

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

WEDNESDAY, JUNE 15, 2016

Call to Order

Acting Chair Peterson called the meeting of the Board of Managers of the Nine Mile Creek Watershed District to order at 7:00 p.m., Wednesday, June 15, 2016, at the Nine Mile Creek Watershed District Office, 12800 Gerard Drive, Eden Prairie, MN 55346.

Managers Present: Twele, Lynch, and Peterson

Managers Absent: Kloiber and Segreto.

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

Agenda

Administrator Bigalke noted that under the Reading and Approval of Minutes, the May 5th and June 8th Special Meeting minutes will be considered at the July 7th Special Meeting and therefore could be continued at this time. He noted that under Item Five, the Citizens Advisory Committee/Education & Outreach Report, Items A and B were inadvertently left on the agenda from the last meeting and therefore can be removed from the agenda.

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

Reading and Approval of Minutes

Manager Twele moved, seconded by Manager Lynch, to continue the approval of the minutes from May 5th and June 8th. Upon a vote, the motion carried.

The Chair called for review of the minutes of the Regular Meeting of May 18, 2016. Acting Chair Peterson stated that her name was misspelled several times. Manager Lynch noted that under the CAC Appointment, it should state, "...two new CAC applications, Eric Strobel and James Muni, before the Board and if appointed would fulfill the attendance of the 12-person Committee ~~Eric Strobel and James Muni~~.

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

Correspondence

There were none.

Citizens Advisory Committee/Education & Outreach Report

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

A. ~~CAC Appointments~~

B. ~~Cost Share Grant Approval~~

C. General Education Program Update

Education and Outreach Manager Sniegowski stated that the District submitted a grant application in collaboration with Riley Purgatory Bluff Creek Watershed District and Barr Engineering and has received word that the grant is recommended for approval which means that the project would move forward this fall. She stated that today is Education and Outreach Specialist Zembal's one-year anniversary with the District and noted that she has enjoyed working with her and her annual review would be completed later this month. She stated that the District has had the new logo and staff will look to update the polo shirts, long sleeve shirts and vests, noting that she will bring some samples and proposals to the July meeting.

Hearing and Discussion of Matters of General Public Interest

Carol Senty stated that she is part of a citizens group that was invited to continue to communicate with the organization regarding the Normandale Lake project.

Engineer Obermeyer stated that staff has met with the US Army Corps of Engineers (USACE) and the City of Bloomington. He noted that the information that is known thus far and photographs of the lake and project have been submitted to the USACE and the USACE is still in the process of reviewing the information to assist the District in determining a holistic approach for the lake. He stated that in the next week seven water samples will be taken and more frequent plant surveys will be taken as well. He stated that the USACE has a holistic model that accounts all aspects of the lake and stated that the continued discussion with the USACE will help the District to develop a plan for the ecological use of the lake.

Administrator Bigalke stated that he talked to the USACE staff and was advised that they are still reviewing the data and information provided by the District. He anticipated that another meeting would be held with the USACE as well as the Minnesota Pollution Control Agency (MPAC) and the Department of Natural Resources (DNR). He stated that according to USACE standards the lake is not contaminated and therefore an overall ecological approach will be needed and it will need to be determined what could be done under the USACE permit. He stated that the DNR will come into play with plant management and the MPCA would come into play regarding water quality. He stated that at this point the District cannot do anything with the lake until further approvals are obtained and a plan is developed.

Ms. Senty asked if aesthetics were considered in this.

Administrator Bigalke stated that is not a factor for the USACE. He stated that it would be difficult for the District to push for aesthetics as there are other qualities the District must consider. He noted that while the aesthetics are considered there are other factors that will guide the development of a plan. He stated that there will be a subwatershed approach that will not only focus on the lake but also the areas upstream that contribute to the lake. He noted that the plan is a collaboration between the District and Bloomington with input, permits and approvals needed from the other entities including the USACE, DNR and MPCA.

