

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

**WEDNESDAY, AUGUST 16, 2017**

**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 16, 2017, at the Nine Mile Creek Watershed District Office, 12800 Gerard Drive, Eden Prairie, MN 55346.

Managers Present: Lynch, Kloiber, Sheely and Peterson

Managers Absent: Twele

Advisors Present: Randy Anhorn, Louis Smith, Bob Obermeyer, Janna Kieffer, Erica Sniegowski, and Dan Fetter

**Agenda**

**Manager Lynch moved, seconded by Manager Sheely, 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 Water Management Plan Public Hearing of July 19, 2017. Chair Kloiber accepted written typo corrections.

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

The Chair called for review of the minutes of the Regular Meeting of July 19, 2017. Administrator Anhorn noted on page 10, under Item B, it should state, "...confirming that amount and the execution of a maintenance agreement." Attorney Smith noted on page four, paragraph four, the sixth sentence, it should state, "He stated that while the applicant ~~will say there is no risk and~~ is contending the site is safe for infiltration. Barr Engineering will not be able to guarantee that there is no risk so the Board will need to evaluate all of this information to determine if compliance with the District's rules is achieved. He stated that it may be appropriate that in the time this is discussed ~~discusses...~~" He noted that on page five, on the top, the end of the sentence should state, "...would also be interested in protecting the ground water quality." Manager Sheely noted on page ten, the first paragraph, it should state, "...confirmation that the volume control and nutrient removal numbers..." Engineer Obermeyer noted on page two, under Item A, it should state, "Chair Kloiber asked and received confirmation

that the channel to be constructed from the storm sewer outfall would divert low flows to the water quality area being constructed ~~would remain with this additional diversion.~~” He noted that on page two, Item A, it should state, “Engineer Obermeyer explained that flood volume provided through they will be excavating material in order to lower the existing elevation in order to compensate the filled in for area fill along the Normandale Boulevard reconstruction of the roadway. Chair Kloiber noted that because they filled into the 100-year frequency floodplain of the creek with the Normandale Boulevard road project, they are providing compensatory storage volume with this project creating a void with this project to offset that.” It was note on page six, Item A, it should state, “...zebra ~~museles~~ mussels...”

**Manager Peterson moved, seconded by Manager Sheely, 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 July 27, 2017.

**Manager Peterson moved, seconded by Manager Lynch, to approve the minutes as presented. Upon a vote, the motion carried.**

### **Correspondence**

- Metropolitan Council Water Quality Summary

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

There were none.

### **Consent Agenda**

- Permit #2017-72: Restoration Hardware – NE Quadrant of West 69<sup>th</sup> Street and France Avenue; Grading and land alteration permit: Edina**
- Permit #2017-79: Lone Lake Park Pickleball Courts; Grading and land alteration permit: Minnetonka**

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

### **Hearing of Permit Applications**

- Permit #2017-61: Wentworth Storage Lot – 8824, 8860, and 8870 Wentworth Avenue; Grading and land alteration permit: Bloomington**

Engineer Obermeyer presented the permit request and proposed plans. He stated that this area has been identified by the MPCA as the Lyndale Avenue Corridor having both groundwater and soil contamination within the area. He stated that the issues concerning the redevelopment of this area. He noted that this site would not have any structures. He stated that there has been concern with using infiltration to comply with the District’s requirements. He stated that staff had several

questions on the submittal and requested additional information from the applicant, which has been provided by Landmark Environmental. He stated that the applicant's consultant used the MPCA Stormwater Manual's guidance for screening assessment for contamination at potential infiltration sites, and the USGS model spreadsheet to determine the area of influence for the infiltration basin proposed. He stated that the applicant's consultant used the MPCA stormwater manual's guidance for screening assessment for contamination at potential infiltration sites and the USGS model spreadsheet to determine the area of influence for the infiltration basin proposed. He stated that through the modeling, they have shown that within a zone of influence that would extend 77 feet from a center point they have shown that the impact was less than a quarter of a foot, so the infiltration would have a negligible effect on subsurface contamination. He stated that staff feels that the methodology used is acceptable and the conclusions reached based on the methodology are reasonable. He stated that the system would comply with the District's stormwater requirements, would provide the necessary water quality treatment, the rate control would be provided in the reduction of the impervious area and the retention that would be provided in the project. He stated that the staff recommends approval subject to the general conditions and that financial assurance in the amount of \$117,200 be provided.

Manager Sheely stated that this appears to be the best location on the lot for infiltration. She stated that she feels that this is the beginning of a larger developmental unit and she struggles to determine how the overall redevelopment of the area will occur. She asked how the Board would determine, after the fact, if something has been mobilized through this project. She asked if there is remediation that could be done now, in the case that something is mobilized.

Engineer Obermeyer stated that there will be more redevelopment in this area and each project will be reviewed on its own merits.

Chair Kloiber stated that this applicant followed a process set out by the MPCA which adds an element of safety as well and can be used as a benchmark for reviewing future cases.

Dan Fetter, Barr Engineering, provided additional information on the infiltration path and setback impacts that were shown through modeling. He stated that the applicant followed the process outlined by the MPCA.

Manager Peterson asked if there is any way the Board could do something with grants to conduct remediation as these projects come in one by one. She stated that it seems that case by case might not be the best way to look at this area.

Engineer Fetter stated that the system is setup to be reviewed case by case and each new development will need to look at its own unique circumstances. He noted that some cases will not be able to use infiltration. He stated that there are opportunities to receive grants but noted that each organization will have its own objectives and things that they are focused on.

Chair Kloiber stated that there is a larger ongoing effort that has looked at this site to determine where remediation could occur.

Engineer Fetter acknowledged that the group looked at different elements that they were focused on and remediation could not occur quickly and would not make the contamination go away completely.

