

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

**WEDNESDAY, NOVEMBER 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, November 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, Erica Sniegowski, and Gael Zembal

**Agenda**

Administrator Bigalke requested the addition of an item under the Administrator's Report titled Discussion of Water Management Planning Process.

Manager Segreto 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 October 21, 2015. Attorney Smith noted on page two, under the Citizens Advisory Committee/Education & Outreach Report, the second sentence, it should state, "~~She~~ Education and Outreach Coordinator Sniegowski..." On page two, under Website Content, it should state, "...project is still out for ~~bid RFP~~ but the District has already received some ~~bids proposals~~. She noted that she will be attending a conference when the ~~bid proposal~~ deadline..." On page three, under Public Hearing – Watershed Rules Amendment, the second to last paragraph, it should state, "...adopting the watershed rules amendments ~~as amended by~~ with the changes recommended by Attorney Smith." On page four, the second to last paragraph, it should state, "...no contamination in ~~certain~~ infiltration areas."

Manager Peterson moved, seconded by Manager Segreto, 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 Specialist Zembal provided a sample of a new cup designed by the District for use with salt in the winter months. She also noted that the interpretive signs for Discovery Point are scheduled to be installed the following day. She stated that the building was open for Halloween and about 15 people visited the office and noted that it was a fun time. She stated that two salt workshops have been held, one in October and one in November, noting that each workshop had over 20 people in attendance. She provided information on how the training sessions were advertised. She highlighted upcoming events for the District, which include a Night with the Watershed series, and the Star Stories events. She stated that the District is still recruiting master water stewards, noting that four have been confirmed and four spots remain open. She provided a draft version of the annual communication for the District, which will soon go to the printer.

### **A. Website Content Review and Development RFP**

Administrator Bigalke reported that over 20 proposals were received, noting that a large number of the proposals were local but some were received from other areas. He reported that staff narrowed those requests down to three finalists local to the Minneapolis area, which were Windmill Design, HDR, and Software for Good. He stated that face-to-face interviews were conducted with the finalists by he and Education and Outreach Coordinator Sniegowski. He stated that the top choice from the interview process was Windmill Design and noted that a revised proposal was received after the interview, which lowered from \$31,950 to \$30,425. He noted that monthly maintenance can be added for \$240 per month and hosting can be added for \$25 per month. He noted that even though this proposal was not the lowest, staff felt that the company provides specialized services in web design. He advised that HDR, the lowest proposal, has recently updated three watershed websites and noted that those sites look almost identical to each other. He explained that the District would like to have a more unique site rather than a template based site.

Manager Segreto asked the importance of the watershed finder map.

Administrator Bigalke stated that item is very important as he receives the most amount of calls regarding the locator. He provided additional details on the process that will occur during the website content review and update. He noted that almost all the websites are cloud based hosting to a degree, noting that aspect would assist in maintenance needs.

Manager Lynch asked how long it would be for the new website to be functional.

Administrator Bigalke noted that the timeline would be for early April. He noted that the current website would be operational until the new website content is operational. He noted that

the timeline is dependent on the District's ability to provide comments and input throughout the process as well.

Chair Kloiber stated that it would make sense in the future for the Board to consider moving towards electronic packets rather than printing the full Board packets for delivery to the Managers.

Administrator Bigalke noted that will be discussed in the near future noting that there would be options to consider such as the ability to download the packet or for Managers to utilize the packet through iPads.

Chair Kloiber confirmed that the issue of ADA compliance was also discussed with the company.

Manager Lynch moved, seconded by Manager Twele, to approve Windmill Design for the website content review and development in the amount of \$30,425 to include Option A for maintenance and Plan Two for hosting, and to use the District's contract. Upon a vote, the motion carried.

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

There were none.

### **Consent Agenda**

- A. Permit #2015-117: 9601 James Avenue Building Modification and Parking Lot Reconfiguration; Grading and land alteration permit: Bloomington**
- B. Permit #2015-118: Home Reconstruction – 6012 Hansen Road; Grading and land alteration permit: Edina**
- C. Permit #2015-119: Home Construction – 9044 West Bush Lake Road; Grading and land alteration: Bloomington**
- D. Permit #2015-120: St. Edward Pond Sediment Removal – 9041 Nesbitt Avenue; Grading and land alteration permit: Bloomington**
- E. Permit #2015-121: Kingsdale Pond Sediment Removal – 9301 Collegeview Road; Grading and land alteration permit: Bloomington**
- F. Permit #2015-122: Urban Landworks – 301 West 90<sup>th</sup> Street; Grading and land alteration permit: Bloomington**

Engineer Obermeyer referenced Permit #2015-119, and provided an amendment to the language. He referenced permits Permit #2015-120 and #2015-121 and clarified the findings regarding the item related to the DNR general permit.