Consent Agenda

- A. Permit #2016-43: Climatech Building Addition and Parking Lot Expansion – 6950 Washington Avenue; Grading and land alteration permit: Eden Prairie**
- B. Permit #2016-83: Culvert Replacement at Wanda Miller Pond – West 84th Street and Wanda Miller Pond; Grading and land alteration permit: Bloomington**
- C. Permit #2016-84: Prestige School – 14625 Excelsior Boulevard; Grading and land alteration permit: Minnetonka**
- D. Permit #2016-86: Home Construction – 8749 West Bush Lake Road; Grading and land alteration permit: Bloomington**

Engineer Obermeyer noted that an additional condition was added to Permit #2016-83 regarding pre-treatment and in regard to Permit #2016-86 a condition was added stating that the addition would be permitted as long as the permit is still valid but if the addition is not submitted within that time a permit extension would be needed.

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

Hearing of Permit Applications

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

Engineer Obermeyer stated that this project has been on the agenda for the last several months, noting that this has been a rolling process of obtaining information for the project. He explained that the area proposed for the project is a wetland area and therefore needed to go through the WCA requirements. He noted that the necessary wetland approvals were needed and the comment period ended today. He advised that there were comments made that need to be addressed in regard to possible onsite mitigation. He noted that staff again requests that this item be continued in order to review the new information and anticipated that the permit will be ready for the July 7th Special Meeting.

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

B. Permit #2016-80: Home Reconstruction – 5312 Forslin Drive; Grading and land alteration permit: Edina

Engineer Obermeyer explained the permit and proposed plans. He explained that a variance is being requested from the District’s requirements for the low floor in order to meet the requirements of the City of Edina. He noted that although the applicant will not meet the District’s requirements to the letter of the law, it would still be a vast improvement from the current conditions. He stated that a statement would be recorded against the title of the home that would state that the home is not in conformance with the District’s flood elevation requirements.

Manager Twele asked if this would be in compliance with the Atlas 14 elevation.

Engineer Obermeyer replied that the Atlas 14 elevation has not yet been adopted by the City of Edina’s Management Plan.

Manager Lynch noted that the hardship was not caused by the applicant and is still an improvement from the existing conditions, noting that the variance would only impact the applicant’s property.

Engineer Obermeyer recommended approval of the permit and noted that staff can also have a discussion with the City of Edina regarding the Atlas 14 elevations.

Manager Lynch moved, seconded by Manager Twele, to approve the variance noting that the hardship was created by the City of Edina, and not the landowner, and will not affect the water resources of the District. Upon a vote, the motion carried.

Manager Twele moved, seconded by Manager Lynch, to approve the permit with the approved variance and a stipulation on the title. Upon a vote, the motion carried.

C. Permit #2016-81: Pedestrian Bridge Crossing the Braemar Branch of Nine Mile Creek at Valley View Road; Grading and land alteration permit: Edina

Engineer Obermeyer explained the permit and proposed plans. He noted that a variance will not be required as part of this project. He recommended approval of the permit.

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

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

Engineer Obermeyer stated that the original application was missing a portion of required information and the applicant did not want to pay a large amount into the District's storm water fund so they have resubmitted new plans that staff is currently reviewing. He recommended that the Board continue the action on this permit.

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

E. Permit #2016-85: Verizon Wireless Telecommunication Tower – 6752 Shady Oak Road; Grading and land alteration permit: Eden Prairie

Engineer Obermeyer explained the proposed permit and proposed plans. He stated that a revised letter was provided to the Board, which incorporates storm water management. He recommended approval of this permit subject to a surety in the amount of \$5,000 and that a maintenance declaration be recorded against the property.

Manager Lynch, moved, seconded by Manager Twele, to accept the WCA Notice of Decision de minimis exemption and no-loss wetland determination. Upon a vote, the motion carried.

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

F. WCA Notice of Decision: No Wetland Determination – Camp Edenwood: Eden Prairie

Engineer Obermeyer reviewed the no wetland determination for this property.

Manager Twele moved, seconded by Manager Lynch, to accept the Notice of Decision that there are no wetlands on this property. Upon a vote, the motion carried.

G. WCA Notice of Decision: Wetland Boundary Determination, De Minimis Exemption and No-Loss Wetland Determination – Verizon Wireless Telecommunication Tower: Eden Prairie

The Board took action on this item in conjunction with Item E.

Treasurer's Report

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

Manager Twele 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 he submitted and received a permit the previous week from the City of Eden Prairie for the entrance sign and noted that he is in the process of scheduling the installation of the sign.

