

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

WEDNESDAY, MARCH 16, 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, March 16, 2016, at the Nine Mile Creek Watershed District Office, 12800 Gerard Drive, Eden Prairie, MN 55346.

Managers Present: Twele, Kloiber, and Segreto

Managers Absent: Lynch and Peterson

Advisors Present: Kevin Bigalke, Louis Smith, Janna Kieffer, Erica Sniegowski, and Gael Zembal

Agenda

Administrator Bigalke provided an additional application for the Citizen Advisory Committee to be considered with the appointments under the Education and Outreach Report. He recommended moving Item 11B, Climate Adaptation Grant, to be included in the Education and Outreach Report and moving Item 11A, Normandale Boulevard Reconstruction Project Presentation – City of Bloomington, to follow permit hearings.

Manager Segreto moved, seconded by Manager Twele, 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 Budget Hearing of December 10, 2015. Administrator Bigalke noted that this item had been continued from the previous month to incorporate the changes suggested. Manager Twele moved, seconded by Manager Segreto, to approve the minutes as presented. Upon a vote, the motion carried.

The Chair called for review of the minutes of the Special Meeting of February 17, 2016. Manager Twele noted on page three, fifth sentence, it should state, "...would include educational aspects..." Manager Segreto moved, seconded by Manager Twele, to approve the minutes with the noted correction. 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. CAC Appointments

Education and Outreach Coordinator Sniegowski stated that the CAC applications were included for the Board to review. She stated that staff reviewed the applications and is recommending the appointment of the applicants. She noted that once appointed the people would be able to participate in the CAC meetings.

Manager Twele moved, seconded by Manager Segreto, to approve the appointment of members to the CAC. Upon a vote, the motion carried.

B. Watershed Partners – Clean Water MN Support

Education and Outreach Coordinator Sniegowski stated that information was provided in the Board packet and explained the collaborative partnership. She stated that the District has typically not been a donating member in the past but the group has made changes to their education and outreach activities and provided a brief overview of the additional activities. She stated that staff is recommending the District provide a donation of \$3,000 to help support the additional activities.

Manager Segreto stated that she believes this will be a good campaign and asked if this would be a considered a start-up.

Education and Outreach Coordinator Sniegowski stated that this organization does have a steady stream of funding.

Chair Kloiber stated that he would consider this to be a reboot, as the organization received their initial funding in the 1990's from the Metropolitan Council.

Education and Outreach Coordinator Sniegowski stated that the organization is attempting to make a more effective education and outreach effort as they have been focusing on mass media in the past.

Chair Kloiber provided examples of projects and activities that the Watershed Partners have participated in and completed over the past 20 years. He stated that he would not have a problem donating \$4,000 and confirmed the consensus of the Board.

Manager Twele moved, seconded by Manager Segreto, to approve a donation of \$4,000 to Watershed Partners Clean Water MN Support. Upon a vote, the motion carried.

C. Site Planning Grants (Cost-Share Planning)

Education and Outreach Coordinator Sniegowski stated that this item is a continuation from the previous month, when the item was brought forward as a faith based grant proposal noting that the item has been expanded beyond just the faith based community to include non-governmental organizations that own a minimum of 2.5 acres of land. She noted that the intent of this program is to reach out to organizations that have a lot of impervious surface and stormwater runoff that impact the water resources.

The Board further discussed whether or not to include the term non-profit to exclude commercial businesses and whether a financial need should be demonstrated.

Education and Outreach Coordinator Sniegowski stated that some of the organizations may have the financial resources but they do not have the staff resources to start on this planning process, which the District could assist with in attempt to get the projects to the point where the organization could begin. She therefore did not think that a financial need should be specified.

Chair Kloiber stated that all requests would submit an application that would be reviewed by staff and the decision could be made at that time. He noted that the intent is to have projects begin in areas where they may not have otherwise have been built. He asked how long the District would wait to determine if the program is successful.

Education and Outreach Coordinator Sniegowski suggested using a three year period to determine if the program is bringing in the desired results of bringing in cost-share applications for projects.

Chair Kloiber asked that the three year time period be memorialized somewhere for this pilot program.