Attorney Smith provided additional details regarding the DNR general permit, which expires December 30, 2015. He noted that if the permit is not renewed the applicants would be responsible for obtaining their own DNR permit.

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

### **Hearing of Permit Applications**

#### **A. Wetland Conservation Act – Southwest LRT 2015 Supplemental Wetland Delineation**

Engineer Obermeyer presented the wetland delineation request and stated that the TEP has reviewed the delineation and recommends acceptance of the boundary determination.

Chair Kloiber asked if the District had reviewed a delineation for the Southwest LRT.

Engineer Obermeyer confirmed that and noted that this would be a supplemental.

Manager Segreto moved, seconded by Manager Peterson, to accept the wetland delineation and boundary determination. Upon a vote, the motion carried.

### **Treasurer's Report**

The Treasurer submitted the report. Manager Twele provided additional clarification on items on the Report.

Engineer Obermeyer provided additional details on the pay request for Veit in the amount of \$33,989.61, noting that this will be the final payment for Discovery Point.

Manager Twele moved, seconded by Manager Lynch, to approve the pay request to Veit in the amount of \$33,989.61. Upon a vote, the motion carried.

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

### **Unfinished Business**

#### **A. Edina Stream Bank Stabilization Project Update**

Administrator Bigalke stated that he is still working with landowners, noting that he is making progress but does not have any signatures as of yet. He stated that staff is working with Barr to stake some of the properties to provide a better visualization to property owners. He anticipated that the cooperative agreement with the city of Edina will be on the agenda for the December 1<sup>st</sup> City Council meeting for approval. He stated that the public hearing for the project is scheduled for Thursday, December 10<sup>th</sup> at 7:00 p.m. at the Edina Public Works Facility in the multi-purpose room. He stated that the public hearing will be noticed in the local paper, *Sun Current*, and will also be posted on the District website.

#### **B. Office Networking Update**

Administrator Bigalke provided a brief update, noting that things should begin to be hooked up in December and staff is working to finalize the language in the maintenance contract.

## **New Business**

### **A. MAWD Annual Meeting Delegates and Resolutions**

Administrator Bigalke stated that as part of the MAWD Annual Meeting the membership can appoint two Managers that will be attending to be voting delegates. He stated that the Board would need to appoint two delegates and an alternate.

Chair Kloiber stated that he will be attending the meeting and noted that although he does not have a financial gain in the issues, he would feel that he has a conflict of interest in some issues, such as Resolution Four, as he is the project manager for the project through his job at the DNR.

Administrator Bigalke stated that if Chair Kloiber feels that there would be a conflict he could abstain from that particular vote.

Manager Peterson stated that she is still awaiting her hotel confirmation and therefore felt more comfortable being an alternate.

The Board appointed Chair Kloiber and Manager Lynch as delegates and Manager Peterson as an alternate.

Administrator Bigalke provided additional information on the process that is followed during the review and approval of Resolutions.

### **B. Health Insurance Benefit Plans**

Administrator Bigalke provided information on the current benefit enrollment, noting that he was not interested in insurance previously and therefore the other two employees were set on individual plans. He noted that the costs are proposed to increase and stated that staff worked with an agency to determine the rates that would be available for a group policy, noting that the HSA plans are better plans. He recommended the Blue Cross Blue Access HSA plan and provided additional details. He noted that currently the District covers 100 percent of the employee cost and 75 percent of the family cost for insurance and recommended that the District remain with that. He provided comparison information for what is offered through other Districts and Hennepin County. He stated that with the new policy the District would pay \$2,000 per month and noted that if the District stayed with the individual plans the cost would be higher.

Manager Lynch agreed that it would be a good decision to go to the group plan as that would be more cost-effective.

Administrator Bigalke stated that he would continue to opt out of the health insurance and remain on his wife's health insurance plan.

Manager Lynch moved, seconded by Manager Twele, to approve the Blue Cross Blue Access health plan for employee health insurance coverage. Upon a vote, the motion carried.

### **C. Education/Outreach Coordinator Position Description and Annual Review**

Administrator Bigalke stated that he did the review of Education and Outreach Coordinator Sniegowski and gave her an outstanding review as she continues to go above and beyond her duties. He stated that even with the medical treatments she has gone through in the past year, there has not been a decline in her work at all. He advised of additional duties that Education and Outreach Coordinator Sniegowski has taken on during the past year in addition to her own job duties. He stated that some of the additional items she took on without his asking and therefore he believes that her job should actually be considered at a program manager level rather than her current position level. He provided additional details on the salary and promotional salary adjustments that would come into play. He recommended a salary adjustment of 14.5 percent, which would include the 4.5 percent merit increase and 10 percent promotion increase.

