

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

**WEDNESDAY, MAY 21, 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, May 21, 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, Michael Welch, and Robert Obermeyer

**Agenda**

Administrator Bigalke referenced Consent Agenda Item 7A and noted that the application is incomplete and therefore should be pulled from the agenda. 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 April 16, 2014. Administrator Bigalke was noted on page five, under Item B, Permit #2014-18, the following sentence should be added, "The property does not directly adjoin the wetland and clarified that because the requirement has been met the District would be precluded from the buffers." He referenced Permit #2014-20, the single family home requesting variances for retention and water quality treatment. He believed that under the presentation provided by Engineer Obermeyer, an additional sentence should be added stating, "There would be such a small amount of runoff generated that it could not be calculated with any accuracy of engineering." He noted on page six, under Permit#2014-20, it should state, "...recommendation that a drainage and utility easement south of Parcel B to allow for drainage must be recorded with the Plat for the project be obtained...."

Manager Kloiber noted on page two, under Cost-Share Grant Applications, the last sentence of second paragraph, it should state, "...a large increase in application towards chloride reduction projects in the near..." On page nine, under Permitting Update, second line, it should state, "...remaining permits have been submitted." On page ten, it should state, "Manager Kloiber stated that his only main concern would..."

Attorney Welch noted on page seven, under Unfinished Business, Item A, line 6, it should state, "...to work with the soils and the Pollution Control Agency (PCA)." On page eight, the fourth paragraph, it should state, "...interest because she does not have a financial interest in the matter." On page nine, Section 6, it should state, "...remaining permit applications have been..."

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

### **Correspondence**

- Watershed District Summer Tour Flyer

### **Citizens Advisory Committee/Education & Outreach Report**

The Chair called for the report of the Citizens Advisory Committee. Chair Lynch advised that Education and Outreach Coordinator Sneigowski is on vacation in Norway and is not present at the meeting.

Administrator Bigalke introduced Ann Hill, a senior at Saint Paul Summit School, who is working with the District on a month long service project. He referenced the written report drafted by Education and Outreach Coordinator Sneigowski and referenced an upcoming NEMO workshop that will be held on July 23<sup>rd</sup>.

#### **A. Contract for Professional Services with Craig Nordstrom for Chloride Presentations**

Administrator Bigalke referenced Craig Nordstrom, who worked for the city of Bloomington, who has been instrumental in bringing forward the chloride presentations with the schools. He advised that the District applied with the City of Bloomington to present at Custodial Days, which is focused on school districts, and noted that since that time Mr. Nordstrom has retired from the City of Bloomington. He noted that Mr. Nordstrom would be willing to make the presentations with the District at a rate of \$60 per hour, and estimated ten hours including the preparation and presentation time. He recommended that the District enter into the services agreement with Craig Nordstrom.

Manager Kloiber moved, seconded by Manager Peterson, to execute Administrator Bigalke to enter into a professional services contract with Craig Nordstrom at a cost not to exceed \$700. Upon a vote, the motion carried.

#### **B. 319 Grant for Level 2 Chloride Training**

Administrator Bigalke stated that the District has received a request for an EPA 319 Grant, from Ford Consulting, for a level two winter roads and parking lot maintenance program including training development. He advised that the total being requested is \$20,000 to \$25,000. He recommended that the District contribute \$5,000 cash and in-kind staff time. He

recommended a letter of support be sent but noted that he wanted Board approval prior to that. He confirmed that other Watersheds are being approached as well for contributions. He explained that the District's contribution would be used for the development of the program and noted that the grant would be used to offset the cost of presentations for the three years of the grant cycle. He noted that this would begin in 2015 and therefore could be included in the next budget cycle.

Manager Twele moved, seconded by Manager Segreto, to approve a contribution of \$5,000 cash and additional in-kind staff service to Ford Consulting. Upon a vote, the motion carried.

### **Hearing and Discussion of Matters of General Public Interest**

There were none.

### **Consent Agenda**

- A. — ~~Permit #2014-16: Hampton Inn; American Boulevard and West 82<sup>nd</sup> Street; Grading and land alteration permit: Bloomington~~**
- B. Permit #2014-34: Storm Sewer Installation – Hawkes Lake; Grading and land alteration permit: Edina**
- C. Permit #2014-35: Storm Sewer and Water Main Installation – Walnut Drive and Nine Mile Creek; Grading and land alteration permit: Edina**

Engineer Obermeyer stated that he has modified the letters that were included in the packet based on counsel comments and explained that additional clarification was provided for both of the City of Edina storm sewer projects. He noted that the projects would improve the existing manner in which storm water is handled, noting that the volume would remain the same but the method would improve.

