD at its expense for 15 years. She said the amendments would also provide for access rights so the NMCWD can go onto the properties to inspect and perform the work.

Manager Hunker moved, seconded by Manager Kvam to authorize the administrator on advice of legal counsel to amend the nonprofit cooperative agreements to provide for 15 years of underdrain maintenance by NMCWD at its expense. Upon vote, the motion was approved.

9. **New Business**

a. **Riley-Purgatory-Bluff Creek Watershed District's Wake Boat Resolution**

Mr. Anhorn stated that the board expressed an interest in providing a letter of support for Riley-Purgatory-Bluff Creek Watershed District's Minnesota Association of Watershed District's resolution asking for state action to limit wake-boat damage to shorelines and water quality. He said the RPBCWD resolution is in the meeting packet. Mr. Anhorn said Bryant Lake is the only lake in the NMCWD that would have wake boats.

President Cutshall asked if the resolution would apply state-wide. Mr. Anhorn said state-wide. Mr. Welch said the idea behind the resolution is broad because something watershed organizations do not have jurisdiction over surface-water use. Mr. Welch explained the resolution would direct MAWD to push for more regulation of wake boats.

Manager Olson moved, seconded by Manager Kvam to authorize the administrator to write a letter of support of Riley-Purgatory-Bluff Creek Watershed District's wake-boat resolution. Upon vote, the motion was approved.

b. **NMCWD Salary Survey**

Manager Larry Olson reported that NMCWD conducts a salary survey approximately every five years to review salary ranges and adjust them with respect to inflation and staying competitive in the job market. He presented the NMCWD 2022-2023 salary structure and said he and Manager Grace Butler comprise the Personnel Committee and are available to answer any questions as is Mr. Anhorn.

Manager Olson said the Personnel Committee is asking the Board to accept the 2022-2023 salary survey report and authorize the administrator to use the report's data for hiring and for merit increases.

Manager Kvam commented given how hard inflation is hitting, the managers should not wait five years to do the next salary survey.

Manager Olson moved, seconded by Manager Hunker to accept the 2022-2023 salary survey report and authorize the administrator to use the report's data for hiring and for merit increases in accordance. Upon vote, the motion was approved.

c. MAWD Draft Strategic Plan

Mr. Anhorn reported MAWD is requesting comments on its draft strategic plan by September 30. He said he doesn't have any of his own. Mr. Anhorn said MAWD will bring the plan to its own members for a vote.

President Cutshall asked if there has been talk at or with MAWD about having human resources services available to member watershed districts. Mr. Welch said can be an education and training resource for managers and staff regarding best practices, but is not equipped to provide human-resources support.

President Cutshall noted the Board is considering this agenda item an information-only item.

d. Arrowhead and Indianhead Lakes Engineer's Report Scope

Ms. Kieffer presented information to the board regarding the water-quality study recently completed for Arrowhead and Indianhead lakes that recommends consideration of lake- and watershed-management activities to improve water quality. She reminded the managers of previously presented recommended management options, including:

- Arrowhead Lake Bottom Sediment Treatment to manage internal loading – estimated annualized cost \$14,000-\$15,000

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- Arrowhead and Indianhead Lake Watershed Targeted Street Sweeping program to manage external loading – estimated annualized cost \$42,000
- Soil Sampling Program for resident fertilization assessment to manage external loading - estimated annualized cost \$7,000

Ms. Kieffer listed the core tasks and costs estimates identified in the scope of work:

- Task 1: Alum + iron in-lake treatments to reduce internal loading – estimated cost \$23,340
- Task 2: Evaluation of aeration systems in Arrowhead Lake and Indianhead Lake – estimated cost \$18,390
- Task 3: Enhanced street sweeping to provide source control within lake drainage areas – estimated cost \$12,430
- Task 4: Final report and presentation – estimated cost \$17,115.

Manager Olson asked if residents near the lakes are aware of the possible work. Mr. Anhorn said staff have met with residents, who are generally in favor improvement work. He said the staff have talked with the residents about discontinuing practices such as adding blue dye to lake water.

Mr. Anhorn said the recommended action is to authorize Barr Engineering to undertake the feasibility-study scope of work in the meeting packet at a cost not to exceed \$71,275.

Manager Olson moved, seconded by Manager Hunker to authorize Barr Engineering to undertake the Arrowhead and Indianhead feasibility scope of work at a cost not to exceed \$71,275. Upon vote, the motion was approved.

11. Attorney's Report

Attorney Welch reported that the Minnesota Department of Administration suggested in a recent meeting if an organization's office is open, the board should not be still meeting virtually.

12. Managers' Reports

President Cutshall reminded the managers to submit reimbursement forms if they have any.

Manager Kvam commented Riley-Purgatory-Bluff Creek Watershed District residential cost-share grant sends a technical profession to prospective applicants' sites to help assess project options. Ms. Sniegowski said Hennepin County does not have a soil and water conservation district, so NMCWD does not have the ability to hire that resource as RPBCWD does.

13. Adjournment

It was moved by Manager Hunker, seconded by Manager Kvam to adjourn the meeting at 9:04 p.m. Upon vote, the motion was approved.

Respectfully Submitted,



Grace Butler, Secretary