

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

**WEDNESDAY, MARCH 18, 2015**

**Call to Order**

Chair Kloiber called the meeting of the Board of Managers of the Nine Mile Creek Watershed District to order at 7:00 p.m., Wednesday, March 18, 2015, at the Nine Mile Creek Watershed District Office, 12800 Gerard Drive, Eden Prairie, MN 55346.

Managers Present: Twele, Lynch, Kloiber, Segreto and Peterson  
Managers Absent: None.  
Advisors Present: Kevin Bigalke, Louis Smith, Robert Obermeyer, and Erica Sneigowski

**Agenda**

Administrator Bigalke referenced Item H, Permit #2015-27, under the Consent Agenda and advised that permit should be renumbered as #2015-29. He referenced Item D, Permit #2015-20, under the Permits and noted that a variance is not needed and therefore the permit is very straightforward and meets the District criteria. He suggested moving that item to the Consent Agenda.

Manager Segreto moved, seconded by Manager Lynch, 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 Special Meeting of February 18, 2015. It was noted on page one, the second to last paragraph it should state, "considerations..." On page one, the fourth paragraph from the bottom, it should state, "...Altas 14 ~~model~~ analysis uses the existing SWMM model data which uses information from the TP40 ~~model~~."

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

The Chair called for review of the minutes of the Regular Meeting of February 18, 2015. It was noted on page four, the second permit, it should state, "...notice to the TEP was necessary for the proposed temporary wetland impacts..." The last sentence of that paragraph, it should state, "...advised that staff ~~will visit~~ and the city will visit this spring..." Under the motion for that item, it should state, "...comments are received regarding the proposed temporary wetland"

impacts and the recommendations as proposed in the project correspondence.” On page seven, the third paragraph from the bottom, it should state, “...~~porus~~ porous...”

Manager Segreto moved, seconded by Manager Peterson, 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.

#### **A. NEMO Update**

Education and Outreach Coordinator Sneigowski provided a handout with the 2015 NEMO programing as well as a summary of the 2014 programs that were conducted. She summarized the NEMO events that the District will host during 2015. There was additional discussion regarding aquatic invasive species and possible educational efforts.

#### **B. Education and Outreach Specialist Position**

Education and Outreach Coordinator Sneigowski provided an updated job description for the position of Education and Outreach Specialist.

Administrator Bigalke explained that staff used the existing job description as well as information from the 2015 Work Plan in order to develop this job position. He noted that staff also reviewed position descriptions from other similar Watershed Districts and noted that the salary listed for the position is based off the salary survey. He advised of electronic means that staff will use to advertise the job position.

Manager Lynch stated that at one time there had been talk of hiring two part-time employees.

Administrator Bigalke stated that it makes more sense to have a full-time employee in this position. He noted that there are several secretarial/administrative assistant services that could be hired on a contract basis. He hoped to post the job position by the first week in April, allowing three weeks for applications to be submitted and reviewed. He suggested that perhaps a Manager be brought into the interview process with himself and Education and Outreach Coordinator Sneigowski.

Manager Lynch moved, seconded by Manager Segreto, to authorize staff to advertise the Education and Outreach Specialist position and hire an employee for the position. Upon a vote, the motion carried.

### **C. Other**

Attorney Smith referenced the Blue Thumb program, which has been run and trademarked by the Rice Creek Watershed District. He stated that as the program has grown statewide, that District would like to transfer the program to an organization that could handle that type of growth. He noted that his firm represents Rice Creek Watershed District, as well as other watershed districts that are partners in the program. He stated that Rice Creek Watershed District would like to continue to pursue the ability to transfer the program to another organization, Metro Blooms. He stated that because Rice Creek Watershed District is being represented by his firm and explained that while the partnering Districts will be updated throughout the process, if the Nine Mile Creek Watershed District desires additional answers, outside of the scope he could answer, he would have to direct the District to outside counsel.

Administrator Bigalke stated that the partnering watershed districts to have some questions, specifically in regard to the informational pieces that will be available and the fee structure. He stated that there is also concern over the response that will be available based upon prior experience with Metro Blooms. He stated that there are also concerns regarding a Watershed recommending this organization. He confirmed that staff will continue to provide updates to the Board.

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

There were none.

