

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

WEDNESDAY, OCTOBER 21, 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, October 21, 2015, at the Nine Mile Creek Watershed District Office, 12800 Gerard Drive, Eden Prairie, MN 55346.

Managers Present: Twele, Kloiber, Segreto and Peterson

Managers Absent: Lynch.

Advisors Present: Kevin Bigalke, Louis Smith, Robert Obermeyer, Erica Sneigowski, and Gael Zembal

Agenda

Administrator Bigalke suggested pulling Item 8C from the Consent Agenda and instead consider that item under the Hearing of Permits. He also requested to add two items under the Administrator's Report titled Special Meeting Request for the Southwest Light Rail and Update on the Eden Prairie Local Water Management Plan.

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

Oath of Office – Manager Maressia Twele

Attorney Smith administered the oath of office to Manager Twele.

Reading and Approval of Minutes

The Chair called for review of the minutes of the Budget Hearing Meeting of September 9, 2015. Attorney Smith noted on page five, the third paragraph from the bottom, it should state, "two options for the city to choose if they would like to ~~permit~~ the plan to be approved."

Manager Twele moved, seconded by Manager Segreto, 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 September 16, 2015. Manager Twele moved, seconded by Manager Peterson, to approve the minutes as presented. Upon a vote, the motion carried.

Correspondence

- MAWD Annual Meeting Notice

Chair Kloiber stated that he is planning to attend but is still trying to figure out the timing.

Manager Twele stated that she is unsure if she is going to attend.

Manager Segreto did not think she would be able to attend due to her travel and work schedule.

Manager Peterson stated that she is unsure if she will be able to attend but would like to go.

Citizens Advisory Committee/Education & Outreach Report

The Chair called for the report of the Citizens Advisory Committee. She noted that the CAC met the previous week and the decision was made to have the building open from 5:00 to 7:00 p.m. for trick or treaters on Halloween to continue Barbara's tradition.

Manager Twele stated that she would be interested in helping that night.

Education and Outreach Coordinator Sneigowski stated that the CAC usually has a holiday celebration but was not going to do that this year because of the neighborhood barbeque and grand opening that have recently taken place. She stated that instead the District will be hosting an education session offsite on December 9th. She provided an update on the recent education and outreach activities and training workshops.

A. Discovery Point Exhibit Update

Education and Outreach Coordinator Sneigowski provided an update on potential interactive exhibits. She noted that the next step would be for staff to further review the exhibits to ensure that they would be portable and could be integrated in other ways into the education program.

B. Website Content Review and Development RFP

Education and Outreach Coordinator Sneigowski stated that the project is still out for bid but the District has already received some bids. She noted that she will be attending a conference when the bid deadline occurs and therefore Administrator Bigalke will present the results to the Board.

Hearing and Discussion of Matters of General Public Interest

There were none.

Public Hearing – Watershed Rules Amendments

Chair Kloiber opened the public hearing at 7:13 p.m.

Administrator Bigalke stated that there have been discussions for some time regarding housekeeping items for the Watershed rules, specifically regarding permitting of single-family homes. He stated that the public review and comment period ended earlier today and the District did not receive any comments from the general public or member cities. He advised that notice had been provided on the District website and published in a local newspaper. He stated that the rule amendments were also sent directly to member cities. He provided further clarification on the proposed rule amendments regarding the single-family home trigger and the uniform wetland buffer requirements.

Attorney Smith provided a few grammatical corrections for the proposed resolution.

Administrator Bigalke read the proposed resolution aloud.

Chair Kloiber confirmed that if requested a permit on the agenda tonight could be considered under the newly adopted rules.

Manager Segreto, moved, seconded by Manager Twele, to approve the resolution adopting the watershed rules amendments as amended by Attorney Smith. Upon a vote, the motion carried.

Chair Kloiber closed the public hearing at 7:24 p.m.

Consent Agenda

- A. **Permit #2015-105: Home Reconstruction – 5120 Mirror Lakes Drive; Grading and land alteration permit: Edina**
- B. **Permit #2015-107: Bloomington Storage Building Addition and Parking Lot Reconstruction – 1240 West 98th Street; Grading and land alteration permit: Bloomington**
- C. ~~**Permit #2015-108: Norman Pointe Residential – 5650 American Boulevard West; Grading and land alteration permit: Bloomington**~~

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

Hearing of Permit Applications

A. Permit #2015-108: Norman Pointe Residential – 5650 American Boulevard West; Grading and land alteration permit: Bloomington

Engineer Obermeyer explained the permit and proposed plans. He provided additional information on the groundwater and the proposed low floor elevation. He stated that an analysis was done and it does not appear that the groundwater would be a problem. He stated that as a belt and suspender plan, drain tile system will be installed below the lowest floor with pumps, backup pumps, and an emergency generator in addition to another backup plan as well.

Manager Peterson stated that the application mentions the use of sand for infiltration and asked for additional information. She also asked whether there would be possible contamination of the groundwater.