Attorney Welch reviewed the rule requirements and also referenced the spawning and restrictive dates, which could be stipulations of the permit rather than a condition.

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

### **Hearing of Permit Applications**

- A. Permit #2014-38: Infiniti of Bloomington Accessory Parking Lot; West 81<sup>st</sup> Street and Humboldt Avenue; Grading and land alteration permit: Bloomington**

Engineer Obermeyer explained the permit and proposed plans.

Steven Sabraski, Landform, clarified that this will simply be a reconfiguration of the existing parking lot and there would not be any demolition of buildings.

Engineer Obermeyer continued to explain the proposed plans. He recommended approval of the permit subject to general conditions including surety in the amount of \$30,000, submission of a maintenance declaration, and a phase one assessment to show there is no contamination.

Mr. Sabraski thanked Engineer Obermeyer for his presentation. He clarified that there would be a net gain of approximately 160 parking stalls that would result from vacated right-of-way from the city of Bloomington. He referenced the previously issued permit from the District and believed that the completion of the conditions from that permit and this permit would occur in conjunction.

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

**B. Permit #2014-36: Roadway and Utility Reconstruction – Birchcrest B Neighborhood; Grading and land alteration permit: Edina**

Engineer Obermeyer presented the permit request and proposed plans. He explained that similar to the permit applications approved under the Consent Agenda, this project is a storm sewer improvement that would create a better method for the same volume of water to reach the current destination. He provided a new letter of recommendation that includes the comments obtained by counsel. He recommended approval of the permit subject to the general conditions.

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

**C. Permit #2014-37: Wyman Place; Warren Avenue and West 63<sup>rd</sup> Street; Grading and land alteration permit: Edina**

Engineer Obermeyer explained the permit and proposed plans. He noted that the water from the ponding basin would not impact the lowest level of the structures. He recommended approval of the permit subject to general conditions included in his memorandum.

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

**D. Wetland Delineation for the Edina Creek Stabilization Project: Edina**

Manager Segreto stated that in cases such as this when there is a lot of information, perhaps a drop-box feature would be helpful. It was noted that there will be technical updates with the new facility and a function of that type may soon be available.

Engineer Obermeyer referenced the wetland delineation request submit by the Technical Evaluation Panel (TEP) in conjunction with the proposed stream stabilization project proposed by the city of Edina and the District.

Administrator Bigalke explained that the action would be for the Board to accept the recommendation of the TEP and approve the wetland delineation.

Attorney Welch provided additional legal clarification and cases regarding TEP recommendations of wetland delineations. He noted that the District cannot issue a variance towards the Wetland Conservation Act (WCA) but could issue a variance for buffers, as the District requirement is more stringent than WCA. He advised that an approved wetland delineation would remain in effect for the identified area for a period of five years. He noted a date on the form that should be amended from April to May.

Manager Kloiber moved, seconded by Manager Twele, to accept the recommendations of the TEP and approve the wetland delineation for the Edina Creek Stabilization Project. Upon a vote, the motion carried.

### **Treasurer's Report**

The Treasurer submitted the report. Manager Twele asked for additional clarification on specific items.

Administrator Bigalke clarified that there were two checks to the city of Eden Prairie for the release of the final plat and permitting aspects. He noted that there was a check to Xcel Energy in order to vacate the easement and a check to Hennepin County for their review of final plat.

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. Centennial Lakes Volume Reduction Project Update**

Administrator Bigalke stated that at the last meeting there was discussion regarding grant applications for investigation and mitigation efforts on the project. He stated that since that time a County environmental program was discovered that could assist with the investigative work. He explained that the County will contract with a preferred engineering firm, in this case Barr Engineering, to do the investigation work. He noted that the program is approved on a staff level and work could begin within a matter of weeks rather than a matter of months, which will speed up the timeline.

#### **B. Watershed Plan Amendment Update**

Administrator Bigalke stated that staff has spoken with staff from Board of Water and Soil Resources (BWSR) and it has been determined that the amendment would fall under the minor amendment category. He advised that there are additional housekeeping items that staff

would like to complete and will therefore submit this amendment along with those amendments in the next month or two.

**C. Water Resource Center Planning Update**

**i. Permitting Update**

Administrator Bigalke stated that the city of Eden Prairie responded to staff with additional items that they would like to see including comments regarding the proposed siding material, sign location, additional screening and other items. He advised that Barr Engineering is working to develop a plan, which would display the items requested by the City. He stated that the District does need to change the sprinkler system in the building and noted that the contractor is obtaining the pricing for the necessary updates that would be needed. He stated that he spoke with the building official and confirmed that the demolition permit will be obtained prior to the other permits being approved. He hoped to begin the internal and garage demolition by June 1, 2014. He stated that the Board needs to consider an official ground breaking ceremony at the site once the garage is done but before the basement work begins, noting that he will have a better idea of the date once the project begins but estimated early to mid-June.

