

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

**WEDNESDAY, AUGUST 17, 2016**

**Call to Order**

Chair Kloiber called the meeting of the Board of Managers of the Nine Mile Creek Watershed District to order at 7:00 p.m., Wednesday, August 17, 2016, 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: Louis Smith, Janna Kieffer, Erica Sniegowski

**Agenda**

Manager Twele moved, seconded by Manager Peterson, 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 July 20, 2016. Chair Kloiber noted on page five, it should state, "...~~Cere~~ Core Corps of Engineers..." Attorney Smith noted on page seven, the second paragraph, it should state, "to ~~accept~~ approve the notice of decision for the WCA ~~permit application and wetland~~ replacement plan, authorize issuance of the notice of decision and approve the permit." Manager Lynch noted on page three, the last paragraph it should state, "...mower encroachment..." On page three, the last paragraph, it should state, "...Edina went above and beyond the requirements and is are requesting..." Manager Peterson stated that on page six, it should state, "...that additional modeling and monitoring is in process..." She noted that on the bottom of page nine, it should state, "...that issuing the amendment to other agencies would begin the review period..."

Manager Lynch 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 Special Meeting of August 3, 2016. Attorney Smith stated that he was not present at the meeting. He noted on page two, it should state, "Acting ~~Chair~~ Administrator Sniegowski..." Acting Administrator Sniegowski noted that her name it spelled incorrectly throughout the document and should be noted as, "...~~Sneigowski~~..."

Sniegowski...” Manager Lynch noted on page two, the third paragraph from the bottom, it should state, “...presentations and...”

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

### **Correspondence**

- Email from the MAWD Policy Committee Chair 2016 regarding the resolution process and timeline for the annual meeting
- Water Resource Conference is open for registration

### **Education & Outreach Program Report**

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

#### **A. Education and Outreach Updates**

Education and Outreach Coordinator Sniegowski stated that staff has received two applications for the Master Water Stewards program and will continue to work on recruitment. She noted that staff has begun to plan for fall and winter events. She noted upcoming events including the calendar release which will occur on December 14<sup>th</sup> at 6:00 p.m. and advised that there will also be a State of the Waters program.

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

There were none.

### **Consent Agenda**

- A. Permit #2016-116: Home Reconstruction – 6604 Mohawk Trail; Grading and land alteration permit: Edina**
- B. Permit #2016-117: Home Construction – 2411 Maple Avenue; Grading and land alteration permit: Bloomington**

Engineer Kieffer presented a revised permit review for Permit #2016-117, noting that the original review called the project a reconstruction but it is actually new construction.

Manager Peterson asked how the District is tracking maintenance of rain gardens on private property, especially with the transfer of property.

Attorney Smith explained that the maintenance declaration is recorded against the property.

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

## **Hearing of Permit Applications**

### **A. Permit #2016-115: Edina Gardner School – 4455 West 77<sup>th</sup> Street; Grading and land alteration permit: Edina**

Engineer Kieffer presented the permit request and proposed plans. She stated that a variance is being requested from the wetland buffer requirements because the existing development was in place prior to District rules, noting that the existing impervious surface will be reduced with this project. She acknowledged that this is a difficult site to make modifications to in order to increase the buffer but noted that the proposed infiltration basin will serve a similar purpose. She recommended approval of the permit and variance contingent upon the general conditions, financial assurance and maintenance declaration.

Manager Segreto asked the dimensions of the playground.

Engineer Kieffer replied that the dimensions of the playground are 60 feet by 70 feet.

Manager Twele asked if pervious pavement would be an improvement.

Engineer Kieffer stated that because there would be a large flow of water in that area you could overload the pervious pavement. She explained that the pervious pavement would not change the buffer requirement.

Chair Kloiber stated that one way the rule could be met is to fill the wetland and the applicant could then go through the WCA to purchase replacement credits, which would be outside of the District. He believed that this would be a better choice as this is not due to the applicant because these are existing conditions and this permit will improve those existing conditions. He asked for information on the 100-year floodplain.

Engineer Kieffer provided that information explaining that the location of the playground was chosen because of the location of the 100-year floodplain. She noted that the building would be above that level.

Manager Lynch, moved, seconded by Manager Segreto, to approve the variance with the findings of fact that the applicant did not create this existing condition, the project will improve the existing conditions, and there is not a preferred alternative. Upon a vote, the motion carried.

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

### **B. Permit #2016-82: Walser Toyota Reconstruction – 4401 American Boulevard; Grading and land alteration permit: Bloomington**

Engineer Kieffer stated that the applicant is requesting that this application be withdrawn. It was determined that no action would be necessary from the Board.