Engineer Obermeyer provided additional information on the underground infiltration system proposed and stated that there would be additional excavation below the underground system that would be filled with sand. He stated that in regard to contamination this would not be different from any other underground infiltration system for a project the District has reviewed.

Chair Kloiber stated that there is criteria that specifies the distance between infiltration and groundwater.

Engineer Obermeyer stated that the infiltration system is actually 11.5 feet above the groundwater. He noted that even though the backup aspects are not required by the District rules, the applicant agrees to them. He recommended approval of the permit subject to general conditions including surety in the amount of \$34,700, submission of maintenance and stormwater management declarations, installation of sump in the manhole locations, and changes to the weir wall.

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

B. Permit #2015-87: Blake Woods – Evanswood Lane and Parkwood Road; Grading and land alteration permit: Edina

Engineer Obermeyer presented the permit request and proposed plans.

Manager Segreto asked the distance of a buffer.

Engineer Obermeyer stated that the buffer is an average and explained how that could be shifted along the property line. He recommended approval of the permit subject to general conditions including surety in the amount of \$32,200 submission of stormwater and wetland buffer declarations, and testing showing that there is no contamination in certain areas.

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

C. Permit #2015-106: Home Reconstruction – 5120 Skyline Drive; Grading and land alteration permit: Edina

Engineer Obermeyer explained the permit and proposed plans. He stated that the item was not place on the Consent Agenda and provided additional information on the wetland on the site, noting that a MINRAM assessment was not done and therefore the wetland is considered high value. He stated that this request includes a variance request for the 942 contour rather than the top of the slope.

Administrator Bigalke noted that the top of the slope contour is 944 or 945, which means that the variance to 942 is not that much of a difference. He explained that because the slope is greater than 12 percent this could not qualify under the new 20-foot uniform buffer rule.

Manager Segreto noted alternate options that could be considered such as making the home smaller.

The Board further discussed alternative options that could be considered but that would not be as favorable in the eyes of the District and the water resource.

Engineer Obermeyer identified the location of the 60-foot buffer if the area were flat and not sloped.

Chair Kloiber stated that it appears the risk to the water resource is minimal.

Manager Peterson moved, seconded by Manager Twele, to approve the variance as the problem was not created by the applicant, the site poses undue hardship and there is minimal risk to the water resource. Upon a vote, the motion carried. (Segreto abstained)

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

D. Permit #2015-109: Home Reconstruction – 4443 Garrison Lane; Grading and land alteration permit: Edina

Engineer Obermeyer explained the permit and proposed plans. He stated that this applicant has submitted in writing that the District consider the request under the newly adopted rules.

Administrator Bigalke stated that the original intention was to build the home on the existing foundation but it was determined that could not be done and therefore the District rules were triggered. He stated that the applicant did request a variance for the wetland buffer and also requested that the permit be considered under the newly requested rules.

Chair Kloiber asked and received confirmation that if the Board allows this permit to be considered under the new rules a variance would then not be needed.

Manager Twele moved, seconded by Manager Segreto, to consider the permit under the newly adopted rules. Upon a vote, the motion carried.

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

Treasurer's Report

The Treasurer submitted the report. Manager Twele provided clarification on certain items included in the Treasurer's Report. She advised of a pay request that is also included for payment in the amount of \$242,591.31

Manager Twele moved, seconded by Manager Segreto, to approve the pay request in the amount of \$242,591.31 and 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 provided a brief update and stated that he has been working to setup appointments with landowners to gain the necessary easements, noting that it has been a slow response. He stated that the Edina Stream Bank project is not a uniform project, which the Hopkins project had been. He stated that there are sections of the project and noted that some of the project areas are on public land and would not need easements. He advised that typically the District likes to have all land acquisitions in place before beginning the project. He asked if the Board would be willing to move forward and order the project, completing the Engineer's Report and ordering the project for bid. He stated that the project would occur over multiple winters and advised that the public right-of-way work would be completed first and the easements could be obtained during the process.

Attorney Smith stated that certainly a project could be done in phases but cautioned against completing an unnecessary amount of work for a project that may not go forward. He stated that the bidding process should be made clear that the project will be a phased approach and the District will move forward in sections.

Manager Segreto asked if a certain percentage of easement should be obtained before the project moves forward.

Administrator Bigalke stated that the portions of the project on public property could be completed and if the easements necessary are not obtained those sections would simply not be completed. He stated that the process of obtaining easements has been very frustrating and he may have to door knock in attempt to get response from some property owners.

Chair Kloiber stated that it would be nice to see the project sections, costs and dependence upon easements.

Administrator Bigalke stated that if the project is further delayed the District could miss out on the work that could be completed this winter.

Chair Kloiber stated that if the project starts and construction activity has begun that may spur awareness and motivate the property owners to go forward with their easements.

Attorney Smith stated that a presentation could be provided at the Edina City Council meeting giving a brief update on the phased project approach, mentioning that there is a critical junction for the portions of the project, which require easements from property owners.

Administrator Bigalke stated that action could be taken on this item at the next special meeting.

