

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

WEDNESDAY, APRIL 16, 2014

Call to Order

Chair Lynch called the meeting of the Board of Managers of the Nine Mile Creek Watershed District to order at 7:00 p.m., Wednesday, April 16, 2014, at the Nine Mile Creek Watershed District Office, 7710 Computer Avenue, Suite 135, Edina, MN 55435.

Managers Present: Lynch, Kloiber, Segreto and Peterson

Managers Absent: Twele.

Advisors Present: Kevin Bigalke, Louis Smith, Robert Obermeyer, and Erica Sneigowski

Agenda

Administrator Bigalke requested to move an item from the Engineer's Report to the Permit Hearings portion of the agenda dealing with a WCA Notice of Decision. He requested to add two items under New Business titled Discussion and Direction of the Three Rivers Regional Trail through Edina and the Interpretation of Wetland Impacts for Boardwalks as well as Consideration of Reimbursement to Barbara Kaerwer for the Appraisal of her Home. Manager Segreto moved, seconded by Manager Kloiber, to approve the agenda. Upon a vote, the motion carried.

Reading and Approval of Minutes

The Chair called for review of the minutes of the Regular Meeting of March 17, 2014. It was noted that Manager Segreto was absent and should be listed as such. Chair Lynch noted on page three, under Attorney Welch's comments, it should state, "...rules state that is if a variance is..."

Manager Segreto moved, seconded by Manager Peterson, to approve the minutes with the noted corrections. Upon a vote, the motion carried.

Correspondence

There was none.

Citizens Advisory Committee/Education & Outreach Report

The Chair called for the report of the Citizens Advisory Committee. Education and Outreach Coordinator Sneigowski provided her monthly update as it was not included in the Board packet. She reported that the summer education series has been set and also provided that schedule which includes a canoeing event, two fishing events, and a native planting session. She advised that the District recently hosted a landscaping with native plants seminar, which 72 people attended, and a shallow lakes forum, which was attended by 100 people.

A. Cost-Share Grant Application

Education and Outreach Coordinator Sneigowski advised that there had been a great response to the program. She explained that the District budgets \$100,000 to fund cost-share grants and \$50,000 to fund chloride reduction projects. She noted that residential applications have a maximum of \$3,000, associations \$10,000, and cities, businesses and nonprofits applications have a maximum of \$25,000. She explained that the District could cost-share up to 75 percent of the project cost, with the applicant providing the remaining 25 percent. She reported that there were 24 applications requesting \$175,000 in grant funds, explaining that exceeds the budget allowed by the District and therefore some review would need to be done. She reviewed the applications for projects received and provided the staff recommendations for the applications. She confirmed that she would speak with residential applicants that were not approved to provide additional feedback. She noted that the recommended approvals would be in the amount of \$150,000 and explained that in order to fund the projects as recommended, staff would need to shift \$25,000 from the chloride reduction fund to the general cost-share fund.

Administrator Bigalke noted that the District has done this in the past as they do not receive as many requests for chloride reduction projects and this method would allow the District to fund the maximum amount of projects. He noted that chloride funds could also be saved but advised that the District budgets the same amount each year and he did not foresee a large application towards chloride reduction in the near future.

Manager Peterson stated that it appears that there are more requests than the District normally receives as well as more unusual requests. She questioned if the District normally funds these types of projects.

Administrator Bigalke provided examples of projects funded by the District in the past for municipalities and confirmed that there is a more diverse base of residential projects seen this year.

Chair Lynch questioned if there are standards for paver driveway requests.

Administrator Bigalke stated that this application is probably the third permeable paver or asphalt driveway request the District has received but only the first recommended for funding. He explained that the design for this application was done properly and will function correctly, rather than simply being a paver driveway.

Education and Outreach Coordinator Sneigowski stated that usually on those types of requests the applicant realizes the true cost of the project after speaking with staff and believes that scares away those that simply want a paver driveway rather than a permeable driveway.

Manager Segreto noted that there is one applicant that appears twice on the applicant list for two different projects and questioned if the District has a rule against that.

