

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

WEDNESDAY, SEPTEMBER 16, 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, September 16, 2015, at the Nine Mile Creek Watershed District Office, 12800 Gerard Drive, Eden Prairie, MN 55346.

Managers Present: Twele, Kloiber, and Peterson

Managers Absent: Lynch and Segreto

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

Agenda

Administrator Bigalke suggested moving Item 11C, MAWD Resolutions, to be considered earlier in the agenda following the permit section.

Manager Twele 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 August 26, 2015. Attorney Smith noted on page seven, the second paragraph, it should state, "...needed a permit ~~and therefore does not have a lot of fault.~~" On page ten, the fourth paragraph, "it should state, "...MPCA and the obligation of the watershed planning law that the Plan comply with the District's rules as well. ~~He stated that they have worked for the past two years to determine how those two agencies could work better together because it is challenging.~~" Manager Peterson noted on page one, under the agenda it should state, "...considered ~~under~~ in the permit..." She noted that her name was misspelled in a few places. Engineer Obermeyer noted on page six, under Permit #2015-91, the last paragraph, it should state, "...once engineering staff was brought into the discussion..."

Manager Twele 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. Discovery Pont Education Materials Update

Education and Outreach Coordinator Sneigowski advised of an invitation the District and Managers were invited to for the dedication of a rain garden that was created at a local church through the cost-share program. She stated that she will follow on the suggestions made at the budget hearing regarding exhibit options and will bring more information forward at the next meeting. She stated that staff has developed two backpack kits which are ready and available.

Education and Outreach Specialist Zembal stated that two backpack kits were developed for the general public to checkout if desired, the bug bag and the bird bag. She reviewed some of the items included in the bags to assist in their exploration. She explained the process staff would use to check the bags out to the public. She stated that the bags would be available in a different format for the open house, noting that the tools from the backpacks would be available for checkout separately.

B. Open House/Grand Opening Update

Education and Outreach Coordinator Sneigowski reported that the planning is moving ahead and noted of a public notice that would be published in the *Star Tribune*. She stated that people would be parking at City Hill Church and shuttles would run to and from the building with no parking signs posted on the street directing vehicles to the church for parking. She asked that Managers also park at the church so that the parking lot is available for pickup and drop-off of the shuttles.

Manager Twele asked if members from the cities and Hennepin County Board were invited.

Education and Outreach Coordinator Sneigowski stated that emails were sent to city Mayors as well as the email list for the NEMO workshops, which include members of the Planning Commissions and City Councils. She noted that the Eden Prairie Council, staff, and Planning Commission members were also invited through postcards. She stated that she could double check the NEMO list and if members of the Hennepin County Board were not invited she could extend the invitation to those people.

Manager Peterson asked if emails were sent to the other Mayors or if postcards had been sent.

Education and Outreach Coordinator Sneigowski stated that the Eden Prairie Mayor, staff and Council received postcards while the others received emails because staff had run out of postcards during the process.

Administrator Bigalke stated that the email was an email invitation with a PDF of the flyer attached.

Education and Outreach Coordinator Sneigowski advised of other methods of advertising that had been used for the event. She stated that she did receive responses from two member of the Bloomington Council that are not able to attend.

C. Website Content Review and Development RFP

Education and Outreach Coordinator Sneigowski presented a request for proposal that would include the redesign of the website and services reviewing the current content of the website. She noted that while some companies could complete both of the services, others may need to subcontract out one of the services. She stated that the District is asking for one proposal, whether the company completes both services, or subcontracts with another company. She reviewed some of the aspects staff would like to see updated and improved on the website.

Chair Kloiber noted that the budget item states undisclosed but previously budgeted amount and stated that it seems that applicants could misinterpret that language and the District could receive a wide range of services.

Administrator Bigalke stated that staff has talked about that element. He stated that staff thought it would be better to leave that portion open to determine what the business would charge for their service, rather than place a range and then businesses only submit prices in that range even if their services would have been listed lower.

Education and Outreach Coordinator Sneigowski noted that staff would conduct interviews and could gain additional information during that phase.

Engineer Obermeyer suggested having the proposals include a cost per task, which could be compared by staff when reviewing applications.

Chair Kloiber agreed that would be beneficial for comparison and accountability purposes.

Manager Twele moved, seconded by Manager Peterson, to approve staff to move forward with the issuance of the RFP. Upon a vote, the motion carried.

Hearing and Discussion of Matters of General Public Interest

There were none.

Consent Agenda

There was none.

Hearing of Permit Applications

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

Administrator Bigalke noted that this permit would need to be continued as the applicant has not submitted a full application. He stated that an extension of the 60-day review period would need to be extended as the original 60-day period will expire prior to the October meeting.

Manager Peterson moved, seconded by Manager Twele, to continue the permit with a 60-day extension of the review period. Upon a vote, the motion carried.

