

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

WEDNESDAY, JANUARY 15, 2014

Call to Order

Chair Lynch called the meeting of the Board of Managers of the Nine Mile Creek Watershed District to order at 7:02 p.m., Wednesday, January 15, 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 Sniegowski

Agenda

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

2014 Governance and Appointments

A. Election of Officers

Administrator Bigalke reviewed the items that are conducted on an annual basis.

Chair Lynch reviewed the current officers, which include President Lynch, Vice President Kloiber, Secretary Peterson, and Treasurer Twele. She confirmed that her term ends in September.

Manager Kloiber questioned if the Vice President would take over as President when Chair Lynch's term ends.

Administrator Bigalke confirmed that the Vice President could take over or a new election of officers could occur at that time.

Manager Kloiber moved, seconded by Manager Segreto, to appoint Manager Lynch as Chair, Manager Kloiber as Vice Chair and Manager Peterson as Secretary, and Manager Twele as Treasurer for 2014. Upon a vote, the motion carried.

B. Adoption of Schedule of Board of Managers and CAC Meetings

Administrator Bigalke noted that the regular Board of Manager's meetings are the third Wednesday of each month at 7:00 pm. Bigalke also noted that the Citizen Advisory Committee meets quarter on the second Wednesday of January, April, July, and October. He stated that this is the regular schedule of meetings that could be amended as needed in the future.

Manager Peterson moved, seconded by Manager Segreto, to adopt the schedule of Board of Manager and CAC meetings for 2014. Upon a vote, the motion carried.

C. Appointment of CAC Members

Education and Outreach Coordinator Sneigowski advised that eight of the nine existing CAC members would like to continue on the CAC. She noted that there would be three vacant positions that could be filled in the future. The recommended CAC appointments are Christine Petersen, Craig Trenary, Emily Stein, Gary Evans, John Helland, Roger Willette, and Eric Gabrielson. Manager Maressia Twele is the Board liaison to the CAC.

Manager Segreto moved, seconded by Manager Twele, to approve the appointment of the CAC members as presented. Upon a vote, the motion carried.

D. Naming of District Bank and Permit Security Depository

Administrator Bigalke recommended that the District continue service with Wells Fargo banking services.

Manager Kloiber moved, seconded by Manager Twele, to name Wells Fargo as the District bank and permit security depository for 2014. Upon a vote, the motion carried.

E. Naming of Official Newspaper

Administrator Bigalke noted that the District uses *The Sun Publications* newspapers as the official newspaper.

Manager Peterson moved, seconded by Manager Segreto, to name *The Sun Publications* newspapers as the official newspaper for 2014. Upon a vote, the motion carried.

F. Review of Permit Fees and Financial Assurances

Administrator Bigalke recommended that the District maintain the existing permit fee structure and the financial assurances. He believed the last increase to permit fees was done in 2008 when the rules were changed, noting that there had been a few minor additions to the fees since that time. He believed that the fees of the District were average compared to similar agencies.

Manager Kloiber moved, seconded by Manager Segreto, to approve the existing permit fees and financial assurances as presented. Upon a vote, the motion carried.

Reading and Approval of Minutes

The Chair called for review of the minutes of the Regular Meeting of December 18, 2013. Administrator Bigalke advised that the draft minutes incorporate the changes suggested by Attorney Welch.

It was also noted on page three, under the Treasurer's Report, it should state, "...staff ~~could~~ would attempt to work with the County..." On page four, it should state, "...~~it~~ is underway..." Under the Attorney's Report, it should state, "...an update regarding..." On page five, the second line of first paragraph, it should state, "...may not have a ~~cost~~ costs..." On page five, Item H, it should state, "...Sunde Land Surveying Engineering..." Under the Attorney's Report, it should state, "...Supreme Court Ruling on the Kuntz case..."

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

Correspondence

None.

Citizens Advisory Committee/Education & Outreach Report

The Chair called for the report of the Citizens Advisory Committee. Education and Outreach Coordinator Sneigowski reported that the CAC met this month at which time they elected a Chair for 2014, set the meeting schedule for 2014, and discussed the summer education series events. She invited the Board to attend a snowshoeing event on Wednesday February 5th at Richardson Nature Center.

A. Alliance for Sustainability Proposal

Education and Outreach Coordinator Sneigowski presented a proposal from Alliance for Sustainability for professional services, noting that the District did contract with the group in 2013 to conduct two workshops targeted at faith-based organizations. She advised that the Alliance worked with area congregations to link them together with the District. She reported that there were many positive outcomes from the relationship in the past year including applications for cost-share projects and increased contacts and interest. She noted that several of the congregations also attended the winter parking lot seminar. She stated that the proposal includes 100 hours of time at a cost of \$5,000 and recommended approval.

Manager Kloiber moved, seconded by Manager Segreto, to approve the proposal from Alliance for Sustainability for 2014 in the amount of \$5,000. Upon a vote, the motion carried.

Hearing and Discussion of Matters of General Public Interest

There were none.

Consent Agenda

- A. Permit #2014-01: Think Mutual Bank, 3655 Hazelton Avenue; Grading and land alteration permit: Edina**

Engineer Obermeyer noted that the storm water management proposed by this project is for the entire site because of the amount of impervious.