### **Consent Agenda**

- A. Permit #2015-18: Parking Lot Expansion – 4000 Hazelton Road; Grading and land alteration permit: Edina**
- B. Permit #2015-21: Westwood Elementary School Building Addition – 3701 West 108<sup>th</sup> Street; Grading and land alteration permit: Bloomington**
- C. Permit #2015-22: Home Reconstruction – 5717 Continental Drive; Grading and land alteration permit: Edina**
- D. Permit #2015-23: Countryside H Neighborhood Roadway Improvements; Grading and land alteration permit: Edina**
- E. Permit #2015-24 Prospect Knolls B and Dewey Hill G Roadway Improvements; Grading and land alteration permit: Edina**
- F. Permit #2015-25: Home Reconstruction – 5116 Skyline Drive; Grading and land alteration permit: Edina**
- G. Permit #2015-26: Aurora on France (formerly Edina Medical, Permit #2012-90) – 6500 France Avenue; Grading and land alteration permit: Edina**

- H. Permit #2015-29: Home Construction – 6600 Old Shady Oak Road; Grading and land alteration permit: Eden Prairie**
- I. Permit #2013-39: 71 France Byerly's, Build A and Build B Extension**
- J. Permit #2014-17: CSAH 61/TH212 Interchange Extension**
- K. Permit #2014-36: Birchcrest B, City of Edina, Extension**
- L. Permit #2015-20: Highlands Elementary School Parking Lot Reconstruction and Expansion – 5505 Doncaster Way; Grading and land alteration permit: Edina**

Engineer Obermeyer advised that additional language suggested by legal counsel had been added to Permit #2015-23 and #2015-24. He provided additional clarification regarding Permit #2015-26.

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

**Hearing of Permit Applications**

- A. Permit #2015-08: Braemar Golf Course Driving Range and Executive Course Improvements; Grading and land alteration permit: Edina**

Joe Aboud, General Manager of Braemar Golf Course, explained the intent of the project is to expand the driving range. He stated that in order to do that they needed to reconfigure the existing golf course holes, executive course, and the creation of a par three course.

Ross Bintner, City of Edina, stated that they combined a capital improvement project together with this project in order to provide additional benefits. He reviewed the goals of his side of the project including improved water quality and soil stability, natural resource restoration, and wildlife habitat while still being complimentary to the golf enterprise. He stated that this is a starting point and hopes to continue work throughout the golf course in the next three to five years. He stated that Barr Engineering had been consulted to provide areas where storm water treatment could be improved and highlighted those areas. He stated that Barr also provided additional opportunities for natural resource restoration. He stated that in order to avoid a conflict of interest, that is all the support that Barr provided and SEH was brought on to provide consulting services. He reviewed potential improvements that could be made including enhancing the course entrance, moving from no-mow areas to wildflower prairie, movement from Oak/buckthorn towards an Oak Savannah area, and removal of invasive species in order to manage the understory. He noted that each one of those items would not only take an investment in the beginning but would also require ongoing active maintenance. He reviewed the overall course layout as proposed and identified areas, which will go above and beyond what will be required. He reviewed the project timeline, noting that construction would begin in July and end in August, with the driving range and golf course to open in May/June of 2016. He reviewed the cost and funding for the project and noted that the ongoing maintenance costs will be budgeted for the future.

Administrator Bigalke stated that staff has been involved in the long-range planning for the golf course, providing input on the different future options.

Manager Segreto referenced the proposed buckthorn removal on sloping land and questioned if that would cause additional problems with sedimentation and erosion.

Engineer Obermeyer explained the different methods of removal that could be done and advised that restoration would be required.

Mr. Bintner summarized some of the future opportunities and stated that perhaps there could be partnership opportunity with the District both in financial and planning capacities.

Engineer Obermeyer noted that approval is being requested for the grading and land alteration permit and also for a Wetland Conservation Act (WCA) Permit. He noted that while some of the wetlands have been ruled incidental, there was discussion regarding wetland seven. He stated that the applicant is proposing onsite mitigation to offset that disturbance to wetland seven. He stated that the TEP has reviewed this and recommends approval of the replacement plan as proposed for the wetland impacts. He stated that there is a separate recommendation that the Board require financial assurance in the amount of \$12,400, even though the applicant is a municipality in order to ensure the wetland mitigation occurs as proposed. He explained the permit and proposed plans. He stated that the project will provide an additional 7.7 acres of volume for water quality. He discussed the buffer requirements noting that while the current rating is medium quality wetland, the new area once established will be high quality wetland and therefore the high quality buffer requirements would apply. He highlighted one area where the minimum buffer cannot be provided because of an existing roadway and noted that a variance request has been submit. He recommended approval of the WCA permit application recommending financial assurance in the amount of \$12,400 and approval of the grading and land alteration permit based upon conditions that a wetland buffer and storm water declaration are submitted in accordance with the District's rules, and that wetland buffer markers be constructed upon completion of the project.

Administrator Bigalke advised that the average buffer will exceed the minimum requirements but noted that one area simply cannot meet the requirements because of the wetland and road locations.

Manager Lynch stated that the District has not required a financial assurance from municipalities in the past and questioned why that is being recommended at this time.

Administrator Bigalke explained that the financial assurance is simply being requested for the mitigation portion of the project to ensure that the mitigation efforts could be completed. He stated that if the mitigation efforts were not completed, the District as the LGU would be responsible for the mitigation.