Education and Outreach Coordinator Sneigowski stated that the District does not have a rule of that nature. She stated that the two projects are both well thought out. She noted that two of the applicants listed are also past recipients. She stated that if the funds were not available that could be a factor but explained that the recommendations not to fund include applications that were incomplete and/or late. She believed that the more thought out and complete applications as well as those received on time should receive more consideration.

Chair Lynch questioned if there are recommendations for the next year.

Education and Outreach Coordinator Sneigowski noted that this year was very successful in regard to the level of interest in the program and the number of applications received. She stated that in the future she would like to review the criteria used to review projects as well as possibly involving the CAC in the review of projects.

Administrator Bigalke stated that this is the first year the District has received this level of requests and would like to see that demand hold for the next few years before increasing funding for this program.

Manager Kloiber stated that from a policy standpoint he would like to ensure that the projects benefit the District and would also like to see new applicants rather than refunding the same applicants.

Administrator Bigalke noted that the applicants that have received funding in the past through the program and reapplied are people that have showcased their projects, which actually resulted in more interest and applications from others.

Manager Kloiber stated that he would also like to see the project locations mapped; it was noted that staff is already in process of that.

Manager Kloiber moved, seconded by Manager Segreto, to approve the cost-share applications as recommended by staff, transferring \$25,000 from the chloride reduction fund to the general cost-share fund. Upon a vote, the motion carried.

B. Website Updates/Revisions

Education and Outreach Coordinator Sneigowski stated that staff is considering discussing this item at a special Board meeting. She advised that the website needs to be updated to match the currently technology of the District as well as incorporating the needs of the new

Water Resource Center. She stated that staff would like to review the content of the website as well as a redesign of the site.

Administrator Bigalke stated that when designing a website there is the splash and design as well as the content that is actually included. He advised that staff will want to include more detail and content along with the new Water Resource Center. He stated that staff recommends starting with the web content, which could involve a website audit and planning workshops with a consultant. He advised that the next step would be the organization and development of the content, which someone could be hired to assist with, and noted that the final step would be to design the overall look and layout of the site. He stated that he has two friends that have businesses specific to website content and review that he has spoken with in gather input and estimated \$2,000 to \$5,000 for the content review with the same price estimated for the organization of the content. He asked for the authorization of the Board to receive quotes and pricing from consultant which can be discussed at a future special meeting of the Board.

Education and Outreach Coordinator Sneigowski noted that other Watershed Districts have recently updated their websites and provided estimates of those costs. She explained that the District would need to develop a list of wants and needs.

Administrator Bigalke estimated a cost of \$20,000 to \$30,000 to include the work necessary for both content and website design.

Manager Kloiber confirmed that this would also include improvements on social media and mobile compatibility.

Chair Lynch confirmed the consensus of the Board to direct staff to move forward and obtain quotes for the necessary website and content improvements.

C. Outreach Planning

Administrator Bigalke stated that he would also like to discuss outreach and marketing strategy ideas at a future special meeting. He advised that this could include items such as the logo and name of the new Water Resources Center, noting that may not be the best name. He stated that he would like to hold the special meeting to discuss this item as well as the website updates and Atlas 14 in early May. He stated that he will look into possible dates and email the Managers to determine the best date.

Hearing and Discussion of Matters of General Public Interest

There were none.

Consent Agenda

- A. **Permit #2014-19: I-35W and West 94th Street Bridge Replacement; Grading and land alteration permit: Bloomington**
- B. **Permit #2014-22: Mill and Overlay – Highwood Drive Area; Grading and land alteration permit: Bloomington**
- C. **Permit #2014-23: Mill and Overlay – Pennsylvania Road Area; Grading and land alteration permit: Bloomington**
- D. **Permit #2014-24: Mill and Overlay – West 98th Street from Normandale Boulevard to France Avenue; Grading and land alteration permit: Bloomington**
- E. **Permit #2014-25: Mill and Overlay – West 78th Street from Johnson Avenue to France Avenue; Grading and land alteration permit: Bloomington**
- F. **Permit #2014-26: Mill and Overlay – West 84th Street from Washburn Avenue to Penn Avenue; Grading and land alteration permit: Bloomington**
- G. **Permit #2014-27: Mill and Overlay – West 106th Street from Xerxes Avenue to Humboldt Avenue; Grading and land alteration permit: Bloomington**

Manager Kloiber moved, seconded by Manager Segreto, to approve the Consent Agenda. Upon a vote, the motion carried.