B. Permit #2015-95: Home Reconstruction – 6305 Knoll Drive; Grading and land alteration permit: Edina

Engineer Obermeyer noted that the Board packet stated that the application was incomplete as staff was awaiting additional information. He stated that he did receive that information this last Monday and had provided a copy of his review letter to the Board. He explained the permit and proposed plans. He recommended approval of the permit subject to general conditions including surety in the amount of \$6,800, submission of a maintenance declaration prior to being recorded on the deed to the property.

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

C. 2015 Wetland Delineation – Braemar Golf Course: Edina

Engineer Obermeyer stated that this item and the next item are wetland delineation requests for Braemar Golf Course and Tracey Avenue-Valley Land Roundabout. He stated that staff received the notice of decisions, which are straightforward boundary determinations. He stated that the items could be approved by the Board tonight, but if the Board chooses to delay action a 60 days extension of the review period for each item would be necessary. He stated that the TEP has been on both sites to review the conditions and provided a brief overview of each wetland delineation. He stated that staff recommends approval of both items.

Manager Twele moved, seconded by Manager Peterson, to accept the notice of decision and approve the wetland delineation for Braemar Golf Course. Upon a vote, the motion carried.

D. Wetland Delineation – Tracy Avenue – Valley Land Roundabout: Edina

Manager Twele, moved, seconded by Manager Peterson, to accept the notice of decision and approve the wetland delineation for Tracy Avenue-Valley Land Roundabout. Upon a vote, the motion carried.

New Business

A. MAWD Resolutions

Administrator Bigalke stated that information regarding the MAWD Annual Meeting resolution process was included in the Board packet. He stated that this is an opportunity for Watershed Districts to bring requests to the Association as a whole regarding possible legislation or requests for assistance. He asked if the Board would like to bring any matters forward for possible resolutions and noted that Education and Outreach Specialist Zembal has a possible resolution that she would like the Board to consider.

Education and Outreach Specialist Zembal stated that the potential resolution she would like to bring forward deals with the PolyMet mines in northeastern Minnesota and provided a brief overview of the information. She stated that she and other staff members could work together to draft potential language which would be reviewed by the Board in October to consider before potentially sending on to MAWD. She stated that the area where the mines are being proposed is not governed by a watershed and therefore the District and other District should step forward to protect that source.

Manager Peterson stated that she grew up in that area and has done research and also has concern over that issue.

Chair Kloiber referenced the issue of sulfide mining.

Attorney Smith stated that typically that type of activity is not the charge of a watershed.

Chair Kloiber stated that one could take a poll to even see if other watersheds would be willing to take a stand.

Administrator Bigalke stated that in his opinion there would be acknowledgement that the issue is important but was unsure if anyone would officially take a stand. He noted that he was unsure if MAWD took a position on the clean water legacy.

Attorney Smith stated that he thought MAWD did in that case but agreed that MAWD does not usually take a side on controversial issues. He stated that it would be the discretion of the Board whether or not to submit a resolution and then MAWD would have the ability to respond.

Chair Kloiber stated that there are two Managers not present tonight and he would hate to move forward submitted something without the opinions of the other two Managers.

Administrator Bigalke stated that the deadline for resolutions is October 15th and stated that the Board can always have a discussion at the October meeting but that deadline would not be met. He stated that typically resolutions apply to a watershed or any watershed, which that issue does not have a direction correlation with any watershed.

Chair Kloiber proposed that action be deferred until October as he would like people to have more time to think about it and also obtain the opinion of the other two Managers.

Manager Twele asked that staff draft potential language that could be considered by the Board at the next meeting.

Administrator Bigalke stated that perhaps staff could send out additional information on the matter to review and a potential resolution could be drafted after the October meeting, should that be the direction of the Board. He explained that way staff would not be wasting time drafting a resolution that the Board may not want to ultimately consider.

Treasurer's Report

The Treasurer submitted the report. Manager Twele provided additional clarification.

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

Unfinished Business

A. Watershed Rules Amendment Update

Administrator Bigalke stated that the rules are out for the 45-day review and comment period, which will expire on October 21st, and a public hearing will be held to consider adoption of the amendment at the October Board meeting.

B. Watershed District Office Update

Administrator Bigalke reported that staff is working to have the building prepared for the grand opening and receiving a proposal for a cleaning service not only for the event but as an ongoing service. He stated that staff has been working with Barr to locate and obtain a contract to make and install a sign at the main entrance for the District. He stated that one company did send a proposal for \$38,000 but noted that staff is still looking at alternate possibilities. He stated that the sign would not be in place for the grand opening but a metal or laminate sign would be posted out front on a temporary basis.

C. Edina Stream Bank Stabilization Project Update

Administrator Bigalke stated that the comment period for the project ended today and noted that some general comments were received from the DNR and the Metropolitan Council.

He stated that after the grand opening he will talk to property owners to obtain the necessary easement agreements.

New Business (Continued)

B. Public Hearing on Funding for Lower Valley Repair Project

Administrator Bigalke stated that at the last meeting the cost-share funding for the lower valley repair project funding was discussed and it was noted that an amendment would be needed for this year's budget in order to provide the type of funding necessary. He stated that a public hearing would be necessary to approve up to \$45,000 expenditure from the capital project reserve funds as a contribution for the District's portion of the repair costs.