B. MAWD Resolution – Sulfide Mining Data

Administrator Bigalke stated that this item had been discussed at the previous meeting and the direction was to await for additional members of the Board that were absent to consider the request. He stated that the request does not really fit within the MAWD Resolution process but advised that there would be alternate ways to get involved.

Education and Outreach Specialist Zembal provided an overview of the information she included in the Board packet regarding this matter. She noted that although this may not be a fit for the MAWD level there are other options for the Board to provide input.

Manager Segreto asked if the District usually gets involved in issues of this type.

Administrator Bigalke stated that typically the District does not get involved with items that do not have an impact on the District.

Chair Kloiber stated that he would agree that the Board should not move too far from their purview. He stated that he would be abstaining from any action because of his relationship with the DNR.

Managers Segreto and Peterson stated that they would be willing to submit something or sign something personally outside of their Manager “hat”.

Manager Twele stated that there is not a watershed in that area and perhaps that is why MAWD should be involved.

Administrator Bigalke confirmed the consensus of the Board to not be involved in the matter officially but those interested may submit concerns personally.

New Business

A. New Computer Purchase Authorization

Administrator Bigalke presented two proposals for business class laptop computers, noting that the recommendation had been to update the computers in order for operations to run more efficiently. He stated that the Dell computer is more expensive because of the larger monitor size. He noted that business class computers are on a decreasing trend because of the larger screens. He stated that the request proposed to the Board would be to authorize the purchase of three laptops for a price of approximately \$6,000, which would include the laptops, installation and shipping.

Chair Kloiber stated that the price seems in line with the business class laptop pricing, noting that the price for the Dell was high.

Manager Segreto moved, seconded by Manager Twele, to authorize the purchase of three laptops in an amount not to exceed \$6,000. 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**
- E. Edina Stream Bank Stabilization Project: Status Report**
- F. Atlas 14: Status Report**
- G. Lower Valley – Bloomington Status Report**
- F. Status of Construction Projects**

Engineer Obermeyer updated the Board on the above listed projects and the recent storm activity.

Attorney's Report

Attorney Smith had nothing further to report.

Administrator's Report

A. Annual Review Process

Administrator Bigalke stated that his anniversary date is upcoming and therefore it is time for his annual review. He advised of the process that had been completed in the past, with Managers completing questionnaires and Managers Peterson and Lynch reviewing and compiling those results.

Manager Peterson stated that she does not mind staying on the Committee to review but was unsure of the opinion of Manager Lynch.

Chair Kloiber stated that if Manager Lynch wished to continue he would be fine with that but if she is not interested he would join Manager Peterson to complete the review.

Manager Peterson asked that the Board submit their questionnaires to her no later than November 6th.

B. Position Description Modification for Education/Outreach Coordinator

Administrator Bigalke stated that the previous year the Board had talked about modifying the position description and job classification for Education and Outreach Coordinator Sneigowski once her duties increased with the supervisory responsibilities following the hiring of the new employee. He stated that he would draft a job description for the Board to review at the November meeting.

C. MAWD Annual Meeting

Administrator Bigalke had nothing further to report.

D. Special Meeting Request for the Southwest Light Rail

Administrator Bigalke reported that Southwest Light Rail has requested a special meeting, at his recommendation in order to review the project details before the permit application comes before the District. He stated that the hope is to have that meeting between now and the November meeting.

It was the consensus of the Board to hold the special meeting on November 17th at 5:30 p.m.

E. Update on the Eden Prairie Local Water Management Plan

Administrator Bigalke stated that staff submitted the letter discussed at the last meeting and the City responded and basically asked the District staff to rewrite their plan. He stated that he volunteered to provide additional comments but noted that he would not be rewriting the language. He stated that the letter would echo the comments of the first letter and he would also attach a copy of the District rules for reference. He advised of an upcoming Council workshop in which Eden Prairie staff and Council will further discuss the issue. He stated that he and the staff from the other two watersheds involved with Eden Prairie scheduled a special meeting with Eden Prairie staff in attempt to work out the details necessary. He noted that one critical member did not attend.

Attorney Smith asked whether it would be a good or bad idea for Administrator Bigalke to attend the Council workshop.

Administrator Bigalke stated that he did consider that but he did not think it would be a good idea because of the workshop setting and noted that if he did attend, Attorney Smith would also need to attend.

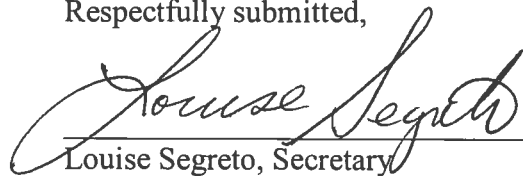
Managers' Report and Calendar

The Managers reviewed and updated the task report.

Adjournment

It was moved by Manager Segreto, seconded by Manager Peterson, to adjourn the meeting at 8:48 p.m. Upon a vote, the motion carried.

Respectfully submitted,



Louise Segreto, Secretary

ATTACHMENTS:
Treasurer's Report