

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

WEDNESDAY, JULY 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 5:05 p.m., Wednesday, July 16, 2014, at the Nine Mile Creek Watershed District Office, 7710 Computer Avenue, Suite 135, Edina, MN 55435.

Managers Present: Twele, Lynch, Kloiber, and Peterson

Managers Absent: Segreto.

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

Agenda

Administrator Bigalke referenced Items 7C (Permit #2014-74), 7D (Permit #2014-75), and 7E (Permit #2014-76) on the Consent Agenda and noted that the items have been pulled from the agenda as the applications were found to be incomplete. He noted that if complete the applications will come before the Board at the August meeting.

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 June 17, 2014.

Manager Peterson noted on page three, Section B, the second to last paragraph, it should state, "...to meet the a... site was ~~demøed~~ raised..." Engineer Obermeyer noted on page three, Item A, it should state, "...permit had been given a new permit number because of the data completion date aspects."

Manager Peterson moved, seconded by Manager Kloiber, 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 advised that the family fishing event was recently held in conjunction with another Watershed, which was well attended. She advised that the NEMO on the Water event is upcoming and reported that over 100 elected and appointed officials are registered for the event.

A. Branding/Marketing Project Management RFP Update

Education and Outreach Coordinator Sneigowski advised that bidding closed today at 12:30 p.m. and the District received five proposals. She noted that staff is reviewing those proposals. She advised that two of the proposals exceeded the \$5,000 limitation set by the Board and asked that the Board authorize staff to make an offer to one of the three proposals, which were within the authorized cost range.

Administrator Bigalke stated that the Board has authorized staff to spend up to \$5,000 and also asked that staff be given the authority to make an offer to one of the proposals.

Manager Kloiber moved, seconded by Manager Twele, to authorize staff to make an offer on one of the proposals received for branding and marketing services. Upon a vote, the motion carried.

Hearing and Discussion of Matters of General Public Interest

There were none.

Consent Agenda

- A. Permit #2014-53: Hillcrest Church Parking Lot Addition; 4300 West 98th Street; Grading and land alteration permit: Bloomington**
- B. Permit #2014-58: Alice Smith Elementary School Parking Lot Construction; 801 Minnetonka Mills Road; Grading and land alteration permit: Hopkins**
- ~~**C. Permit #2014-74: Intermediate District 287 South Education Center Playfield; 7450 Penn Avenue South; Grading and land alteration permit: Richfield**~~
- ~~**D. Permit #2014-75 Yorktown Continental/Continental Gardens; 7151 York Avenue South; Grading and land alteration permit: Edina**~~
- ~~**E. Permit #2014-76 Parking Lot Construction 9712 Humboldt Avenue and 9713 Irving Avenue; Grading and land alteration permit: Bloomington**~~
- F. Permit Extension: #2012-85: Home Construction at 8836 Birchwood Lane: Bloomington**
- G. Permit Extension: #2013-39: 71 France/Byerly's Redevelopment: Edina**

Manager Peterson asked for additional information for Item B, Permit #2014-58.

Engineer Obermeyer provided a brief summary of the proposed actions under the permit.

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

Hearing of Permit Applications

A. Permit #2014-73: Onyx Development; 6725 York Avenue; Grading and land alteration permit: Edina

Engineer Obermeyer presented the permit request and proposed plans. He recommended approval of the permit subject to general conditions including surety in the amount of \$55,700, submission of a maintenance declaration, and as-built drawings showing that the systems have been constructed as shown.

Manager Kloiber moved, seconded by Manager Twele, to approve the permit. Upon a vote, the motion carried.

B. Permit Modification #2014-37: Wyman Place; West 63rd Street and Warren Avenue: Edina

Engineer Obermeyer explained the permit modification request and proposed plans. He noted that the permit had been approved by the Board a few months ago and advised that the plans are basically the same, as is the concept for management, and explained that this is simply larger because of the type of soils found onsite. He recommended approval of the permit modification subject to the previously approved conditions along with an increased surety in the amount of \$33,700.

Manager Peterson noted that her calculations led to a slightly different amount for the surety. It was determined that the surety amount should be \$31,320.

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

Treasurer's Report

The Treasurer submitted the report. Administrator Bigalke advised of a pay request to Synergy in the amount of \$284,227.65, which would need to be paid through a separate pay request motion. He noted that per the contract with Synergy the payment was to be issued to Northland Escrow and advised that the payment will be reissued to Northland Escrow. He noted that a payment to Austin Aho, for the first phase of the video services, had been issued in the amount of \$1,000.

Manager Kloiber moved, seconded by Manager Twele, to approve the pay request to Synergy in the amount of \$284,227.65 and authorize staff to reissue in the name of Northland Escrow. Upon a vote, the motion carried.

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

Unfinished Business

A. Water Resource Center Planning Update

i. Driveway and Parking Lot Bid Status

Administrator Bigalke stated that staff is ready to release the request for proposals and bids for the driveway, parking lot, landscaping, and rain gardens. He stated that in speaking with the City of Eden Prairie he has determined that a temporary Certificate of Occupancy can be issued this fall with the installation of the porous pavers and the final paving of parking lot and driveway to occur in the spring. He advised that this would avoid the issue of no parking for the other subcontractors and will also prevent mud from being tracked into the porous pavers. He advised that access will need to be provided for handicap and emergency vehicle access.

