

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

WEDNESDAY, FEBRUARY 19, 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, February 19, 2014, at the Nine Mile Creek Watershed District Office, 7710 Computer Avenue, Suite 135, Edina, MN 55435.

Managers Present: Twele, Lynch, Kloiber, Segreto and Peterson

Managers Absent: None.

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

Agenda

Administrator Bigalke requested to add a presentation from John Billota of NEMO, under the Citizens Advisory Committee/Education & Outreach Report. He noted that under the Consent Agenda permits #2014-04, #2014-05 and #2014-07 should be pulled as they need to be continued. He advised that under Permit Hearings, an item titled Wetland Delineation Report for Southwest LRT and an item titled 5300 Glengarry Drive should be added.

Manager Kloiber moved, seconded by Manager Peterson, to approve the agenda as amended. Upon a vote, the motion carried.

Reading and Approval of Minutes

The Chair called for review of the minutes of the Regular Meeting of January 15, 2014. It was noted on page five, section C, it should state, "...confirmed that the District does have property insurance and he has spoken with the company, ~~which they recommended~~ their recommendation was to ..." On page two, section B, the third line, it should state, "...meets quarterly..."

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

Correspondence

- Hennepin County Commissioner Jan Callison

Hennepin County Commissioner Jan Callison introduced herself to the Board. She discussed the budget, noting that the County has kept the finances stable for the past few years. She noted that the library hours have been changed throughout the County to provide additional access. She stated that the County has discontinued the issuance of passports but will continue to issue birth certificates. She referenced the southwest LRT project and provided an update. She noted that one of the Commissioners will be stepping down at the end of this month and advised that the election would occur in early May.

Citizens Advisory Committee/Education & Outreach Report

The Chair called for the report of the Citizens Advisory Committee. Education and Outreach Coordinator Sneigowski advised of upcoming events the District is involved in that will occur in Bloomington and Minnetonka. She advised of another event the District is collaborating in which will feature shallow lakes and ponds.

A. John Billota, University of Minnesota Extension, NEMO

John Billota introduced himself and stated that he is an extension educator in water management. He mentioned the shallow lakes project that Education and Outreach Coordinator Sneigowski discussed. He stated that through NEMO he works with Education and Outreach Coordinator Sneigowski and with representatives from local municipalities. He stated that they have worked together to develop an education program which features nine programs through Nine Mile Creek Watershed District. He discussed the intent of the workshops, noting that one program will aim to take elected officials to the water in order to educate further on the issues. He thanked the District for their support in past years and in the future. He asked that the Managers not only attend the NEMO workshops but also promote attendance with the local elected officials.

Administrator Bigalke commented on the high level of attendance for the NEMO workshops and the positive actions member cities have taken as a part of that education.

Hearing and Discussion of Matters of General Public Interest

There were none.

Consent Agenda

- ~~A. Permit #2014-04: Garage Addition – 7130 Willow Creek Road; Grading and land alteration permit: Eden Prairie~~
- ~~B. Permit #2014-05: Shoreline Stabilization along Bryant Lake – 7010 Willow Creek Road; Grading and land alteration permit: Eden Prairie~~
- C. Permit #2014-06: Home Construction – 5633 Tracy Avenue; Grading and land alteration permit: Edina
- ~~D. Permit #2014-07: Home Construction – 5637 Tracy Avenue; Grading and land alteration permit: Edina~~

- E. Permit #2014-08: 3rd Street North and 13th Avenue North Drainage Improvements; Grading and land alteration permit: Hopkins**
- F. Permit #2014-10: Chiller Enclosure at Valley View Elementary School – 3rd Avenue and 88th Street East; Grading and land alteration permit: Bloomington**

Administrator Bigalke referenced item B and advised that the item may be considered at a special meeting in early March.

Manager Kloiber moved, seconded by Manager Segreto, to continue permits #2014-04, #2014-05, and #2014-07. Upon a vote, the motion carried.

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

Hearing of Permit Applications

- A. Permit #2014-02: Hyland Hills and Ski Board Chalet Reconstruction and Parking Lot; Grading and land alteration permit: Bloomington**

Administrator Bigalke recommended that the permit be continued to the March meeting to ensure that all of the permit information is received and properly reviewed. He advised that the Board had approved a 60-day extension of the review period at the January meeting and confirmed that the March meeting would be within that time period.