Hearing of Permit Applications

- A. **Permit #2014-16: Hampton Inn – American Boulevard and West 82nd Street; Grading and land alteration permit: Bloomington**

Administrator Bigalke reported that this application is incomplete and therefore does not fall under the 60-day review rule, noting that no action is required.

- B. **Permit #2014-18: Nine Mile Creek Watershed District Office and Water Resources Center – 12800 Gerard Drive; Grading and land alteration permit: Eden Prairie**

Engineer Obermeyer explained the permit and proposed plans. He confirmed that a phase one assessment was completed and there were no issues identified. He recommended approval of the permit.

Manager Segreto confirmed that the grass overflow parking area could be plowed during the winter.

Manager Peterson moved, seconded by Manager Segreto, to approve the permit. Upon a vote, the motion carried.

C. Permit #2014-28: Home Construction – 14922 Glendale Road; Grading and land alteration permit: Minnetonka

Engineer Obermeyer explained the permit and proposed plans. He advised that the applicant is requesting a variance from the District's storm water rules regarding volume reduction and water quality due to the tightness of the soil and the steepness of the topography. He noted that a small amount of runoff would be generated but it would be very difficult to determine a number. He stated that the project proposes a unique condition inherent to the property because of the topography and soil conditions.

He recommended approval of the permit subject to general conditions including surety in the amount of \$5,000 and payment of \$2,017 to the storm water facility fund.

The Board further discussed the conditions of the site and the variance criteria.

Manager Kloiber moved, seconded by Manager Peterson, to approve the permit and the variance request as the situation was not of the owner's making, the existing soil conditions, the amount of runoff is not substantial, and the owner would pay a fee to the infiltration fund for credits. Upon a vote, the motion carried.

D. Permit #2014-20: Home Construction – Parcel A, Lot 5, Glen Lake Park, Dickson Road; Grading and land alteration permit: Minnetonka

Administrator Bigalke noted that this item, as well as the next item on the agenda, would have normally been considered under the Consent Agenda but staff was waiting on additional information, which has been received.

Engineer Obermeyer explained the permit and proposed plans for this item and the following item on the agenda. He noted that District was waiting for additional information in regard to the flow patterns that travel through the backyards and into private property to the catch basins. He stated that an easement has been determined to reach the catch basin. He stated that upon approval the District would require filing of the easements. He recommended approval of the permits subject to general conditions for each permit including surety in the amount of \$5,000, submission of a maintenance declaration, drainage and utility easement south of Parcel B to allow for drainage must be recorded with the Plat for the project, and a phase one assessment to show there is no contamination.

Manager Peterson moved, seconded by Manager Segreto, to approve the permit. Upon a vote, the motion carried.

E. Permit #2014-21: Home Construction – Parcel B, Lot 5, Glen Lake Park, Dickson Road; Grading and land alteration permit: Minnetonka

Manager Peterson moved, seconded by Manager Segreto, to approve the permit. Upon a vote, the motion carried.

F. WCA Notice of Decision

Engineer Obermeyer reported that this item applies to Bryant Lake Drive. He advised that the City of Eden Prairie wants to do some repair work with temporary wetland impacts. He stated that according to Minnesota WCA law this will be a no loss determination. He stated that staff and the TEP recommend that the Board approve of the proposed temporary wetland impacts.

Manager Kloiber moved, seconded by Manager Segreto, to approve the WCA notice of decision. Upon a vote, the motion carried.

Treasurer's Report

Administrator Bigalke submitted the report and reviewed highlights.

Manager Kloiber moved, seconded by Manager Segreto, to approve the Treasurer's Report and pay the bills. Upon a vote, the motion carried.