Manager Kloiber moved, seconded by Manager Peterson, 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 Expansion/Reconstruction; Grading and land alteration permit: Bloomington**

Administrator Bigalke noted that this is a joint project between the City of Bloomington and the Three Rivers Park District and explained that some of the details are still being worked out. He recommended that the request be continued to the February meeting and that the permit review period be extended for 60 days.

Manager Kloiber moved, seconded by Manager Segreto, to continue the permit to the February meeting and to extend the review period by 60 days. Upon a vote, the motion carried.

- B. Permit #2014-03: Applewood Pointe, S.W. Corner of Old Shakopee Road and Beard Avenue; Grading and land alteration permit: Bloomington**

Engineer Obermeyer explained the permit and proposed plans. He recommended approval of the permit subject to general conditions including surety in the amount of \$58,500, submission of a maintenance declaration and acceptance by the Bloomington Council, a phase one assessment to show there is no contamination, and a Storm Water Pollution Prevention Plan (SWPPP).

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

Treasurer's Report

The Treasurer submitted the report. Engineering Obermeyer noted that there is a pay request for Sunram in the amount of \$93,828.74, which includes the release of retainage that the District was holding for services that have been completed. He confirmed that the District would

still be holding \$6,270, which would be sufficient to cover the vegetative management for the next year. He also confirmed that all of the completed work has been inspected and found to be complete by staff.

Manager Twele moved, seconded by Manager Kloiber, to approve the Treasurer's Report and pay the bills including the pay request for Sunram Construction in the amount of \$93,828.73. Upon a vote, the motion carried.

Unfinished Business

A. Centennial Lakes Volume Reduction Project Update

Administrator Bigalke reported that progress is being made on the design, in working with the City of Edina and their contractor. He believed that the 60 percent plan submittal date was approximately February 12th. He noted that good progress is being made and the time lines are being met.

B. Watershed Plan Amendment

Administrator Bigalke noted that a timeline for the Watershed Plan amendment was included in the Board packet, which includes draft language to be presented to the Board at the February meeting, with a public hearing being held at the May Board meeting, as well as dates for the necessary review period timelines.

C. Water Resources Center Planning Update

Administrator Bigalke stated that he visited the site in December, at which time everything was functioning well. He stated that he visited the site the previous week and the greenhouse conditions were not well, as the plants had frost and some of the pipes had frozen. He stated that he had a furnace repair service look at the boiler system, after which time it was determined that the best course of action would be to shut off the system for the time being to prevent further damage. Bigalke also stated that he had the City of Eden Prairie turn of water service to the property. He confirmed that the District does have property insurance and he has spoken with the company, which they recommended to first determine the amount of damage prior to submittal of a claim. He explained the existing water system in the building and that the contractor may have to take the ceiling out in order test the system for damage and to install new water lines to the bathroom. He noted that the process will also allow for the District to consider alternative insulation options. He confirmed that this would be additional work, but noted that there is a cost estimate for that work. Bigalke recommended to drop the ceiling in the entire house in order to fully view the system and put the new system in. He stated that he will be talking to the three abatement contractors that submitted proposals in order to obtain their cost estimates. He believed that the necessary work could be completed by the abatement contractor, rather than also bringing in a demolition contractor as well.

Manager Segreto confirmed that staff has considered, throughout the process, the cost to rehabilitate the home compared to the cost to demolish and construct a new structure.

Chair Lynch confirmed that the plants lost in the greenhouse could be included on the insurance claim.

i. Environmental Abatement Contractor

Manager Kloiber moved, seconded by Manager Segreto, to authorize staff to obtain quotes to remove the ceiling and to authorize Administrator Bigalke to enter into a contract with an abatement contractor at a cost not to exceed \$20,000. Upon a vote, the motion carried.

Administrator Bigalke stated that he provided a list of appraisers to the attorney for Barbara Kaerwer as staff had determined that the District was not obligated to fund the appraisal and there may be problems with the information being accepted for her tax purposes if the District contracted for that work.

ii. Design Team Meeting Update

Administrator Bigalke reported that the design team met the previous week with LHB to review some options and color schemes for the Water Resource Center. He presented some of the design and color options to the Board. He believed that a special meeting should take place in February in order to view samples and make some decisions.

Chair Lynch confirmed that the groundbreaking is still on schedule for mid-April.

iii. Landscape Plan

Administrator Bigalke advised that Barr Engineering presented a landscaping plan for the immediate area around the building, which will be finalized at the special meeting in February.

iv. Final Plat Development and Approval

Administrator Bigalke stated that he received a quote from Sunde Land Surveying, which was a bit high because it included some unnecessary steps that have already been handled by the District. He noted that he will work with the contractor to amend the scope of services.

New Business

A. 2014 Work Plan

Administrator Bigalke noted that this item will be discussed at the February 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 updated the Board on the above listed projects and the recent storm activity.

Administrator Bigalke noted that perhaps the Atlas 14 presentation could be combined in a special meeting with work for the Water Resource Center.

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. There were none.

Task Summary Report & Manager's Calendar

The Managers reviewed and updated the task report. Administrator Bigalke noted that the March meeting may need to be moved by a day or two.

Adjournment

It was moved by Manager Segreto, seconded by Manager Twele, to adjourn the meeting at 8:43 p.m. Upon a vote, the motion carried.

Respectfully submitted,



Jodi Peterson, Secretary

ATTACHMENTS:
Treasurer's Report