Administrator Bigalke noted that the details of the program were further determined after speaking with Barr Engineering and advised that the funding amount for each year would be set at \$15,000 with a maximum of \$5,000 per applicant. He noted that applicants would be receiving a grant through the program but would receive the services rather than the funds directly as if approved the applicant would work with Barr Engineering to develop their site plan.

Manager Twele moved, seconded by Manager Segreto, to approve the site planning grants program as presented. Upon a vote, the motion carried.

D. Climate Adaptation Grant

Education and Outreach Coordinator Sniegowski stated that the District, along with other partners, would like to apply for a \$30,000 grant to work on climate adaptation for planning with communities to increase resiliency. She stated that the primary objective would be to educate stakeholders in the local communities about climate change, identify existing impacts from changing precipitation and drought, assess local vulnerabilities, and work on climate adaptation

plans for two cities within the Watershed. She noted that the deadline for applications is April 13th and staff would like to ask the Board for authorization to contribute \$5,000 for a grant match and for the necessary staff time. She reviewed the timeline should this be authorized and the grant received.

Administrator Bigalke provided additional details.

Chair Kloiber asked if this would be a 50/50 grant match.

Education and Outreach Coordinator Sniegowski stated that the grant would require a 25 percent match and therefore the District's share would be \$5,000. She noted that some of the partners involved would be donating their staff time for in-kind match, such as Barr Engineering.

Manager Segreto asked if this would only apply to two cities.

Administrator Bigalke confirmed that the program would start with two cities and if successful the program could be expanded to include other cities.

Chair Kloiber stated that perhaps the Board would like to expand funding to work with additional cities.

Administrator Bigalke noted that there would be staff time as well. He stated that the motion could be made to authorize up to \$10,000, which would allow three cities and noted that if there was not sufficient staff time the District would still have the matching funds needed.

Manager Twele moved, seconded by Manager Segreto, to approve partnering on the climate grant adaption grant application and contributing of up to \$10,000 as well as in-kind staff time. Upon a vote, the motion carried.

E. Survey Results

Education and Outreach Coordinator reported that there have been 331 responses on the survey. She asked for additional assistance in reaching out to people to fill out the survey, noting that the majority of responses received were from Bloomington residents. She stated that up to 60 percent of respondents are not aware or fully aware of the Watershed, which demonstrates that the District could improve outreach. She highlighted some of the items, which were identified on the survey, noting that the items highlighted are not surprising as the majority of the respondents are from Bloomington. She stated that the survey will be discussed in more detail as more responses are received.

Hearing and Discussion of Matters of General Public Interest

There were none.

Consent Agenda

- A. **Permit #2016-17: CenterPoint Energy Gas Main Reconstruction – along the east side of Normandale Boulevard from north of Nine Mile Creek to West 94th Street/Poplar Bridge Road; Grading and land alteration permit: Bloomington**
- B. **Permit #2016-18: Tracy Avenue Improvements from Benton Avenue to T.H. 62; Grading and land alteration permit: Edina**
- C. **Permit #2016-19: Home Reconstruction – 7120 Mark Terrace Drive; Grading and land alteration permit: Edina**
- D. **Permit #2016-22: Home Construction – 9000 Veness Road; Grading and land alteration permit: Bloomington**

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

Hearing of Permit Applications

- A. **Permit #2016-07: BP Renovation and Retail Addition – S.E. Quadrant T.H. 62 and Shady Oak Road; Grading and land alteration permit: Eden Prairie**

Engineer Kieffer presented the permit request and proposed plans.

Administrator Bigalke stated that the applicant has requested a variance and the District has received correspondence from the Pollution Control Agency in regard to the filtration on the site. He explained that because of the slope of the property the runoff from the existing gas station site flows in that direction and if there is a spill the concern would be that the spillage would flow into the drainage area. He noted that the filtration requirements are being met through the proposed system but the volume retention requirements are not being met. He stated that the District has asked if a trench or capture system could be developed on the gas station property to ensure that if there is a spill that would be contained on the gas station property but noted that the slopes of the property do not allow for that. He stated that if the variance is approved the applicant would make a contribution \$39,320 to the storm water facilities fund.