**C. Permit #2016-88: Southwest Light Rail Transit; Grading and land alteration permit: Eden Prairie, Hopkins, Minnetonka**

Engineer Kieffer explained that in March the District received a draft permit submittal and the District provided comments on May 2<sup>nd</sup>. She noted that since that time the Metropolitan Council and Southwest LRT have been awaiting their environmental approval. She noted that progress was made the previous week and therefore staff will touch base to remind the applicant of what will be needed to complete this application. She stated that therefore this request should be continued at this time until the necessary information is received.

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

**D. Permit #2016-96: Edina Schools Transportation Facility – 7600 Metro Boulevard; Grading and land alteration permit: Edina**

Engineer Kieffer recommended continuation of this request. She noted that the project received approval from the Edina City Council the previous night but the applicant will still need to provide additional information to the District.

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

**E. Permit #2016-99: Lincoln Drive Residential – 5901 Lincoln Drive; Grading and land alteration permit: Edina**

Engineer Kieffer explained the permit and proposed plans. She recommended approval of the permit subject to general conditions including surety in the amount of \$133,700, submission of a maintenance declaration, and pre-treatment upstream of the underground system.

Chair Kloiber asked if this item is related to Item J on the agenda.

Engineer Kieffer explained that it is in a way related to that item, noting that when the applicant first came in to talk about the permit staff suggested that a wetland delineation be done. She noted that as the applicant went through the process it was determined that the delineation would not be necessary. She stated that since the wetland delineation was completed the Board will still take action but this approval is not related to that item.

Manager Lynch asked if this item had been approved by the Edina City Council.

Engineer Kieffer confirmed that the item was approved by the Edina City Council the previous night.

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

**F. Permit #2016-100: Williston Woods West – Williston Road and Excelsior Boulevard; Grading and land alteration permit: Minnetonka**

Engineer Kieffer stated that staff is awaiting additional information requested from the applicant and therefore recommended that this permit be continued.

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

**G. Permit #2016-118: Toro Corporate Headquarters – Phase 3; American Boulevard and Penn Avenue; Grading and land alteration permit: Bloomington**

Engineer Kieffer stated that this item will go before the Edina City Council on September 12<sup>th</sup> and therefore recommended that this item be continued.

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

**H. Permit #2016-119: Braemar Golf Course; Grading and land alteration permit: Edina**

Engineer Kieffer stated that at the July Board meeting the Board approved an extension of the permit and noted that staff has still not received the necessary information. She stated that staff did receive a letter from the Edina Parks Department today asking for an additional extension.

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

**I. Permit #2016-02: The Gardner School – Minnetonka; Clearwater Drive; Grading and land alteration permit: Minnetonka**

Engineer Kieffer stated that in January the Board approved a permit for a site that would be used for a hotel and a standalone building. She stated that the standalone building site now has a buyer and therefore this request will allow the new property owner to use the stormwater facilities under this permit.

Attorney Smith explained that this would require a written agreement that the stormwater requirements are being met for the Gardner School. He explained that the permit was approved for the whole site so the stormwater facilities are on the other site.

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

**J. WCA Wetland Boundary Determination: Lincoln Drive Residential: Edina**

Engineer Kieffer stated that this is a notice of decision for this wetland delineation report and noted that although this item does not have direct bearing on the permit reviewed earlier by the Board, action would still be recommended for the delineation.

It was noted that the wetland delineation will be valid for five years and therefore someone could use this delineation should they complete a project in this area in that time period.

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

**Treasurer's Report**

The Treasurer submitted the report. Manager Twele provided clarification on certain items included in the report.

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. Restoration Plan Presentation (Barr) and Scope of Work**

Acting Administrator Sniegowski stated that staff has been working with Barr Engineering staff to develop the master plan included in the packet which identifies the native planting plan for Discovery Point. She noted that the scope of work was also included in the packet.

Matt Kumka, Barr Engineering, stated that during the planning discussions for this facility there were discussions beyond the office to determine what could be done. He explained that the site was reviewed to determine what should be protected and enhanced. He stated that this planning process was completed to determine how to best complete an ecological restoration of this size. He reviewed the visions and goals for the restoration plan. He explained that this site can demonstrate invasive species control, native plantings, ongoing management, and documentation of expenses for a lot similar to many homeowners in the District. He noted that this will not only enhance the site but will also provide educational outreach and fulfil the terms of the conservation easement. He stated that rather than go through restoration they prefer to use the term regeneration, as they will be showcasing a series of ecological plant species found in the state. He stated that they will protect and enhance the high quality native plants and eliminate invasive species, joining together the nodes over time. He stated that the first step would be invasive species removal, following that up with expanding native plant species. He stated that the most visible locations would be focused on first. He explained that the attempt would be to expand those restoration efforts to neighboring properties that could be cost-share projects. He

reviewed a proposed timeline for activities. He stated that this could be a great demonstration site for the District.

