

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

WEDNESDAY, APRIL 20, 2016

Call to Order

Chair Kloiber called the meeting of the Board of Managers of the Nine Mile Creek Watershed District to order at 7:10 p.m., Wednesday, April 20, 2016, at the Nine Mile Creek Watershed District Office, 12800 Gerard Drive, Eden Prairie, MN 55346.

Managers Present: Lynch, Kloiber, and Peterson

Managers Absent: Twele and Segreto.

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

Agenda

Manager Peterson 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 Regular Meeting of March 16, 2016. Manager Peterson noted on page five, under Item A, the third paragraph, it should state, "...require a formalized agreement ~~that~~..." Attorney Smith noted on page two, under tem B, the third line, it should state, "...~~donating~~ funding..." On page two, under Item B, the fourth lines, it should state, "...activities. She noted that the District's education plan budget includes funding for watershed district partnerships." On page two, under Item B, the last line of the first paragraph, it should state, "...District provide a ~~donation~~ funding commitment..." On page two, under Item B, the sixth paragraph, the last line, it should state, "...~~donation~~ committing funds of..." On page two, under Item B, the last paragraph, it should state, "...~~donation~~ funding commitment..." Manager Lynch noted on page six, the second paragraph, it should state, "...~~prevented~~ presented." Manager Peterson noted on page four, the fourth paragraph, it should state, "...is if this..." On page eight, the sixth paragraph, "...District ~~would~~ will come into legal jeopardy when the floodplain is will be changed..." On page nine, under Item A, it should state, "...~~provided~~ present."

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

Correspondence

- Obituary of Barbara Kaerwer

Citizens Advisory Committee/Education & Outreach Report

The Chair called for the report of the Citizens Advisory Committee.

A. CAC Appointments

Education and Outreach Coordinator Sneigowski stated that the District received one additional application for the CAC and recommended appointment.

Manager Peterson moved, seconded by Manager Lynch, to approve the recommended appointment to the CAC. Upon a vote, the motion carried.

B. Watershed Planning Survey Update

Education and Outreach Coordinator Sneigowski stated that the District has received 471 survey responses and noted that Barr Engineering will summarize the results to present to the Board in May. She advised of an upcoming public input forum which will be held on May 4th from 6:30 to 8:00 p.m.

C. Cost-Share Grant Approvals

Education and Outreach Coordinator Sneigowski provided an updated document which includes the staff and CAC funding recommendations. She stated that the CAC does meet to review the residential grants while the remaining grant applications are reviewed by staff. She briefly highlighted some of the applications received. She specifically highlighted a request from the City of Edina to purchase software and technology which would assist in their inspection program.

Chair Kloiber stated that request does not seem to fit with the cost-share grant program.

Manager Lynch agreed that the City could find other funding.

Manager Peterson agreed that the request does not fit the criteria for the program.

Manager Lynch noted that it appears there are three neighbors that want floating islands and asked if there was consideration for just one large floating island rather than three separate islands.

Education and Outreach Coordinator Sneigowski replied that the residents are working together with the same company to determine the best options and placement. She provided additional information the strategy for the placement of the floating islands. She noted that this would be a good test project for the District to gain information on the performance of the

floating islands as well. She stated that the hope is that these islands would improve water quality and would also provide habitat. She recommended approval as presented in the total amount of \$96,670.54.

Manager Lynch moved, seconded by Manager Peterson, to approve the cost-share grant applications as recommended by staff and the CAC in the amount of \$96,670.54. Upon a vote, the motion carried.

Hearing and Discussion of Matters of General Public Interest

There were none.

Consent Agenda

- A. Permit #2016-20: 5900 Clearwater Drive Parking Lot Expansion; Grading and land alteration permit: Minnetonka**
- B. Permit #2016-35: CenterPoint Energy Gas Main Reconstruction, along the west side of T.H. 169 from 7th Street to Smetana Road; Grading and land alteration permit: Hopkins**
- C. Permit# 2016-37: Two MarketPointe Ramp Expansion, 4400 West 78th Street; Grading and land alteration permit: Bloomington**
- D. Permit #2016-39: Home Reconstruction, 66009 Blackfoot Pass; Grading and land alteration permit: Edina**
- E. Permit #2016-40: Building Addition – Highlands Elementary School, 5505 Doncaster Way; Grading and land alteration permit: Edina**
- F. Permit #2016-41: Building Addition – Countryside Elementary School, 5701 Benton Avenue; Grading and land alteration permit: Edina**
- G. Permit #2016-42: South Metro Public Training Facility Building Addition, 7525 Braemar Boulevard; Grading and land alteration permit: Edina**
- H. Permit #2016-45: Yardscapes: Building Construction with Associated Parking; 405 West 86th Street; Grading and land alteration permit: Bloomington**

Administrator Bigalke referenced Item C, Permit #2016-37, and noted that the applicant has been before the Bloomington City Council. He stated that the item was continued to the first Council meeting in May but noted that the question does not apply to the District concerns. He recommended approving the permit contingent upon the approval of the City Council.