Chair Kloiber opened the public hearing at 7:51 p.m.

Administrator Bigalke provided background information on the project, which began in 1990. He stated that there has been some maintenance and repair work since that time and additional repairs need to be done in excess of the definition of repair and therefore funding needs to be provided within the budget to allocate the necessary funds from the capital project reserve fund. He stated that the City of Bloomington is proposing a 50/50 cost-share with the District. He noted that the City of Bloomington did go out for bids with an estimated cost of \$320,000 and reported that the accepted bid was in the amount of \$172,000. He stated that the City of Bloomington is also receiving \$120,000 in FEMA flood damage repair funds, therefore the additional \$50,000 to \$60,000 of the project cost, would be split between the District and the City. He explained that contingency was also included in the figure, which is why he recommends that the District approve up to \$45,000 for 50 percent of the remaining costs that the FEMA dollars do not cover for the repair project.

Manager Twele asked and received confirmation that this would be an amendment to the 2015 budget.

Chair Kloiber closed the public hearing at 7:54 p.m.

Manager Peterson moved, seconded by Manager Twele, to amend the 2015 budget to allocate up to \$45,000 for the District's portion of the Lower Valley Repair Project. Upon a vote, the motion carried.

C. Climate Change Adaptation Planning NOAA Grant with MN Dept. of Health

Administrator Bigalke provided additional information on a possible NOAA grant with the Minnesota Department of Health (MDH), noting that it has been recommended that the District could be a potential partner. He explained that the MDH is requesting \$150,000 per year for two years to develop a climate change adaptation process and risk assessment methodology. He noted that the District could assist in the development of a climate adaptation plan. He stated that this would be more than water resource management and explained the roles that the District

and MDH would have in the process. He stated that if approved the process would begin in July 2016 and advised that at this time request is simply for a letter of support from the District.

Manager Twele asked if other watershed have been contacted.

Administrator Bigalke stated that they have not contacted other watersheds and only this watershed has been asked at this time.

Manager Peterson asked for additional information on the scope of the project.

Administrator Bigalke provided additional details including extreme event planning, infrastructure, drinking water issues and other issues regarding emergency management.

Engineer Obermeyer stated that this would be an opportunity for the cities to come together with a uniform plan for events like flooding to ensure that there is a plan in place with potential impacts identified.

Chair Kloiber stated that extreme draught would be on the other end of the spectrum from flooding but would still need planning as well. He stated that there does not seem to be a risk to the District and therefore would support the request for a letter of support.

Manager Twele moved, seconded by Manager Peterson, to directing staff to prepare and send a letter of support to the Minnesota Department of Health. 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 updated the Board on the above listed projects and the recent storm activity. He referenced the restabilization project and noted that the Engineer's Report and permits for the project have been submitted to the necessary agencies and the review period is still active. He stated that the next step that would take place at the October meeting would be for the Board to accept the Report and continue on in the process.

Manager Peterson stated that perhaps additional time should be slated to discuss Atlas 14.

Administrator Bigalke stated that the issue would come down to the planning departments, noting that the information could be shared with the member city planning staff prior to the adoption of the new information. He stated that staff could further discuss the next steps.

Chair Kloiber stated that he would recommend that staff hold a planning session with member city planning staff and then the item can be placed on a future agenda for adoption.

Attorney's Report

Attorney Smith had nothing further to report.

Administrator's Report

Administrator Bigalke reported that the 2016 budget has been submitted to Hennepin County and noted that a public meeting will need to occur at the December Board meeting for final adoption and public comment to be considered.

Attorney Smith stated that the legislature created the truth in taxation law which cities and counties follow, noting that watersheds have been added to the law. He noted that at the December meeting the Board could lower the certified levy but could not choose to raise the levy.

Administrator Bigalke stated that a resident asked for additional information regarding the Normandale Lake project and advised that staff is meeting with him the following day to provide that information.

Chair Kloiber stated that he also spoke with the resident who stated that he was planning to submit a letter that would recommend not moving ahead with the project until the District did something with the watershed contribution of the phosphorus.

Administrator Bigalke confirmed receipt of the letter and noted that there were thoughts and suggestions that staff had considered and noted that staff will meet with the resident the following day.

Managers' Report

The Chair called for reports. Manager Peterson stated that she attended the Clean Water Summit the previous day, noting the topic of groundwater.

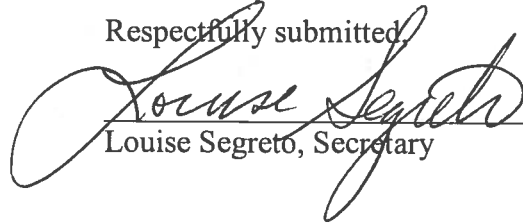
Task Summary Report & Manager's Calendar

The Managers reviewed and updated the task report.

Adjournment

It was moved by Manager Twele, seconded by Manager Peterson, to adjourn the meeting at 8:14 p.m. Upon a vote, the motion carried.

Respectfully submitted,



Louise Segreto, Secretary

ATTACHMENTS:
Treasurer's Report