

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

**WEDNESDAY, NOVEMBER 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, November 19, 2014, at the Nine Mile Creek Watershed District Office, 12800 Gerard Drive, Eden Prairie, MN 55346.

Managers Present: Twele, Lynch, Kloiber, and Peterson

Managers Absent: Segreto.

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

**Agenda**

Chair Lynch stated that the District has been working on the new facility for quite some time and this is the first meeting being held in the new office.

Administrator Bigalke requested the addition of an additional pay request that can be considered under the Treasurer's Report. He advised that delegates for the MAWD Annual Meeting would need to be chosen and noted that can occur until Item 14B.

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

**Correspondence**

There was none.

**Reading and Approval of Minutes**

The Chair called for review of the minutes of the Regular Meeting of October 15, 2014. Manager Twele noted on page four, the top, it should state, "...City of Bloomington ~~to expand~~ regarding their right to expand their ..." Manager Kloiber moved, seconded by Manager Twele, to approve the minutes with the noted corrections. Upon a vote, the motion carried.

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

The Chair called for the report of the Citizens Advisory Committee. Education and Outreach Coordinator Sniegowski provided invitations to the CAC holiday gathering and noted that additional invitations as well as email invitations will be sent later this week.

### **A. Calendar Design/Photo Contest Update**

Education and Outreach Coordinator Sniegowski provided a proof of the annual communication and calendar. She confirmed that 2,500 calendars would be ordered through the printer.

### **B. Branding/Marketing/Logo Update**

Education and Outreach Coordinator Sniegowski advised that input was solicited from those who attended the focus group, noting that various responses were received. She presented the logos that received the most positive comments, narrowing the scope to the two with the highest votes. She stated that a decision would need to be made tonight if the new logo was to be incorporated into the calendar but instead recommended that the Board narrow the choices to one or two logos for further consideration. She advised that additional colors and variations can be reviewed and suggested that a decision be delayed until the December meeting.

The Board narrowed the selections to two choices and asked for some variations to color and/or style items for review.

Education and Outreach Coordinator Sniegowski advised that potential names for the facility will be discussed the following day and believed she would receive that information the following week.

Manager Peterson moved, seconded by Manager Twele, to approve the draft calendar and order printing. Upon a vote, the motion carried.

## **Hearing and Discussion of Requests for District Action or Matters of General Public Interest**

There were none.

## **Consent Agenda**

- A. Permit #2014-111: Home Addition – 6228 Brookview Avenue; Grading and land alteration permit: Edina**
- B. Permit #2014-112: Home Reconstruction – 7000 Mark Terrace; Grading and land alteration permit: Edina**

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

## **Hearing of Permit Applications**

### **A. Permit #2014-107:7690 France Avenue Retail Building and Associated Parking; Grading and land alteration permit: Edina**

Engineer Obermeyer presented the permit request and proposed plans for a new restaurant to be constructed at 7690 France Avenue. He recommended approval of the permit subject to the following conditions including financial assurance in the amount of \$9950, submission of a maintenance declaration, documentation showing that there is not contamination in the infiltration area, as-built drawings, and documentation verifying that upon completion of construction the drainage has been capped.

Manager Kloiber stated that if the drain tile is needed for establishment of plants, what would happen to the plants once that is capped.

Engineer Obermeyer stated that perhaps the wrong plants were selected but stated that for the purpose of the District the capping is what is important.

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

### **B. Wetland Boundary Determination – West 70<sup>th</sup> Street: Eden Prairie**

Engineer Obermeyer identified the location of this area and explained that the current roadway will be expanded. He stated that six wetlands were identified in the area that will be taken into account for the project. He explained that this is a boundary determination and advised that a determination was included for Board review. He believed that the plans for the street project would come before the Board in spring of 2015.

Administrator Bigalke stated that he has been asked to participate in the wetland and stormwater components of the project.

Manager Peterson moved, seconded by Manager Kloiber, to accept the Wetland Conservation Act Notice of Decision wetland boundary determination for West 70<sup>th</sup> Street, Eden Prairie. Upon a vote, the motion carried.

Engineer Obermeyer advised that all three wetland boundary determinations had been submitted to the TEP for comments and review.

### **C. Wetland Boundary Determination – Valley View Road: Edina**

Engineer Obermeyer identified the location of this area and explained that the City of Edina plans to complete storm sewer and roadway improvements. He stated that the wetlands have been delineated and the request is for the wetland boundaries. He recommended approval of the boundary determination.

Manager Twele moved, seconded by Manager Peterson, to accept the Wetland Conservation Act Notice of Decision wetland boundary determination for Valley View Road, Edina. Upon a vote, the motion carried.

**D. Wetland Boundary Determination – 5808 Creek Valley Road: Edina**

Engineer Obermeyer identified the location of this area, noting that this is the same lot that was considered under a permit by the Board previously this year. He stated that the property owner has determined where the wetland boundary is in order to determine the setbacks. He advised that this action was a requirement of the permit. He recommended approval of the boundary determination.

