

Nine Mile Creek Watershed District
Board of Managers
Special Meeting Minutes
Tuesday, October 7, 2014
8:00 AM

Nine Mile Creek Watershed District Office
7710 Computer Avenue, Suite 135
Edina, MN 55435

The special meeting of the Nine Mile Creek Watershed District Board of Managers was called to order by President Corrine Lynch at 8:00 am. This purpose of the special meeting is to consider two permit items and office furnishings for the new watershed district office.

I. Permit #2014-105: SuperValu Warehouse Office Building Expansion, Hopkins

Administrator Bigalke stated that the permit applicant had requested a special meeting for the consideration of 9600 square foot building addition as the SuperValu warehouse located at 300 2nd Avenue South in Hopkins. He stated District Engineer Bob Obermeyer would present the information about the project.

Engineer Bob Obermeyer reviewed the project details. He stated that the project will increase the impervious surface on site by 4,980 square feet or 0.4% of the overall impervious surface on site. 13, 939 square feet of existing impervious surface will also be disturbed. Obermeyer stated that the District's storm water management rules only apply to the new and disturbed impervious surface.

Obermeyer stated that the District rules are being met with modification to existing storm water basin that are located on the site. The District's water quality treatment rule and rate control rule are being met with the existing storm water treatment basins.

Obermeyer stated that the applicant is requesting a variance from District Rule 4.3.1a – Volume Retention. Obermeyer state there was contamination on the site and the site is in the

Voluntary Investigation and Cleanup (VIC) program with the MN Pollution Control Agency. Obermeyer said that even through the areas of contamination were identified and addressed that infiltration from storm water has the potential for contaminant transport and that onsite retention was not recommended. The applicant will be required to pay into the District's Storm water Facilities Fund in the amount of \$12,800 if the variance is granted.

Manager Kloiber asked if there was any way to modify the ponds to achieve the required retention onsite. Obermeyer stated that because of the soils and the potential for contaminant transport, it was not recommended.

President Lynch called for a motion to approve the permit application with a variance to the District's volume retention required.

Manager Kloiber made a motion to approve the permit with a variance, with the finding of hardship due to previous contamination onsite and onsite retention not being recommended on the site. Manager Peterson seconded the motion. The permit application with variance was approved.

II. Yorktown Continental/ Continental Gardens Maintenance Declaration Request

Administrator Bigalke stated that this permit has been approved and that the applicant was requesting that the permit be issued before the maintenance declaration was recorded. Bigalke stated that the property currently has a HUD mortgage and that at close it will be refinanced with a new HUD mortgage. The applicant has talked with HUD officials and it will be several months for HUD to consider the maintenance declaration consent and subordination form.

Bigalke stated that the applicant plans to have the maintenance declaration signed and recorded when the sale is closed and when there is a period between the two mortgages so that the consent and subordination form is not required.

Bigalke stated he has had Smith Partners work with the applicant's legal staff to discuss the situation and come to a resolution. While this is a bit unusual, the District's enforcement mechanisms are still retained because the District will still require the financial assurance from the applicant before the permit is issued.

Manager Kloiber stated he understands the potential delay working with the HUD financing and felt that this was an acceptable approach given the District will still retain its enforcement ability and will have the financial assurance.

President Lynch asked for a motion to approve the request. Manager Kloiber moved to approve the request to issue the permit before the maintenance declaration was recorded. Manager Twele seconded the motion. Upon a vote, the motion passed unanimously.

III. WRC Office Furniture Purchase Authorization

Administrator Bigalke state that he has been working with Commercial Furniture Services (CFS) on the design and layout for the new office furniture. He stated that he, Manager Lynch, and Erica Sniegowski had visited the CFS warehouse and showroom to look at the proposed furniture.

Bigalke stated that the proposal for all the furniture in the office came to a total of \$44,000. He continued that this included all office furniture and table and chairs in the conference room.

Manager Kloiber asked if we needed all the furniture right now and that if there were any items that we could hold off on purchasing.

Manager Peterson stated that there were 5 Board chairs and asked if we really needed 5 chairs just for the managers when we only meet once a month. Bigalke stated that those chairs could be eliminated and that we could use the chairs from the conference room for Board meetings.

Manager Lynch asked if we needed all 15 tables in the large meeting room.

Erica Sniegowski stated that the 15 tables would be used for training sessions and workshops, but that we could possibly order 10 now and look to order 5 more in the future.

Bigalke stated that with these items removed, the cost of the office furniture would be reduce to about \$39,000.

Manager Kloiber moved to authorize the purchase of the office furniture with the elimination of the 5 Board chairs and 5 of the classroom tables with a cost not to exceed \$39,000. Manager Peterson seconded the motion. Upon a vote the motion passed unanimously.