Unfinished Business

A. Centennial Lake Volume Reduction Project Update

Administrator Bigalke reviewed the timeline that has previously been proposed for the project and referenced the soils update that was provided at the last meeting. He advised that the Byerly's redevelopment will occur adjacent to this project. He stated that the project is delayed because those tenants will be occupying the space for a longer time, which will push back the project construction from this summer to next summer. He explained that this will allow additional time to work with the soils and PCA. He reported that the City is going to develop a phase two assessment and response action plan and will also submit grants to assist with the field and environmental investigation, similar to what the District did with the Hopkins project. He estimated a cost of \$44,500 for the environmental investigative work and \$300,000 for the soil remediation. He stated that the City is looking for a commitment from the District that if they proceed with the environmental investigative work that the District would be willing to cost-share the remediation. He stated that ideally grants are obtained for the necessary work. He stated that initially the project cost was going to split between the District and the City with each party paying \$334,500. He advised that the additional environmental work would have a cost of \$365,000 noting that the City has already paid for the soil borings and would only ask for the District to split the remediation cost, of which the District would pay approximately \$150,000. He again stated that ideally grants would be obtained and there would be no additional expense. He stated that staff has prepared a cost benefit analysis for the promenade project and reviewed the results. He stated that the City is looking for indication that if all things are confirmed with what is known that the District would still move forward with the implementation of the project and the cost of remediation. He confirmed that there could be a possibility that the project would not move forward if more issues are discovered during the environmental investigation.

Manager Kloiber questioned the budget impact.

Administrator Bigalke noted that the project will not occur until 2015 and therefore additional funds could be budgeted.

Manager Segreto stated that she sits on the Edina Park Board and questioned if she should abstain.

Attorney Smith confirmed that it was good that she disclosed that information but did not believe that there would be a conflict of interest because she would not gain monetarily.

Administrator Bigalke stated that even if there are additional funds for the remediation he still believed that the benefit would outweigh that cost. He believed that this could proceed based upon the current knowledge but noted that a new Cooperative Agreement would need to be developed.

Manager Kloiber stated that in his experience estimates are on the conservative side and confirmed that is the case for this project.

Attorney Smith stated that Edina simply wanted discussion and input from the Board that he believed occurred. He stated that the District would only cost-share remediation that would allow the infiltration to proceed. He noted that there may be remediation that needs to occur for other parts of the project to move forward which the District would not cost-share.

Ross Bintner, City of Edina, stated that he is comfortable going forward to the Edina City Council with the information discussed tonight.

B. Watershed Plan Amendment Update

Administrator Bigalke advised that a draft had been submit to BWSR and he received some questions back from BWSR. He believed that BWSR considers this to be a minor amendment but stated that he has not been able to have the necessary discussion.

C. Water Resources Center Planning Update

i. General Contractor Bids – Award Contract

Administrator Bigalke reported that the bid opening occurred on March 27th and the District received three bids. He advised that the bids were quite nice with the low bid being Synergy Builders at \$1,004,800 with the remaining bidders coming in at \$1,287,000 and \$1,400,000. He advised that the alternates listed were included in the base bid and can be subtracted if needed. He reported that the estimate for the building itself was \$1,200,000. He advised that LHB has been following up with Synergy Builders to check references and received positive results. He stated that LHB is comfortable with Synergy Builders and the bidder is ready to begin work. He recommended that the contract be awarded to Synergy Builders in the amount of \$1,004,800.

Manager Segreto moved, seconded by Manager Peterson, to award the Water Resources Center contract to Synergy Builders in the amount of \$1,004,800. Upon a vote, the motion carried.

ii. Informational Open House Update

Administrator Bigalke reported that an open house was held on April 2nd and noted that about 25 to 30 people attended and provided positive feedback.

iii. Well Sealing

Administrator Bigalke stated that he is in the process of obtaining quotes for the well sealing.

iv. Technology

Administrator Bigalke stated that he is still attempting to connect with the consultant for technology.

v. Final Plat Development and Approval

Administrator Bigalke reported that the Final Plat was approved at the March 28th meeting contingent upon Xcel removing the easement.

vi. Permitting Update

Administrator Bigalke advised that the permit has been approved by the Watershed tonight and the remaining permits have been submit to the City of Eden Prairie and should be approved this month.

New Business

A. 2013 Annual Financial Audit Approval

Administrator Bigalke advised that the District received a clean audit and there were no findings or issues that need to be discussed. He recommended that the Board accept the 2013 Annual Financial Audit.