**ii. Driveway and Parking Lot Bid Authorization**

Administrator Bigalke stated that the District originally intended to have the driveway and parking lot bid as a separate item from the house construction. He stated that the contractor is a little concerned with the project timeline because of the number of subcontractor vehicles that could still be onsite at that time. He explained that the contractor could work in coordination with whomever the bid for the driveway and parking lot is awarded to. He stated that Barr is finalizing the designs and asking that the Board authorize the District to go out for bid for the driveway and parking lot aspects.

Attorney Welch noted that the cost may increase slightly because the bidder will have to be flexible in order to meet the timeline of the existing contractor.

Manager Segreto moved, seconded by Manager Kloiber, to authorize staff to prepare and issue the bid for the driveway and parking lot work. Upon a vote, the motion carried.

Administrator Bigalke stated that he received a call from Austin Aho, a freelance videographer, who grew up in the neighborhood and noticed the dead plants in the greenhouse. He stated that Mr. Aho would like to document the process from Barbara owning the home through the conversion to the District use. He noted that the Board had previously discussed videography services and confirmed that he could verify pricing for videographer services.

Manager Kloiber moved, seconded by Manager Segreto, to solicit quotes and enter into a contract for videography services at a cost not to exceed \$5,000. Upon a vote, the motion carried.

## **New Business**

### **A. 2013 Annual Report Update**

Administrator Bigalke noted that Chair Lynch noted that the Centennial Lakes project had not been included and will be added to both the 2013 and 2014 sections. He advised that the Annual Communication, 2013 Annual Audit, and 2014 proposed budget would also be included in the Annual Report. He asked that the Managers submit any comments for incorporation.

Manager Kloiber moved, seconded by Manager Peterson, to approve the 2013 Annual Report, with any additional Manager comments. 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.

Manager Kloiber referenced the wetlands inventory and stated that it would be helpful to not only have the information from the past 20 years, since WCA was enacted but also the 20 year period prior to that in order to compare the effects of WCA.

## **Attorney's Report**

Attorney Welch distributed information regarding an amendment to a State Statute, which will become effective August 1<sup>st</sup>. He explained that this would apply to Hennepin County and would make water resource projects eligible for funding when occurring in conjunction with transit redevelopment projects. He stated that a public hearing would need to occur in order to change the principal place of business should occur with the Annual Meeting that the Board holds.

## **Administrator's Report**

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

Administrator Bigalke confirmed the time for the special meeting on June 3<sup>rd</sup> to be 5:00 p.m., which will include one permit review, the Atlas 14 presentation, and a discussion regarding the visioning and strategic planning.

### **B. BWSR Review**

Administrator Bigalke advised that an assessment that will be conducted by BWSR to ensure that the District is following all of the requirements. He advised that he did receive a notice and noted that once he completes the necessary items an internal audit would be completed. He believed that BWSR would provide their findings during June or July.

### **C. Permitting Process**

Administrator Bigalke stated that staff has discussed how to make the permit review process more effective and efficient, specifically changing the permit submittal deadline. He noted that the current timeline does not allow much time for staff review and response. He believed that it would be beneficial to have the deadline moved two to three weeks prior and commented that perhaps the District should be more stringent on incomplete applications and deadlines. He stated that staff will bring a recommendation for the policy change forward at a future date for Board review.

### **D. MAWD Summer Tour and June Board Meeting**

Administrator Bigalke noted that the MAWD Summer Tour is scheduled to take place Wednesday June 18<sup>th</sup> through Friday June 20<sup>th</sup>, which will interfere with the regular June Board meeting. It was determined to hold the regular meeting on Tuesday, June 17<sup>th</sup> at 5:00 p.m. either at the District office or Bryant Lake.

## **Managers' Report**

The Chair called for reports. Chair Lynch noted that she attended the NEMO event hosted by Barr Engineering and appreciated the groundwater information.

Manager Peterson stated that she also attended the event and was inspired to contact city officials.



**Task Summary Report & Manager's Calendar**

The Managers reviewed and updated the task report.

Manager Kloiber moved, seconded by Manager Peterson, to authorize Manager attendance and pay for the cost for Managers to attend the MAWD Summer Tour. Upon a vote, the motion carried.

**Adjournment**

It was moved by Manager Segreto, seconded by Manager Kloiber, to adjourn the meeting at 9:15 p.m. Upon a vote, the motion carried.

Respectfully submitted,

  
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Jodi Peterson, Secretary

ATTACHMENTS:  
Treasurer's Report