IV. Adjourn

Manager Kloiber moved to adjourn the meeting. Seconded by Manager Twele. Upon a vote, the meeting was adjourned.

Respectfully submitted,

Jodi Peterson, Secretary

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

Monday, March 3, 2014

CALL TO ORDER

Manager Lynch called to order the regular meeting of the Nine Mile Creek Watershed District Board of Managers at 8:35 a.m., at the District offices at 7710 Computer Avenue, Suite 135, Edina, MN 55435.

MANAGERS PRESENT

Corrine Lynch, Jodi Peterson, Steven Kloiber, Maressia Twele, Louise Segreto.

MANAGERS ABSENT

None.

ADVISORS PRESENT

Kevin Bigalke, District administrator; Janna Kieffer, District engineer;

Permit #2014-05: Shoreline Stabilization at 7010 Willow Creek Road, Eden Prairie

Administrator Bigalke reminded the Board that this permit was continued at the February 19, 2014 Board of Managers meeting. Bigalke stated that since that time, staff has received the additional information requested. Bigalke and Janna Kieffer, District Engineer, reviewed the proposed plans. Bigalke stated that the proposed project is for shoreline stabilization with the use of rip rap. Kieffer stated that previous attempts to stabilize the shoreline with biolog and a vegetated buffer had been unsuccessful due to the significant wave action on Bryant Lake. Kieffer stated that the location of this property also has a significant wind fetch contributing to the problem.

Bigalke stated that the property owners have requested a variance to the District's rule 7.3.6, which restricts shoreline stabilization to 200 feet. The property owner is requesting to stabilize 225 feet of shoreline, which would stabilize their whole property.

Managers Peterson moved, and Manager Segreto seconded, to approve the shoreline stabilization permit with a variance. The variance is granted based on the findings that the erosion was not caused by the property owner, previous natural stabilization approaches had not been successful, and wave action was causing significant erosion and potential loss of property. Upon vote, the motion carried 5-0.

Permit #2014-07: Single Family Home Construction, 5637 Tracy Avenue, Edina.

Bigalke stated that permit had been continued at the February 19, 2014 Board meeting as staff was waiting for additional soils information on the site. Bigalke stated that this is part of a lot split and the Board had approved the permit for the other lot and home at the February meeting.

Bigalke stated that the District's storm water management rule was applicable because the property was within 500 feet of a public water. Bigalke stated that the project was using an underground infiltration system and that the District's water quality and storm water retention criteria were being met.

Managers Kloiber moved, and Manager Twele seconded, to approve permit 2014-07. Upon vote, the motion carried 5-0.

Permit #2014-11: Single Family Home Construction, 5300 Glengarry Parkway, Edina

Administrator Bigalke stated that this permit is for the construction of a single family home. The property is within 500 feet of a public water so the District's storm water management rule applies. Bigalke stated that the site had very tight soils. Bigalke stated that the applicant is proposing to retain .54 inches on site, which is just over half of the one inch on site retention required by the District. Bigalke stated that the applicant is paying to the District's Storm Water Facilities Fund in the amount of \$2,480 for the remaining 0.46 inches not being retained.

Bigalke stated that the applicant has requested a variance to the District's water quality treatment requirement of 60% phosphorus removal and 90% Total Suspended Solids removal because of the tight soils and a significant portion of the lot would be dedicated to storm water ponds to meet these criteria. Bigalke stated that the onsite retention practices are providing approximately 50% phosphorus removal and 70 % Total Suspended Solids removal. There is not a municipal storm sewer system in this area to provide for water quality treatment off site as other single family home projects have been able to benefit from.

Managers Kloiber moved, and Manager Segreto seconded, to approve the permit 2014-11 with a variance. The variance is granted based on the findings that the site has poor soils, that there is not a regional storm sewer system to provide water quality treatment, and it would be cost prohibitive to do the full treatment onsite. Upon vote, the motion carried 5-0.

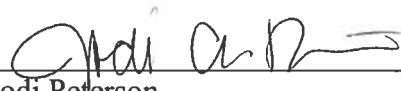
Water Resource Center Abatement

Bigalke stated that asbestos abatement has proceed at the Water Resource Center. He state that the contractor has discovered additional transite asbestos panels behind drywall that needs to be removed. Bigalke stated that this additional material was not visible when the assessment work was completed. He suggested that it makes more sense to have the contractor do the work now, rather than stop and then have them return before construction starts.

Manager Peterson moved, and Manager Twele seconded, to authorize an additional \$3,000 to have the abatement contractor remove that additional asbestos containing material. Upon a vote, the motion carried 5-0.

The meeting was adjourned at 9:15 am.

Respectfully submitted,



Jodi Peterson
Secretary