Manager Kloiber moved, seconded by Manager Segreto, to accept the 2013 Annual Financial Audit. Upon a vote, the motion carried.

B. 2013 Annual Report Update

Administrator Bigalke stated that the Annual Report will be on the May agenda and was not included in the packet as the deadline has changed from April 30th to June 1st.

C. Discussion and Direction of the Three Rivers Regional Trail through Edina and Interpretation of Wetland Impacts for Boardwalks

Administrator Bigalke stated that Three Rivers Park District is building a regional trail through the City of Edina, which will go through a number of wetlands. He stated that in order to do this they are proposing to use boardwalks. He stated that the TEP has met and they along with the Army Corps of Engineers does not consider boardwalks to be wetland impacts. He stated that this will be a significant boardwalk and therefore they wanted the input of the District as well before the permit is submit. He stated that the elevation of the boardwalk will be above the 100-year floodplain mark. He confirmed that this would be constructed during the winter. He stated that he is leaning towards the determination of the TEP and Army Corps of Engineers that the boardwalk will not have an impact because it will be constructed above the 100-year floodplain, but that the support structures should be considered a wetland impact because of the cumulative disturbance to the wetland.

Manager Kloiber stated that his only concern would have been flow implications but noted that the higher elevation would alleviate that.

Chair Lynch confirmed the consensus of the Board was to concur with the TEP that the boardwalk would not be considered an impact, but that the cumulative square footage of the support structures would be considered wetland impact.

D. Consideration of Reimbursement to Barbara Kaerwer for the Appraisal of her Home

Administrator Bigalke presented a request for reimbursement from Barbara Kaerwer for the cost of the appraisal of the property she donated to the District. Bigalke reminded the Board that they had considered this in December 2013, but had indicated that Ms. Kaerwer should have the appraisal done and then the Board would consider reimbursement. Bigalke stated that the cost of the appraisal was \$3,000.

Manager Segreto moved, seconded by Manager Kloiber, to reimburse Barbara Kaerwer for the appraisal in the amount of \$3,000. Upon a vote, the motion carried.

Engineer's Report

- A. Bush Lake Outlet Project: Status Report**
- B. Eden Prairie Lakes Water Quality Improvement Project: Status Report**
- C. Hopkins Creek Stabilization Project: Status Report**
- D. Southeast Anderson Lake Water Quality Improvement Project: Status Report**
- E. Normandale Lake Water Quality Improvement Project: Status Report**
- F. Atlas 14: Status Report**
- G. Wetlands Inventory: Status Report**
- H. Status of Construction Projects**

Engineer Obermeyer updated the Board on the above listed projects and the recent storm activity.

Attorney's Report

Attorney Smith had nothing further to report.

Administrator's Report

- A. Special Meeting for Atlas 14 and Program/Outreach Planning**

Administrator Bigalke stated that he would like to have a special meeting of the Board to have a presentation on Atlas 14 and the discuss program and outreach planning for the Water Resource Center in early May. He stated that he would send out an e-mail to the Board to establish a date for the meeting.

- B. MAWD Legislative Update**

Administrator Bigalke reported that the Minnesota Association of Watershed District's held its annual Legislative Briefing and Breakfast on March 19-20. He stated that he attended the Administrator's meeting as well as the legislative briefing and breakfast.

Managers' Report

Administrator Bigalke share with the Board that the MAWD Summer Tour would be held June 18-20, 2014. Bigalke stated that the event would be held in Stillwater with the focus being on the St. Croix River Basin. Bigalke stated that managers should let him know if they were interested in attending and he would complete registrations.

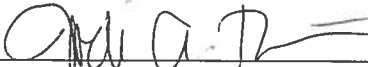
Task Summary Report & Manager's Calendar

The Managers reviewed and updated the task report.

Adjournment

It was moved by Manager Segreto, seconded by Manager Kloiber to adjourn the meeting at 9:20 p.m. Upon a vote, the motion carried.

Respectfully submitted,



Jodi Peterson, Secretary

ATTACHMENTS:
Treasurer's Report