Attorney Smith stated that there is longevity to the risk because of the extended timeline, up to five years.

Manager Segreto believed that the financial assurance should be required.

Chair Kloiber asked for clarification on the wetland being impacted and the area where mitigation will occur.

Manager Peterson moved, seconded by Manager Twele, to approve the WCA application and replacement plan, requiring financial assurance in the amount of \$12,400. Upon a vote, the motion carried.

Manager Lynch moved, seconded by Manager Segreto, to approve the variance to the minimum wetland buffer with the finding that there are unique conditions inherent to the property that were not caused by the landowner, and the project will not adversely affect water quality. Upon a vote, the motion carried.

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

**B. Permit #2015-17: At Home Apartments – 5709 Rowland Road; Grading and land alteration permit: Minnetonka**

Engineer Obermeyer explained the permit and proposed plans. He stated that while the City of Minnetonka is the LGU for the WCA portion of the project, the District's buffer requirements would be applied. He stated that the applicant originally requested a variance from the District's volume retention requirements because of the clay soils. He noted that staff was able to work with the applicant to eliminate the need for a variance. He recommended approval of the permit subject to general conditions including financial assurance in the amount of \$131,900, payment of \$14,130 to the storm water facilities fund, submission of a maintenance agreement for the storm water facilities and wetland buffers on the site, and documentation that indicates the soils in the storm water basin are not contaminated.

Chair Kloiber commended staff for working with the applicant to resolve the issues in a manner that does not require any variances.

Manager Lynch moved, seconded by Manager Twele, to approve the permit subject to the conditions recommended by staff. Upon a vote, the motion carried.

**C. Permit #2015-19: Building Addition for Hayden Murphy Equipment – 9301 East Bloomington Freeway; Grading and land alteration permit: Bloomington**

Administrator Bigalke recommended that the permit be continued to the April meeting as the application is incomplete at this time. He noted that additional soils information is needed.

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

**D. Permit #2015-28: 7101 France Avenue – Building C Residential; Grading and land alteration permit: Edina**

Engineer Obermeyer explained the permit and proposed plans, noting that this is the third phase of the Byerly's area. He advised that the earlier phases of the project included the necessary storm water infrastructure and treatment options for building C. He recommended approval of the permit with the additional conditions that financial assurance be required in the amount of \$6,300 and submission of the agreement between the applicant and Byerly's in regard to the continued use of the infrastructure on the Byerly's property.

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. Manager Twele asked for clarification on certain items included on the report.

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

**Unfinished Business**

There was none.

**New Business**

**A. Other**

Chair Kloiber noted that the Edina Streambank meeting has been rescheduled and asked for an update.

Administrator Bigalke stated that the next step would be to hold neighborhood and public information meetings during April and May. He advised that that notification will be provided to property owners adjacent to the project area and staff will also be contacting landowners where potential easements will be required. He stated that he will email Managers later this week with potential dates in the beginning of April.

Manager Segreto referenced comments that had been made regarding the potential for birds to hit the windows and wanted to ensure that staff is following up on that with the migration season arising.

Administrator Bigalke confirmed that staff is researching options with the Audubon Society.

### **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. Lower Valley – Bloomington: Status Report**
- H. Status of Construction Projects**

Engineer Obermeyer updated the Board on the above listed projects.

### **Attorney's Report**

Attorney Smith had nothing further to report.

### **Administrator's Report**

Administrator Bigalke stated that the MAWD Summer Tour is scheduled June 24<sup>th</sup> – 26<sup>th</sup> in Duluth. He noted that registration materials should be received by Managers in the next few weeks and highlighted the itinerary for the event. He stated that he will be out of the office the following week on vacation for spring break but advised that Education and Outreach Coordinator Sneigowski will be in the office.

### **Managers' Report**

The Chair called for reports. Chair Kloiber reported that there will be a Metro MAWD meeting in April.

Commissioner Lynch questioned if there will be a grand opening for this new facility.

Administrator Bigalke confirmed that staff is hoping to hold that event in early to mid-June, which would allow for the plantings and construction to be finished.

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

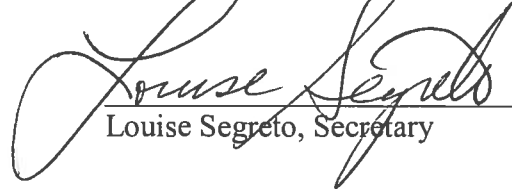
The Managers reviewed and updated the task report.



**Adjournment**

It was moved by Manager Segreto, seconded by Manager Lynch, to adjourn the meeting at 9:00 p.m. Upon a vote, the motion carried.

Respectfully submitted,



Louise Segreto, Secretary

ATTACHMENTS:  
Treasurer's Report