Manager Lynch agreed that the Board has been discussing updating her job description and position for some time and therefore supported the recommendation of Administrator Bigalke. It was the consensus of the Board to support his recommendation.

Manager Segreto moved, seconded by Manager Lynch, to accept the annual review of Education and Outreach Coordinator Sniegowski and approve a promotion to Education and Outreach Manager with a salary adjustment of 14.5 percent. Upon a vote, the motion carried.

### **D. Administrator Annual Review**

Manager Lynch provided details on the review that she and Manager Peterson completed using the reviews filled out by each Manager. She stated that the Board appreciates Administrator Bigalke's work very much and noted that he had 10 outstandings and two exceeds expectations. She stated that she talked to Sarah Noah in order to determine the type of increase that he could get. She noted that the district is not paying health insurance for him or his family, which would have a cost of \$11,000 per year. She stated that after the discussion with Sarah Noah there is still room for his salary to grow and because of all the work he has done this past year with Discovery Point, the Committee would recommend an increase of five percent.

Manager Peterson echoed the comments of Manager Lynch, noting that she also feels that Administrator Bigalke does a great job and continues to exceed expectations and provide an outstanding commitment to his level of service.

Manager Lynch stated that she spoke with Administrator Bigalke regarding other ways the Board could enhance his employment and noted that he expressed interest in taking a professional development course, noting that the courses are out of town.

Administrator Bigalke provided additional details on the potential courses, noting that they intentionally take you out of your workplace environment for the retreats in order to better focus on the course.

Manager Segreto echoed the comments of the other Managers and stated that she is totally confident in Administrator Bigalke's performance. She stated that because Administrator Bigalke is such a talent, she would be worried that other organizations could try to lure him away. She asked if there are any types of employment contracts, clauses or notification periods that could go along with his employment, noting that she would hate to show up to a meeting and have Administrator Bigalke put in a 30 day notice.

Attorney Smith provided additional details on the options available, noting that severance typically is attached to clauses such as that.

Administrator Bigalke stated that currently in his employment letter it states that in order to collect unpaid vacation and PTO he would need to submit 30 days of notice, but if he were to want to leave without that compensation, he would need a two week notice.

Chair Kloiber stated that there is a position description on file and that should be updated again now to include responsibilities of the new facility, as that will assist in ensuring that a new hire could occur quickly and successfully if needed.

Manager Twele moved, seconded by Manager Segreto, to accept the annual review for Administrator Bigalke and approve a salary increase of five percent. 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. Edina Stream Bank Stabilization Project: Status Report**
- G. Atlas 14: Status Report**
- H. Lower Valley – Bloomington: Status Report**
- I. Status of Construction Projects**

Engineer Obermeyer noted that he printed off a copy of the presentation from the previous night for the Managers to keep and had nothing further to add in addition to his written report.

### **Attorney's Report**

Attorney Smith stated that he met with Administrator Bigalke and Engineer Obermeyer to discuss the strategy for the Edina Stream Bank project, specifically regarding easements and the timetable for the project.

### **Administrator's Report**

#### **A. MAWD Annual Meeting**

Administrator Bigalke had nothing further to report on the MAWD Annual Meeting.

#### **B. Building Entrance Sign**

Administrator Bigalke stated that earlier this summer the District received a bid for about \$40,000 for the sign and installation and noted that Barr Engineering staff has been working with the District to find a better cost. He noted that Barr staff has been able to find the cost of the stone, frost footings, site excavation and delivery to be \$13,750. He stated that the stone itself is 16 or 17 cents a pound, noting that the sign is easily 2,000 plus pounds. He advised of the additional items including engraving and site preparation. He stated that staff has looked high and low for a reasonably priced stone and at signage at general, that would have a natural stone look, and advised that if you can find it for under \$20,000 you are getting a good deal. He noted that the sign would be about four foot by foot. He noted that once the details are determined the District would need to apply for a sign permit through the city. He advised that sign placement would also need to be determined, as the sign would need to be outside of the 14 foot right-of-way. He noted that lighting could be installed but that would need to be on a timer to ensure that it does not disrupt the neighbors. He stated that even if the District were to go with a wooden sign the cost would be about \$7,000 or \$8,000. He recommended that the Board approve the sign proposal in the amount of \$13,750. He noted that the plastic sign currently in the front has a cost of \$400.