Engineer Kieffer stated that one of the conditions would require a formalize agreement that for the stormwater BMP which will be on the Starbucks site, stating that they will accept the runoff from the BP site and addressing long-term maintenance.

Manager Segreto referenced language in the Pollution Control Agency letter and asked if those measures are addressed to pretreat the runoff.

Administrator Bigalke provided additional details on the storm water treatment system. He recommended approval of the permit subject to general conditions including surety in the amount of \$32,200, a payment of \$39,320 into the stormwater facilities fund, the agreement between the two property owners, and a maintenance agreement. He noted that this is a challenging site and it is not uncommon for similar variances to have been issued on previous

gas station sites within the District. He believed that the variance requirements were addressed given the constraints of the site.

Chair Kloiber stated that there would be an option to continue the request to a later date, which would give the other Managers a chance to review the request if the Managers present were not comfortable taking action tonight.

Manager Segreto stated that she is not comfortable with the technical method in which this will work but noted that if Chair Kloiber and staff are confident that this method will be sufficient than there will not be additional information that will need to be prevented.

Chair Kloiber stated that what is proposed seems to be a sensible approach to water quality given the constraints of the site.

Manager Segreto stated that she would be more comfortable waiting to make a decision until additional Managers are present.

Manager Segreto moved, seconded by Manager Twele, to continue the variance and permit requests to the special meeting of April 7, 2016. Upon a vote, the motion carried.

Attorney Smith explained that this is a variance request and reviewed some criteria that the Managers should consider between now and the April 7th meeting.

B. Permit #2016-20: 5900 Clearwater Drive Parking Lot Expansion; Grading and land alteration permit: Minnetonka

Engineer Kieffer noted that this request will be continued to the next meeting as they are making some amendments to their plans.

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

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

Administrator Bigalke noted that this item will also be continued.

Engineer Kieffer stated that this applicant is proposing to remove the tennis courts from the high school property and construct tennis courts at Creek Valley Elementary School. She provided additional details on the wetlands on the property.

Administrator Bigalke noted that this item is being continued as more wetland information is needed.

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

New Business

A. Normandale Boulevard Reconstruction Project Presentation – City of Bloomington

Administrator Bigalke stated that the City of Bloomington is in the process of designing Normandale Boulevard and noted that there are some complexities so City staff is present to discuss some of those elements prior to the submission of an actual permit.

Bob Simons, City of Bloomington, identified the boundaries of the Normandale Boulevard street reconstruction project which will improve user mobility and safety along the one mile stretch of roadway which will create a 4 lane divided highway from an undivided four lane highway. He stated that this project is being managed by the City of Bloomington while partnering with Hennepin County whom will handle the right-of-way acquisition. He reviewed the proposed project schedule which would begin in fall 2016. He reviewed the specifications of the project which would install medians.

Steve Segar, City of Bloomington, provided additional details on the floodplain.

Manager Segreto asked for additional information on the fill within the floodplain.

Administrator Bigalke explained that the 2,000 square feet that is being filled in the floodplain would need to be replaced in another area.

Mr. Segar provided additional input on the wetland impacts noting that the proposal was recommended for approval by the TEP. He noted that the total wetland impact would be .7 acres while the temporary impact would be 22 acres. He identified wetland buffers for the project and identified the areas where they are able to meet the average and minimum buffers as well as areas where they will not be able to meet the minimum buffers and therefore would require a variance.

Administrator Bigalke asked if a variance would still be needed if the width of the roadway was reduced or whether the minimum buffer would still not be met because of the right-of-way needed.

Mr. Segar replied that even if the trail and road width were reduced the minimum wetland buffer would still not be met. He provided additional information on volume control and infiltration.

Administrator Bigalke stated that the rules specify one inch retention and if that cannot be met the requirement would be half inch. He noted that if the additional half inch could not be met to meet the one inch retention, a variance would not be needed and they could identify other locations in the area where that additional retention could be met to provide in-kind banking to avoid payment into the stormwater facilities fund. He noted that staff could discuss possibilities

with the City, noting that raingardens or additional retention in existing ponds could be identified to make up that retention.

Mr. Segar continued to provide details on the different ratings of the wetlands in the project area.