Manager Lynch stated that she was interested that there were enclosures intended to keep the deer and rabbits out.

Matt Kumka stated that there will be two demonstration sites and explained that one site will use the enclosure and the other will not, in order to determine the difference in development that occurs.

Manager Peterson stated that this is not really water quality and therefore asked how this could be tied to the mission of the District.

Acting Administrator Sniegowski stated that this falls in line with the conservation easement and also assists in accomplishing several goals from the District's ten-year management plan. She noted that this will also accomplish a lot of the education and outreach goals. She stated that this also protects the natural resources in the watershed.

Manager Segreto stated that in the planning process the Board has stated that they will not do much with aquatic invasive species and noted that this may be more off vision than aquatic plant species.

Manager Peterson asked if this project would act as an application for determining costs for these restoration efforts to be done outside of the District.

Matt Kumka confirmed that this demonstration can provide additional information, such as cost, to residents in the District that are interested in improving their properties, such as wetland buffers and native plant communities, not only in the original project but also the ongoing maintenance costs.

Manager Segreto asked the terms of the conservation easement as to what is necessary.

Acting Administrator Sniegowski stated that there are two guiding documents for the conservation easement; the donation agreement between the District and Barbara and the actual easement agreement. She read aloud portions of the agreement which address the ongoing care of the land. She explained that when the District accepted the land in donation they did agree to maintain and restore the property.

Chair Kloiber stated that tying the regeneration plan in with an education and outreach program is a place where a connection could clearly be made. He stated that whatever is done out there, the District should work hard to bring in volunteers and make the information public, such as posting videos on the internet. He stated that there is a good topographic survey of the site and the water does drain to the wetland. He stated that this could give people the opportunity to walk through a small watershed.

Manager Twele stated that staff should make sure to bring in as many residents as possible.

Acting Administrator Sniegowski stated that education programs can be setup to teach people how to remove buckthorn and the cost and maintenance of that.

Chair Kloiber stated that when this was brought up initially there was a dollar amount associated with it that was rather large and believed the included cost estimate to be lower.

Manager Twele stated that does not include the plantings.

Engineer Kieffer stated that there are tie-ins to other sites and connections to potential projects that may not seem as direct, such as erosion control.

Acting Administrator Sniegowski stated that the Board has budgeted \$100,000 in 2014, \$150,000 in 2015, and \$75,000 in 2016. She noted that of that budgeted amount the District has only used \$1,824. She explained that the available amount has therefore been split for this project into three years.

Matt Kumka provided additional information on the proposed cost, noting that the budget can fluctuate over time as the project moves along and the long-term goals are defined. He noted that the long-term management costs would not be different than maintenance of turf grass and explained that the efforts would just be different as a different type of maintenance would be needed.

Chair Kloiber stated that in a big plan with a lot of unknowns, perhaps it would be better to focus on one node at a time and then as the District gathers more information through each node they will have more to work with as they go forward on the other sections.

Matt Kumka stated that there are some things that can be done site wise to not let conditions get worse, such as removal of garlic mustard and berry producing buckthorn.

Chair Kloiber agreed that perhaps certain steps could be completed first, completing this in a phases.

Janna Kieffer agreed that staff can bring forward a proposal for a phased approach at the September meeting.

Matt Kumka agreed that a phase approach could be a good fit to the site. He noted that staff can bring forward more information on which sections could be completed in phases and the costs that would go along with that.

Manager Segreto asked if there were any areas or items that were important to Barbara.

Acting Administrator Sniegowski stated that Barbara completed buckthorn removal. She stated that staff asked the neighbors if it would be a shock for the District to complete buckthorn



removal on the site and the neighbors said that they would not be as Barbara used to do that on the site. She noted that Barbara did have an interest in wildlife and certain plantings. She believed that Barbara would be excited to hear these plans of the District.

Engineer Kieffer noted that mention was made of the trail and connections and asked for more direction.

Chair Kloiber stated that it would be nice to have a more obvious connection to the trail by the vernal wetland and believed it would be logical to include that in the first phase.

**B. Staff Annual Review Results – Gael Zembal**

Acting Administrator Sniegowski stated that at the last Board meeting the Board conducted a review of Gael Zembal in closed session and it was determined that the Board would approve a 3.5 percent salary adjustment which will increase her total salary to \$39,123

**C. Cell Phone Policy**

Acting Administrator Sniegowski stated that this item is a continuation from the discussion the Board had the previous month. She noted that Smith Partners drafted a cell phone policy based on an existing policy used by Minnehaha Creek Watershed District and reviewed some of that draft language.

Attorney Smith stated that he would recommend that staff with a District cell phone use a separate phone for personal matters because of the data privacy act.