Manager Twele moved, seconded by Manager Peterson, to accept the Wetland Conservation Act Notice of Decision wetland boundary determination for 5808 Creek Valley Road, Edina. Upon a vote, the motion carried.

**Treasurer’s Report**

The Treasurer submitted the report. Administrator Bigalke provided clarification on specific items.

**A. Pay Requests and Treasurer’s Report**

Manager Kloiber moved, seconded by Manager Twele, to approve pay request #5 to Synergy Builders in the amount of \$195,178.36, the pay request #1 to Veit in the amount of \$54,460.89, the release of retainage to Lake Restoration in the amount of \$3,846.53, and to approve the Treasurer’s Report and pay the bills. Upon a vote, the motion carried.

**Unfinished Business**

**A. Water Resource Center Planning Update**

Administrator Bigalke provided an update on the facility and advised that the city inspection has been passed and the certificate of occupancy has been received. He reported that Veit is working on the outdoor wall. Once the wall is complete, Veit install the cistern. He stated that the driveway has been paved and a plowing contractor has been hired.

**i. Furniture Planning Update**

Administrator Bigalke advised that furniture will be delivered the following week.

**ii. Technology Update**

Administrator Bigalke reported that the internet and telephone systems have been installed and are working. He advised that staff carried over their existing telephone numbers

along with two additional phone numbers. He advised that a door chime was installed today in order to alert staff to visitors entering and exiting the building. He identified the location of video cameras and stated that he can monitor the footage from his cell phone application. He stated that the Board previously discussed audiovisual technology and identified the location of screens and/or smart boards. He asked that the Board authorize staff to purchase the equipment during the holiday sales. He stated that the consultant advised the District to purchase the equipment during the holiday sales rather than paying full retail value. He noted that he may delay the purchase of the smart board for the conference room. He stated that he is going to further research the options regarding a server and network ability.

Manager Kloiber moved, seconded by Manager Twele, to authorize staff to purchase the video monitor equipment during the holiday sales at a cost not to exceed \$9,000. Upon a vote, the motion carried.

#### **B. Comments on Proposed 8410 Changes**

Administrator Bigalke stated that comments were submitted, noting that a final draft of the comments had been emailed to the Board. He stated that BWSR canceled the public hearing and will continue with the review and comment period.

### **New Business**

#### **A. Request to Reduce Surety for Permit #2013-60: Lake West Development**

Administrator Bigalke stated that a representative from Lake West Development had come before the Board the previous month to request that a portion of their surety be reduced as four of the five lots have been completed. He stated that the as-built drawings and monitoring information has not been received. He stated that he prorated the surety to determine the calculation that could be reduced. He recommended that the original surety be reduced from \$30,000 to \$16,000, releasing \$14,000.

Manager Peterson moved, seconded by Manager Twele, to approve the request to reduce surety for Permit #2013-60 from \$30,000 to \$16,000. Upon a vote, the motion carried.

#### **B. Administrator's Annual Review**

Chair Lynch advised that Manager Peterson compiled the results of the individual Manager reviews and provided that to the Board along with a summary document.

Attorney Smith stated that performance reviews can be done in either open or closed session.

Chair Lynch stated that the Board usually conducts this review in open session. She stated that Administrator Bigalke is doing a great job and will be rewarded to the extent that the District can. She noted that he does not receive medical benefits, which can be compensated in

another way. She thanked Administrator Bigalke for all of his hard work for the District and especially with the new facility.

Manager Kloiber moved, seconded by Manager Peterson to approve and accept the recommendation for a four percent salary increase for Administrator Bigalke. 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. He stated that Barr Engineering is ready to make the second half of the Atlas 14 presentation when the Board is ready.

Chair Lynch believed that the beginning of next year would be appropriate once the new screens are installed.

**Attorney's Report**

Attorney Smith had nothing further to report.

**Administrator's Report**

- A. District Credit Card for Education/Outreach Coordinator**

Administrator Bigalke stated that he feel it would be appropriate for Education and Outreach Coordinator Sniegowski to receive a District credit card. He explained that currently she is using her own credit card, which is then reimbursed by the District. He recommended approval of the request.

Manager Kloiber moved, seconded by Manager Peterson, to authorize a District credit card for Education and Outreach Coordinator Sneigowski. Upon a vote, the motion carried.

- B. Appointment of MAWD Annual Meeting Delegates**

Administrator Bigalke confirmed the members of the Board that are planning to attend the MAWD Annual Meeting.

Manager Peterson moved, seconded by Manager Twele, to appoint Chair Lynch and Manager Kloiber as Delegates for the MAWD Annual Meeting. Upon a vote, the motion carried.

**Managers' Report**

The Chair called for reports. No additional comments made.

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

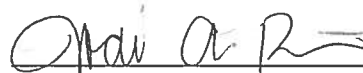
The Managers reviewed and updated the task report.

**Adjournment**

It was moved by Manager Twele, seconded by Manager Kloiber, to adjourn the meeting at 8:07 p.m. Upon a vote, the motion carried.

The Board then toured the new facility.

Respectfully submitted,



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Jodi Peterson, Secretary

ATTACHMENTS:  
Treasurer's Report