Manager Segreto stated that it seems wildly expensive.

Manager Peterson asked if the material would be vandalized.

Administrator Bigalke stated that the sign would not be able to be stolen, but could be vandalized the same as any other sign.

Chair Kloiber asked the depth of the sign.

Administrator Bigalke stated that the depth would be about 10 to 12 inches.

Manager Segreto asked what the line item for the sign was in the building budget.

Administrator Bigalke stated that the sign was not included as a line item as the District was unsure of what would be wanted. He stated that originally a brick type sign was desired but that cost would be at least the same amount, if not more. He noted that the alternatives have similar costs.



Chair Kloiber asked if the Managers are comfortable with this proposal or whether they desire additional information.

Manager Lynch stated that she would like to see a proposed layout for the sign.

Administrator Bigalke stated that the sign would be about the same dimensions of the sign currently out front, with the exception of the material. He noted that the information on the sign would be displayed similar to what is on the current temporary sign, noting that the information would be engraved and then made black to stand out.

Manager Segreto provided a possible stone contractor for the project that might have a better price.

Administrator Bigalke noted that staff has looked into several contractors thus far. He noted that they had looked at using the stones onsite but they were not large enough.

Chair Kloiber stated that it appears that additional information will be needed to review in order for the Managers to be comfortable.

Administrator Bigalke stated that Hedberg is holding the stone at this time and he will follow up to determine if a deposit would need to be paid in order to hold the stone. He noted that this item can be carried to the December meeting and he will bring additional information forward for the Board to review.

### **C. Discussion of Water Management Planning Process**

Administrator Bigalke stated that the Water Manager Plan process will begin in January and will most likely be a yearlong process. He stated that it would most likely start with an online survey for citizens to provide input. He stated that staff will work to determine what needs to be done and what can be carried over from the existing Plan in order to streamline the process. He stated that the Board will provide input, as will member cities. He stated that this has the potential to be a big time commitment not only for staff but for the Managers as well. He noted that during the last process the Board was meeting every other Friday and stated that this time it may not require that many additional meetings but at least one additional meeting per month would be needed when the Board input is required. He stated that the Plan guides what the District is doing and forecasts for the next ten years. He stated that not everything in the Plan needs to be updated, but noted that the majority of changes would occur in chapters four and eight. He noted that this will be a lengthy process and the Plan needs to be in place to be adopted by March of 2017.

Chair Kloiber stated that monthly meetings for the Plan process do not seem out of line and noted that he would not be opposed to meeting every other Friday if needed. He stated that a good starting point would be to review the existing Plan to determine what has been accomplished, what was not done, and what needs to be done.

Administrator Bigalke stated that would occur at the kickoff meeting where a review of that nature would be done. He stated that the bi-weekly meetings in the past planning process helped him to build relationships with the Board and member cities as he had just begun working for the District. He did not anticipate that level of meetings would be necessary as staff could work directly with the member cities for that portion, but noted that additional meetings would be needed from the Board. He asked the Board to review chapters four and eight when they have available time in order to provide input.

Manager Lynch noted that during the last planning process a focus on education and outreach was identified, as the District did not have that element at all at that time.

Administrator Bigalke stated that when he began there was not a single goal that identified what the Board wanted the District to do in terms of Nine Mile Creek and therefore a good nine months was spent making the Plan much more personal rather than simply addressing the mandates.

Manager Lynch noted that the sooner this begins the better.

Chair Kloiber noted that some Managers may be up for reappointment during this next year.

Administrator Bigalke described the posting of positions and reappointment and confirmed that Chair Kloiber and Manager Segreto are up for reappointment this next year.

Chair Kloiber noted that there may be the possibility of a shift in Managers during the next year should the County make that decision.

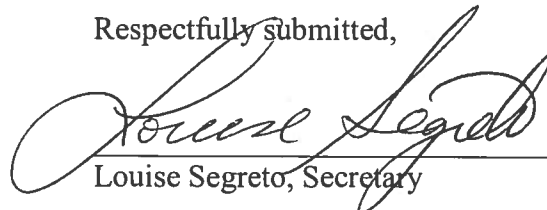
### **Managers' Report and Calendar**

The Managers reviewed and updated the task report.

### **Adjournment**

It was moved by Manager Segreto, seconded by Manager Lynch, to adjourn the meeting at 8:56 p.m. Upon a vote, the motion carried.

Respectfully submitted,



Louise Segreto, Secretary

ATTACHMENTS:  
Treasurer's Report