Matt Kumka described the plans for the rain gardens, cistern, stairs, and landscaping; noting that the plans have not changed much with the exception of detailing. He displayed photographs of proposed plans for the landscaping, explaining that the plantings would all be native or native cultivars. He stated that the plans for the front yard would be similar to commercial plantings with larger groupings of plants and noted that more of a residential theme is proposed for the backyard.

Administrator Bigalke provided an example of the porous paver that was selected by staff, noting that it would be installed in a crisscross pattern.

Matt Kumka referenced the walkway paver and noted that plank pavers have been selected and will complement the modern theme of the building. He confirmed that all plantings would be perennial.

Administrator Bigalke reviewed the items that would be included in the bid package and noted that even though some work will occur in the spring those items will still be included in the bid package. He advised that the original estimate for the driveway and parking lot had been \$350,000 to \$400,000 and advised that the revised estimate is now at \$375,000 and will include the cistern and site restoration. He noted that no action is necessary as the Board has already authorized the request for proposals (RFP) and simply wanted to update the Board on the added aspects that will be included in the package.

Matt Kumka provided additional information on the cistern proposed.

Manager Kloiber confirmed that although the driveway and parking lot will be included in the bid package, those aspects will not be completed until the spring.

ii. New Change Order Approvals

Administrator Bigalke explained that a change reference was included in the Board packet and noted that he would like the Board to approve items seven, eight, nine, 10 and 11. He advised the Board approves the changes staff can draft and execute the necessary documents. He briefly reviewed each of the items and the changes that are proposed from the original plans. He asked that the Board approve the changes as discussed for the above referenced items and stated that he could then execute the necessary documents. He noted that some of the work has begun on item seven and item 10 has already been completed.

Chair Lynch confirmed that the work is required to meet the City requirements for item ten.

Administrator Bigalke noted that in regard to item seven, the retaining wall would be the best option.

Attorney Smith noted that although these are smaller items that the Board does believe appropriate but stressed that communication of the process should be clearly provided to deter from this situation arising in the future with larger issues.

Administrator Bigalke noted that the letter would be addressed to Synergy, who is then responsible for the subcontractor communication. He questioned how strong the Board would like the language in the letter. He also provided an additional situation in which an Oak tree was damaged and believed a more stern letter should be issue for that issue. He stated that he will suggest that Synergy contract with the tree contractors the District had previously had onsite to complete the necessary work. He noted that staff will draft those letters and have Chair Lynch sign the letters.

Manager Kloiber moved, seconded by Manager Peterson, to approve the changes as described in items seven, eight, nine, 10 and 11, authorize Administrator Bigalke to execute the necessary documents for the change orders, and direct staff to draft a letter of response to Synergy. Upon a vote, the motion carried.

iii. Exterior Materials Approval

Administrator Bigalke reported that staff received exterior material paint color samples and provided the examples that had been decided upon. He asked that the Board approve the proposed color scheme, noting that adjustments could be made in the future if necessary.

Manager Twele moved, seconded by Manager Peterson, to approve the exterior material color scheme and materials. Upon a vote, the motion carried.

Administrator Bigalke noted that a special meeting will be necessary in the next month to discuss interior colors as well as carpeting; he believed it would be during the last week in July.

New Business

A. Permit Submittal Deadline Modification

Administrator Bigalke referenced the recent discussion regarding the permit submittal deadline and possible modification to provide staff with a longer period for review. He stated that staff is proposing to change the submittal deadline to 20 business days prior to the meeting, noting that this will allow staff additional time to communicate with applicants and receive additional information that may be necessary. He stated that if desired he would like to meet with staff from the member cities in order to coordinate this modification. He suggested that the Board then take action on the item at the August meeting. He confirmed Board consensus to move ahead in the process and meet with City staff.

B. 2014 Budget Workshop

Administrator Bigalke advised that a date for the workshop needs to be set and provided optional dates. He believed a special Board meeting should be held with the public hearing for the budget either September 9th, 10th or 11th. He discussed the necessary notice that would be required. He noted that he will confirm the date of the special meeting through email.

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. Wetlands Inventory: Status Report**
- G. Status of Construction Projects**

Engineer Obermeyer updated the Board on the above listed projects and the recent storm activity. He advised that wetland delineation reports for the Edina Three Rivers Park trail system and improvements at Braemar were not included in the packet and recommended that the boundary determination be approved for those items. He stated that if desired the Board could carry over action to the next meeting.

Manager Kloiber stated that he would prefer to wait and make the determination at the August meeting.

Attorney's Report

Attorney Smith had nothing further to report.

Administrator's Report

Administrator Bigalke reported that he will be on vacation July 31st through August 11th.

Managers' Report

The Chair called for reports. Manager Peterson stated that she attended the Summer MAWD tour and found it enjoyable to go along the St. Croix. She noted that the group also toured the St. Croix Research Center. She noted that she also attended the Metro MAWD meeting the previous night.

Task Summary Report & Manager's Calendar

The Managers reviewed and updated the task report.

Adjournment

It was moved by Manager Peterson, seconded by Manager Twele, to adjourn the meeting at 6:56 p.m. Upon a vote, the motion carried.

Respectfully submitted,



Jodi Peterson, Secretary

ATTACHMENTS:
Treasurer's Report