Manager Twele moved, seconded by Manager Peterson, to continue the permit. Upon a vote, the motion carried.

- B. Permit #2014-09: T.H. 169 Roadway Improvements from Valley View Road to North of T.H. 62; Grading and land alteration permit: Edina/Eden Prairie**

Engineer Obermeyer requested to continue this item explaining that the buffer requirements have been triggered and additional information would be necessary. He advised that the road will most likely be torn up beginning in May and through late November.

Manager Kloiber moved, seconded by Manager Segreto, to continue the permit. Upon a vote, the motion carried.

- C. Wetland Delineation Report for Southwest LRT**

Administrator Bigalke noted that the 60-day review period will expire before the March meeting of the Board and advised that additional time will be needed. He advised that the Board approve a 60-day extension of the time permit.

Manager Kloiber moved, seconded by Manager Segreto, to approve a day 60 extension of the review period for the wetland delineation report for Southwest LRT. Upon a vote, the motion carried.

D. 5300 Glengarry Drive

Administrator Bigalke noted that a permit has been triggered for this item due to the proximity of the project to the neighboring lake. He stated that the applicant would like to have the issue considered at a special meeting prior to the regular March meeting. He advised that permit #2014-05 could be combined with this item at one special meeting and noted of other items that could be considered. He suggested that the special meeting be held the first week in March.

It was the consensus of the Board that a special meeting could be held the first week in March to consider the items discussed.

Treasurer's Report

The Treasurer submitted the report. Administrator Bigalke provided additional information on the new format of the Treasurer's Report.

Manager Kloiber moved, seconded by Manager Twele, to approve the change order for Blackstone Contractors. Upon a vote, the motion carried.

Manager Twele moved, seconded by Manager Segreto, to approve the pay request for Blackstone Contractors in the amount of \$42,558.10. Upon a vote, the motion carried.

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

Unfinished Business

A. Centennial Lakes Volume Reduction Project Update

Administrator Bigalke reported that progress continues to be made on the design of the project, noting about 60 percent completion of the design. He advised that an informational open house was held at the Edina City Hall focusing on the art features in the Promenade as well as the volume reduction aspects of the project. He noted that the city of Edina is also interested in holding a meeting with some key stakeholders in the project. He advised that the plans will be presented to the Board at the March meeting and will then continue to the Edina City Council for approval and then out for bidding.

B. Watershed Plan Amendment

Administrator Bigalke advised that a proposed Plan amendment was included in the Board packet, noting that the modifications are linked to the new budgeting approach. He noted

that modifications were underlined. He briefly summarized the proposed changes to the capital improvement and cost-share portions of the Plan.

Attorney Smith noted that this is a draft and if accepted by the Board the document would go out for public comment.

Administrator Bigalke noted that a public hearing could then be held at the April meeting and formal approval of the amendment could be considered at the May meeting. He advised that the amendment would then move forward to BWSR for review and approval.

Manager Segreto asked for additional information in regard to the priorities.

Administrator Bigalke noted that those priorities are already included in the Plan and provided additional clarification.

Attorney Smith noted that the Plan outlines the priorities of the Watershed to reach long-term goals in the most cost effective manner. He noted that the Plan amendments would allow the District additional flexibility, which would assist in collaborating with other entities rather than the District solely funding a project in order to attain the same outcome.

Manager Peterson moved, seconded by Manager Twele, to authorize the Watershed Plan amendment to go out for public comment. Upon a vote, the motion carried.

C. Water Resource Center Planning Update

i. Environmental Abatement Contractor

Administrator Bigalke stated that he is working to finalize discussions on the ceiling and to determine which items will be covered by insurance.

ii. Well Sealing

Administrator Bigalke stated that he would like the Board to authorize staff to enter into a contract with a well sealing company to have the well in the house sealed. He stated that he would like to have that completed before construction begins. He did not have a cost estimate but believed the cost would be less than \$2,000.