Administrator Bigalke provided addition information on some of the wetlands which are rated as high quality due to the Blanding's Turtles found in that area. He noted that whether the species is present or not, if they are known to be in the area that wetland classification is increased to high.

Manager Segreto asked if there is ever a reclassification done to determine if the turtles are still in that area and whether the wetland should be downgraded.

Administrator Bigalke noted that the classification is done by the DNR and the Managers can take the information into account when making their decisions.

Mr. Segar continued to review aspects of the proposed project. He stated that because this is a County Road there is a maintenance plan identified on an annual basis as well as a long-term basis to ensure that the stormwater aspects are working as intended. He stated that the intent today was to present this information and some of the challenges on the site that would require variances when presented in a permit request.

Administrator Bigalke noted that the project will need variance request will be regarding the wetland buffer and floodplain fill and advised that this is not uncommon for road project requests where the area is limited because of right-of-way and road width.

Chair Kloiber agreed that this made him think about another road project that the District reviewed in the past. He asked if the District would come into legal jeopardy when the floodplain is changed and that ultimately impacts property owners.

Administrator Bigalke stated that the existing conditions would need to be reviewed against the Atlas 14 data to determine if the private property owners would be impacted more because of this project and whether there are mitigation efforts that can occur to limit the amount of impact to those private property owners. He stated that staff will work with the City of Bloomington to identify those potential property owners.

Chair Kloiber stated that the wetland buffer variance requests are nothing new for road projects.

Administrator Bigalke stated that he was impressed with the amount of buffer they were able to provide given the existing location of the roadway.

Mr. Segar thanked staff and the Board for their time and input.

Treasurer's Report

The Treasurer submitted the report. Manager Twele highlighted specific items 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. Discovery Point Entrance Sign

Administrator Bigalke stated that he had Matt Kumka and Barr Engineer provide some sketches of what the sign could look like based on the previous input of the Board. He stated that based on those sketches he determined that the signs that would require masonry or a wall would look out of place and therefore asked for more of a minimal sign in line with the input of the Board. He provided a sketch of what that sign could look like, noting that from a cost standpoint the cost would be substantially less than using rock or masonry. He stated that the wooden sign would use wood posts cemented into the ground with native plantings around the sign in addition to the boulders which are currently found in that area to achieve the natural aesthetic desired. He provided options for details and noted that a decision would not be made tonight as Manager Lynch is not provided. He received consensus of the Board with this type of sign and noted that he would develop some cost estimates to provide additional details at the next meeting.

Chair Kloiber agreed that the small boulders and plantings near the sign would still provide the desired effect. He asked for information regarding nightlight visibility and noted that option should be considered.

Administrator Bigalke stated that the City does not want the sign to be lit but advised that there are street lights in the area and noted that he could research paint options that would also be more reflective.

B. Watershed Management Plan Update

Administrator Bigalke stated that he has been meeting with cities individually to receive comments on their feedback letters. He stated that he continues to hear that cities are looking for strong leadership in addressing Atlas 14; specifically areas that are currently developed and slated for redevelopment that would now in the floodplain under Atlas 14 numbers. He identified some example areas where the Atlas 14 figures will be a factor in redevelopment.

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 Kieffer had nothing further to report.

Attorney's Report

Attorney Smith had nothing further to report.

Administrator's Report

Administrator Bigalke noted that the MAWD legislative breakfast and events will be held on March 30th and March 31st.

Managers' Report

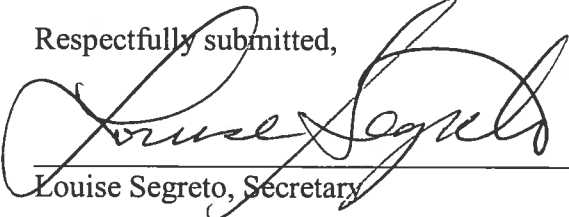
The Chair called for reports. Managers had nothing further to report.

Task Summary Report & Manager's Calendar

The Managers reviewed and updated the task report.

Adjournment

It was moved by Manager Segreto, seconded by Manager Twele, to adjourn the meeting at 8:46 p.m. Upon a vote, the motion carried.

Respectfully submitted,


Louise Segreto, Secretary

ATTACHMENTS:
Treasurer's Report