Manager Peterson moved, seconded by Manager Lynch, to approve the Consent Agenda, amending Item C, Permit #2016-37, to be approved contingent upon the approval of the Bloomington City Council. Upon a vote, the motion carried.

Hearing of Permit Applications

- A. Permit #2016-21: Tennis Court Construction – Creek Elementary School, 6401 Gleason Road; Grading and land alteration permit: Edina**

Engineer Obermeyer stated that the District has still not received additional information regarding the wetland delineation and how the location of the tennis courts will be determined in order to minimize the impacts on the wetland and therefore recommended that the Board continue the request.

Manager Lynch moved, seconded by Manager Peterson, to continue the permit. Upon a vote, the motion carried.

B. Permit #2016-36: Reconstruction of Normandale Boulevard from North of Nine Mile Creek to West 94th Street/Poplar Bridge Road; Grading and land alteration permit: Bloomington

Engineer Obermeyer explained the permit and proposed plans. He noted that there are two variance requests included in this application, the first for the required buffers for the wetlands. He noted that retaining walls would be constructed to reduce the impact to the wetlands. He stated that the length of the retaining wall is in non-compliance with the District's rule 7.3.6 and therefore would also require a variance. He noted that the retaining wall would minimize the impact to the wetlands and therefore staff supports that request. He noted that if the DNR does not support the length of the retaining wall, the applicant would need to come back before the Board with an alternative option. He recommended approval of the permit with the two variance requests.

Chair Kloiber stated that this project appears to meet all the criteria with the exception of the two items which require variances.

Manager Peterson stated that the retaining wall seems to be a better option than the alternative which would be to fill in areas of the wetland.

Chair Kloiber stated that he is confident that the applicant has met the variance criteria.

Manager Lynch, moved, seconded by Manager Peterson, to approve the variance requests with the findings set forth in the Engineer's Report documenting this unique situation, subject to the DNR approval of the retaining wall length. Upon a vote, the motion carried.

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

C. Permit #2016-38: Home Reconstruction, 6004 Arbour Lane; Grading and land alteration permit: Edina

Engineer Obermeyer explained the permit and proposed plans. He noted that the applicant is requesting to provide one half inch of the rate control onsite and will make a payment into the storm water facilities fund, in the amount of \$2,400, for the remaining half inch. He recommended approval of the permit subject to general conditions including surety in

the amount of \$11,200, submission of a maintenance declaration, and payment into the storm water facilities fund in the amount of \$2,400.

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

D. Permit #2016-43: Climatech Building Addition and Parking Lot Expansion, 6950 Washington Avenue; Grading and land alteration permit: Eden Prairie

Engineer Obermeyer noted that the applicant has requested that this item be continued.

Manager Lynch moved, seconded by Manager Peterson, to continue the permit. Upon a vote, the motion carried.

E. Permit #2016-44: Emanuelson Podas Office building and Parking Lot Improvements, 7705 Bush Lake Road; Grading and land alteration permit: Edina

Engineer Obermeyer explained the permit and proposed plans. He noted that contamination was found during the due diligence for the purchase of this property and noted that the applicant is working with the Pollution Control Agency (PCA) to correct the issues. He stated that because of the contamination onsite, the PCA is not recommending infiltration for this site. He stated that the applicant is requesting a variance from the District's volume retention requirement but will meet the water quality requirement.

Chair Kloiber asked and received confirmation that the applicant would make a payment into the storm water facilities fund in return for the variance.

Engineer Obermeyer confirmed that the applicant would make a payment of \$19,200 into the storm water facilities fund. He recommended approval of the variance and the permit.

Manager Lynch moved, seconded by Manager Peterson, to approve the variance based on the conditions specified in the letter included in the packet and to approve the permit. Upon a vote, the motion carried.

F. Permit #2016-46: Edina Streambank Stabilization Project: Grading and land alteration permit: Edina

Engineer Obermeyer stated that this item was placed on the agenda as an informational item and noted that a CD was included in the Board packet which provides the specific details. He recommended that the item be continued to the May meeting when the Board will consider action.

Administrator Bigalke noted that a presentation will be made at the May meeting when additional Managers are present.

Jeff Weis stated that staff has met with the City of Edina several times over the past several months to discuss the details of this project. He stated that some additional maintenance items will be included in the project, noting that some items would be reimbursed by the City of Edina while other items would be cost-shared. He stated that the City has offered to assist in contacting property owners as well.

Engineer Obermeyer stated that the Army Corps of Engineers has re-noticed the project and advised that the comment period ends the following week and therefore that permit should be issued after that time. He noted that this project would include a variance request for the slope of the stabilization proposed as well as a variance for the length of the stabilization.