Manager Peterson moved, seconded by Manager Segreto, to authorize Administrator Bigalke to enter into a contract with a well sealing company to have the well in the house sealed not to exceed a cost of \$2,500. Upon a vote, the motion carried.

iii. Technology

Administrator Bigalke stated that staff is considering options for technology and the equipment that will be needed. He requested authorization for staff to reach out to technology consultants to determine the type of wiring and technology that should be considered. He did not

think this item would be a substantial amount of funds but more an opportunity to determine the best options for technology at the new site.

The Board directed Administrator Bigalke to seek out quotes from a technology consultant.

iv. Final Plat Development and Approval

Administrator Bigalke advised that an application for vacation of utility and drainage easements will be considered at the March 18th Eden Prairie City Council meeting and noted that the Final Plat would also be considered at that meeting. He noted that the necessary insurance information has also been completed and will be ready for review at that City Council meeting.

v. Approval of Construction Documents/Authorization for bidding

Administrator Bigalke noted that the construction and bid documents had been finalized and were present for review tonight. He advised that the items discussed the previous week had been incorporated. He stated that he did ask Kim Bretheim to be present tonight to discuss the bid process and add on components.

Mr. Bretheim advised that the process would be different than what the District is used to for projects because of the scale of the project. He noted that a bid for the complete body of work will be completed with a number of alternates listed. He explained that if the project comes in over budget the Board can remove alternate items as desired. He stated that the bidding climate is not ideal at this time because there is a lot of work available and a low availability of contractors. He advised of an alternative option that could delay the project start date from May to September in order to gain additional bids and/or funding.

Manager Kloiber questioned how the delay of the start date would be beneficial.

Administrator Bigalke confirmed that the benefit would be that if the project were to come in over budget the delay would add another budget cycle to adjust the cost through levy. He also provides examples of the alternates that would be included in the bid.

Mr. Bretheim advised that if the bids come in over budget, the Board would then review the alternates to determine which items they would like to select in order to bring the project cost down. He noted that the District could attempt to ask the contractor to hold the items at the bid price in the case that the District would like to move forward with them at a later date.

Chair Lynch believed that the District should move forward and obtain bids, noting that the bids could be rejected if they come in much higher than expected.

Attorney Smith highlighted items of note within the documents including language regarding consequential damages and limitations on the architect communications.

Mr. Bretheim explained that the communications between the District and the contractor should go through the architect. He referenced the pay application and noted that the prices would be listed as line items rather than specific invoices. He discussed a construction change directive that could be used for situations that occur that would otherwise stop work. He explained that once the final amount is known a change order would be presented. He advised that would differ from the typical change order in which a bid is presented to the Board for approval prior to work beginning.

Attorney Smith noted that the policy proposed, which would authorize Administrator Bigalke to authorize change orders up to 15 percent of the project cost without prior Board approval. He advised that this policy is in line with the policies followed by other Watershed Districts.

Manager Kloiber moved, seconded by Manager Twele, to approve the construction documents and authorize staff to advertise for bids. Upon a vote, the motion carried.

New Business

A. 2014 Work Plan

Administrator Bigalke anticipated that the Work Plan would be available for review at the March meeting.

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 had nothing further to report.

Attorney's Report

Attorney Smith had nothing further to report.

Administrator's Report

Administrator Bigalke had nothing further to report.

Managers' Report

The Chair called for reports. Manager Kloiber noted that there is a watershed summit at Normandale College this weekend, at which he will be speaking.

Administrator Bigalke advised of an upcoming lakes and rivers watershed conference, which he believed will take place in May.

Task Summary Report & Manager's Calendar

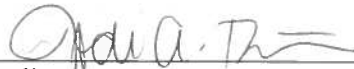
A. MAWD Legislative Reception and Breakfast

Administrator Bigalke reported that the event will be held March 19th and 20th and discussed the program lineup. He asked that interested Managers alert him so that he can complete the registration prior to the deadline. He noted that the Board will also need to change the date of the March Board meeting because it will conflict with the MAWD Legislative reception. It was the consensus of the Board to hold the March meeting on March 17th at 5:30 p.m.

Adjournment

It was moved by Manager Segreto, seconded by Manager Twele, to adjourn the meeting at 8:59 p.m. Upon a vote, the motion carried.

Respectfully submitted,



Jodi Peterson, Secretary

ATTACHMENTS:
Treasurer's Report