Acting Administrator Sniegowski stated that it is helpful to have a cell phone number that you can give to people when you are in the field and would prefer to not be giving out her personal cell phone number, therefore would support carrying two cell phones; one for personal use and one for District use.

**D. Progress Updates**

Acting Administrator Sniegowski stated that the entryway sign is complete and staff is determining the final location for placement. She advised that the sign will be installed soon. She stated that the air conditioning has been fixed for the building and the new copier is at the office. She asked if the Board would like to keep the special meeting scheduled for September 1<sup>st</sup>.

Manager Lynch noted that there have been a lot of meetings and noted that there are upcoming meetings on August 23<sup>rd</sup>, September 8<sup>th</sup> and the regular September Board meeting. She stated that perhaps the next planning session could be delayed.

Chair Kloiber stated that he would presume that the District will have to request an extension for the plan as it is.

Manager Lynch stated that perhaps a planning session could occur with the budget hearing on September 8<sup>th</sup>, as that meeting is usually about 20 to 30 minutes.

Acting Administrator Sniegowski confirmed that Engineer Kieffer would be available on that date and noted that the planning session will take place with the September 8<sup>th</sup> budget hearing.

## **New Business**

### **A. Outdoor Classroom/Memorial Garden Discussion**

Acting Administrator Sniegowski stated that the District has a need for outdoor programming space and noted that the Board has also discussed a memorial garden honoring Barbara and former Manager Nash. She suggested a memorial garden outdoors that could honor Barbara and Jeff that would also have benches so the space could also be used for outdoor programming. She asked for input from the Board.

Matt Kumka stated that a main point would be the budget the Board would like to allocate, noting the range of materials that exist, as that could help to define the scope of the project.

Acting Administrator Sniegowski stated that the space could be used for gathering outdoors for educational programs and District tours. She identified a few areas that could be used for this purpose.

Manager Segreto stated that it is a good idea to have outdoor places to sit and gather. She noted that accessibility should be considered. She stated that naming should also be considered as the building will stand for many years and agreed that the memorial should be named after Barbara but stated that perhaps naming after Managers would not be done since many more managers will come and go.

Chair Kloiber stated that the area would not necessarily have to have a direct name outside of memorial garden.

Manager Lynch stated that items like benches could be named after past Managers such as Manager Nash.

Chair Kloiber stated that he would prefer the seating elements to be more robust, such as a stone retaining wall that could be used for seating. He stated that grass or woodchips could be used for the walking surface but did not want to use wood benches as those could be rotten in five years.

Matt Kumka stated that staff can develop a rough concept with some associated costs in order to give the Board a starting point.

Acting Administrator Sniegowski stated that she would think seating for 15 would be appropriate noting that some people could also choose to stand. She stated that staff will prepare the rough concept with an estimated budget to review at the September meeting.

### **Engineer's Report**

- A. Bush Lake Outlet Project: Status Report**
- B. Eden Prairie Lakes Water Quality Improvement Project: Status Report**
- C. Edina 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. Lower Valley: Status Report**
- G. Status of Construction Projects**

Engineer Kieffer updated the Board on the above listed projects. She noted that the monitoring for Normandale Lake is wrapping up and advised that once that is complete in September staff can review the data and prepare a report. She stated that staff met with the City of Bloomington on August 5<sup>th</sup> to discuss Pentagon Park, noting that staff will prepare a scope of work for the Board to review in September. She advised that the cities of Eden Prairie and Edina will be consulted.

### **Attorney's Report**

Attorney Smith had nothing further to report.

### **Administrator's Report**

Acting Administrator Sniegowski stated that the City of Eden Prairie has presented the District with an opportunity to partner to model an area in Eden Prairie that is flooding and residents are concerned about and noted that she asked for additional information that will be presented to the Board in the future.

#### **A. Education Opportunities**

Acting Administrator Sniegowski stated that upcoming education opportunities are included in the packet and highlighted upcoming events.

### **Managers' Report**

The Chair called for reports.

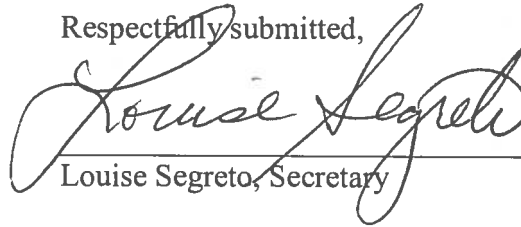
### **Task Summary Report & Manager's Calendar**

The Managers reviewed and updated the task report. The process for interviewing an Administrator was discussed.

**Adjournment**

It was moved by Manager Lynch, seconded by Manager Segreto, to adjourn the meeting at 9:22 p.m. Upon a vote, the motion carried.

Respectfully submitted,

A handwritten signature in cursive script that reads "Louise Segreto". The signature is written in black ink and is positioned above a horizontal line.

Louise Segreto, Secretary