Manager Peterson moved, seconded by Manager Lynch, to continue the permit. Upon a vote, the motion carried.

G. Permit #2016-47: T.H. 169 Bridge Replacement from West 7th Street to Bren Road; Grading and land alteration permit: Hopkins/Edina

Engineer Obermeyer requested that this item be continued to the next meeting.

Manager Lynch moved, seconded by Manager Peterson, to continue the permit. Upon a vote, the motion carried.

H. WCA Notice of Application/Decision – Interlachen Sidewalk: Edina

Engineer Obermeyer identified the proposed area and project plans, which would fill 81 square feet of a type one wetland, which is allowable under the de minimis exemption. He noted that therefore this would be a no loss exemption.

Manager Lynch moved, seconded by Manager Peterson, to accept the WCA notice of application and decision. Upon a vote, the motion carried.

I. WCA Notice of Application/Decision – Edina Stream Restoration Project: Edina

Engineer Obermeyer noted that this item will be continued to the next meeting.

Manager Lynch moved, seconded by Manager Peterson, to continue the WCA Notice of application and decision. Upon a vote, the motion carried.

J. Permit #2015-128: The Moline, 810 1st Street South, Hopkins – Request for permit modification

Engineer Obermeyer requested that this item also be continued to the May 5 Special Board meeting.

Manager Lynch moved, seconded by Manager Peterson, to continue the permit. Upon a vote, the motion carried.

Treasurer's Report

The Treasurer submitted the report. Administrator Bigalke provided a brief overview.

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

Unfinished Business

A. Discovery Point Entrance Sign

Administrator Bigalke stated that there was discussion at the previous meeting regarding preliminary design but noted that he has not yet had the opportunity to follow up with cost estimates. He noted that the design option preferred by the Board would be the least expensive and would also fit into the aesthetic of the District the best. He noted that pricing should be available at the May meeting.

B. Watershed Management Plan Update

Administrator Bigalke stated that Engineer Kieffer provided a summary of the items that had been discussed by the Board thus far. He stated that his intention would be to provide this summary to the Technical Advisory Committee (TAC) the following week in order to obtain feedback from the group for the May 5th planning meeting. He reviewed some of the other items that will be discussed at the May 5th planning meeting. He stated that in June staff would begin writing out details of the Plan which will help the process continue to move forward.

C. Office Networking Update

Administrator Bigalke stated that staff received the bids and ordered the equipment but could not come to a contract agreement with the contractor, as there were disagreements with liability and insurance coverages. He stated that staff will request proposals from contractors for the remainder of the project to install the network and provide ongoing managed services.

New Business

A. 2015 Annual Report Approval

Administrator Bigalke stated that the Annual Report was included in the Board packet and needs to be submitted by the end of April. He stated that the Managers can provide grammatical changes to him following the meeting but recommended approval of the report tonight. He provided a brief overview of the items included in the report.

Chair Kloiber noted that the term expiration for Manager Twele needs to be updated.

Manager Lynch noted that her address, shown on page two, should be updated. She noted that perhaps a photograph of the new facility should be included as a significant amount of time and funds have been spent on the new facility.

Administrator Bigalke noted that his intent was to update the photograph on the front of the report to be a photograph of the new facility.

Manager Lynch moved, seconded by Manager Peterson, to approve the 2015 Annual Report. Upon a vote, the motion carried.

B. 2015 Annual Audit

Administrator Bigalke stated that there were no significant findings in the report and the District received a clean 2015 financial audit. He noted that there is a new accounting requirement specific to PERA that requires the District to account for any deficiencies should there be any. He recommended acceptance of the audit.

Manager Lynch moved, seconded by Manager Peterson, to accept the 2015 Annual Audit. 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. Edina Streambank 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 and the recent storm activity.

Attorney's Report

Attorney Smith had nothing further to report.

Administrator's Report

Administrator Bigalke noted that the registration packet would soon be mailed for the MAWD Summer Tour, which will be held in Winona, and provided a brief highlight of some of the activities that will be included.

Managers' Report

The Chair called for reports. There were none.

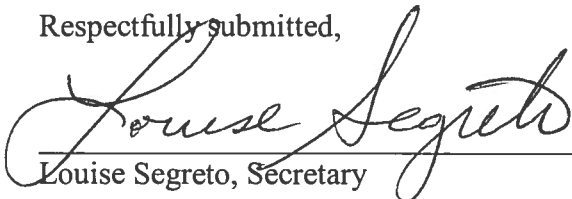
Task Summary Report & Manager's Calendar

The Managers reviewed and updated the task report.

Adjournment

It was moved by Manager Lynch, seconded by Manager Peterson, to adjourn the meeting at 8:40 p.m. Upon a vote, the motion carried.

Respectfully submitted,



Louise Segreto, Secretary

ATTACHMENTS:
Treasurer's Report