B. Watershed Management Plan Update

Administrator Bigalke stated that the Board met on June 8th and staff provided some information for the Board to review in regard to goals and objectives. It was noted that staff would provide the information to Manager Lynch as she was not in attendance. He stated that the next Technical Advisory Committee will be schedule the last week in June and reported that the next meeting for the Board to work on the Management Plan is scheduled for July 7th.

Education and Outreach Manager Sniegowski stated that a summary was provided for the May 4th Community Input Forum. She stated that this is a nice summary of the data that the District collected from that meeting. She explained how the results were recorded and provided a brief review noting that the results are based upon the people that attended and provided their input.

Administrator Bigalke stated that at the July 7th meeting the Board will continue to discuss goals along with the start of an implementation chapter. He noted that staff will continue to work on the Education and Outreach goals as well as organizational management.

C. Office Networking Update

Administrator Bigalke provided an update on the office networking process noting that staff met with two businesses and received another proposal from another business. He noted that two of the proposals were very similar but noted that one proposal had an installation cost of more than \$2,000 less than the other and also includes a backup system. He reviewed the aspects of the proposals in more detail and recommended the Board approve the proposal from Imagine IT and authorize staff to develop a Managed Services Agreement with Imagine IT.

Manager Lynch moved, seconded by Manager Twele, to authorize Administrator Bigalke to work with Smith Partners to develop a Managed Services Agreement with Imagine IT with a one-time cost not to exceed \$7,000 and monthly costs of approximately \$800. Upon a vote, the motion carried.

Administrator Bigalke stated that staff had talked about ordering computers and the Board had previously approved up to \$4,500 to order computers. He noted that staff would continue with those purchases as approved. He noted that the copier had an issue the previous week and the replacement part was about \$600 or \$700. He recommended researching pricing for a refurbished copier, as the last refurbished copier had a lifespan of about five years. He noted that a new refurbished copier could be purchased for approximately \$3,500 rather than spending \$700 for one part. He noted that he would bring back pricing at the July 7th meeting.

New Business

None.

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 provided information on a project through the Freshwater Society and Fortin Consulting regarding road salt usage and the development of a model policy. He stated that they are looking for Watershed participation and are attempting to better control the use of road salt. He noted that if the District is interested a request would come forward from the Freshwater Society. He stated that the Freshwater Society would coordinate with municipalities and public works forums.

Acting Chair Peterson stated that seems relevant with all the work the District has done on road salt.

Manager Lynch moved, seconded by Manager Twele, to authorize participation in the Freshwater Society's development of a model policy regarding road salt, authorizing a contribution not to exceed \$3,000 and designating Education and Outreach Manager Sniegowski to be the District representative. Upon a vote, the motion carried.

Administrator's Report

Administrator Bigalke stated that he has been offered, and accepted, a position with the Board of Soil and Water Resources. He noted that he has submitted his letter of resignation to Chair Kloiber. He stated that this has been a great ten years with the District and he is looking forward to this new opportunity. He stated that Chair Kloiber would like the Board to authorize the preparation and posting of the job position with the anticipation that applicants would be in place to begin interviewing in late July with someone that could start in late August or early September. He stated that he would work with Chair Kloiber to develop the job listing for the posting. He noted that he would work with staff to ensure the smoothest transition possible for

the District. He stated that Engineer Obermeyer and Barr Engineering would be listed on the District website during this interim in order to ensure that the permits continue to be handled smoothly during this time of transition. He noted that at the July meeting he would have a list of items that should be delegated to Education and Outreach Manager Sniegowski during this interim time.

Manager Lynch suggested having a celebration to honor Administrator Bigalke for the last ten years of service.

Administrator Bigalke stated that this was a hard decision on his part but he is excited to take on this new endeavor. He reassured that the Board would have no trouble finding a replacement as the District and the Board has a great reputation and therefore there will be a long list of very qualified individuals that would love to accept the job. It was noted that Administrator Bigalke has approximately 65 days of vacation that will be paid out.

Manager Twele moved, seconded by Manager Lynch, to authorization to create the job posting for District Administrator. Upon a vote, the motion carried.

Managers' Report

The Chair called for reports.

Task Summary Report & Manager's Calendar

The Managers reviewed and updated the task report.

Adjournment

It was moved by Manager Twele, seconded by Manager Lynch, to adjourn the meeting at 8:26 p.m. Upon a vote, the motion carried.

Respectfully submitted,



Corrine Lynch, Acting Secretary

ATTACHMENTS:
Treasurer's Report