Chair Kloiber stated that this could be added to a future agenda as a broad topic but suggested that be separated out from the issue of this permit.

Manager Peterson asked if there would be any issue with the sandy soil conditions.

Engineer Fetter stated that this plume is viewed in three levels and the Landmark analysis focused on the shallow water.

**Manager Sheely moved, seconded by Manager Peterson, to approve the permit with the recommended conditions. Upon a vote, the motion carried.**

**B. Permit #2017-93: Budget Truck Rental – 305 American Boulevard; Grading and land alteration permit: Bloomington**

Engineer Obermeyer stated that this application is incomplete and staff has asked for further details from the applicant.

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

**C. Permit #2017-94: River Valley Crosstown Campus – 10801 Red Circle Drive – Opus II; Grading and land alteration permit: Minnetonka**

Engineer Obermeyer stated that this permit is also incomplete and noted that staff has asked for additional details from the applicant.

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

**D. S.W. Anderson Lakes Trail Crossing Culvert Replacement – WCA Utility Exemption; Three Rivers Park District: Eden Prairie**

Engineer Obermeyer presented the permit request and proposed plans. He recommended approval of the notice of decision as recommended to the Board.

**Manager Peterson moved, seconded by Manager Lynch, to approve the WCA notice of decision. Upon a vote, the motion carried.**

**E. Tiller Corporation Wetland Boundary and Type Determination; 6401 Industrial Drive: Eden Prairie**

Engineer Obermeyer recommended that this item be continued as staff did not receive all the information from the applicant.

**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 Anhorn provided clarification on certain items included in the report and reviewed the notes he received from Manager Twele prior to the meeting.

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

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

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

#### **A. General Updates**

Education and Outreach Program Manager Sniegowski reviewed upcoming meetings and events that she will be facilitating for the District including a citizen meeting for an update on the Normandale Lake water quality and biota study and the Board and CAC tour that will visit cost-share project sites. She provided an update on the phase I restoration at Discovery Point. She provided photographs of the District pop-up education cart that was funded through the Hennepin County's AIS program and has been used by the District at different locations including a farmer's market and at Normandale Lake. She explained that cart was meant to be more approachable than the typical table setup and it seems to be working to get people more engaged. She provided a draft of the parks and trail map that will soon go to print. She noted that parks are also identified in this draft.

Chair Kloiber agreed that inclusion of the parks is a good idea as the amenities interact together and a lot of parks often have water features.

Education and Outreach Program Manager Sniegowski provided an update on the iPad mobile mapping and GIS tracking system. She stated that staff is planning to visit each of the cost-share project locations, whether there is an active maintenance agreement or not, to provide an inspection. She noted that the process will occur annually. She stated that staff will go out with Barr Engineering staff to gain information on how he would inspect the projects so that staff will be able to do the inspections on an ongoing basis.

Manager Peterson stated that perhaps this would be an opportunity to involve the Master Water Stewards.

Education and Outreach Program Manager Sniegowski agreed. She stated that staff will first go through the process to work out the initial details and kinks that may arise and then she plans to integrate the Master Water Stewards. She confirmed that the new District boundaries will be on the trail map before it is printed.

Manager Peterson asked how the professional development course she attended was.

Education and Outreach Program Manager Sniegowski provided an update on the a recent stormwater management presentation she attended. She stated that she would find the materials that were provided through the course and pass that on to the Board which include proprietary stormwater management systems.

Chair Kloiber noted that companies are always trying to come out with “something new”. He stated that he is glad the District is involved in collaboration research efforts with other watersheds.

Education and Outreach Program Manager Sniegowski noted that a representative from another watershed was also at the meeting and sounded interested in trying out one of the systems. She noted that the District could gain additional information through that route, as the other watershed may do testing on the systems.

## **Unfinished Business**

### **A. 2018 Budget**

Administrator Anhorn noted that this was provided as an informational item following the budget workshop. He stated that additional estimates were provided as to the impact to different property values and the additions that were made as directed by the Board. He stated that the budget is slightly higher than presented at the workshop but the levy remains the same. He noted that the intent would be to post the September 7, 2017 public hearing notice in the District website and in its official newspapers.

### **B. Proposed RPCWD/NMCWD Boundary Change**

Administrator Anhorn noted that this has been presented and discussed before the Board a few times as RPCWD has been talking about the desire to adjust their boundaries. He stated that District has moved forward with a formal request with a boundary that would be more hydrologically correct. He noted that he has prepared a draft resolution that would accept/support the boundary changes. He stated that Engineer Obermeyer reviewed the proposed changes and had no objections.

Chair Kloiber stated that if Engineer Obermeyer was comfortable, he would not see a problem supporting this. He stated that in reviewing the map, the changes seem to make sense.

Manager Sheely referenced a change on page two, specifically an interchange at 494.

Administrator Anhorn provided clarification on that item. He stated that staff recommends approval of the changes as proposed and reviewed the process that RPCWD would continue to follow to seek approval.

Manager Sheely asked if there are other sites that have not been developed that were not included.

Chair Kloiber asked if there is a need for the District to review its own boundaries with the other watersheds to determine if additional changes should be made for this District.

Administrator Anhorn confirmed that there are some areas in Minnetonka and maybe Hopkins where the boundary line between our watershed and Minnehaha Creek Watershed District were hydrologically incorrect.

Chair Kloiber asked how frequently watersheds request to change their boundaries.

Engineer Obermeyer stated that the last time there was a change for NMCWD and another watershed in this area he assists was in 1981.

**Manager Sheely moved, seconded by Manager Peterson, to adopt Resolution No. 17-05 stating that the NMCWD Board concurs with the RPCWD boundary change petition.**

**Administrator Anhorn provided a roll call vote:**

<b>Chair Kloiber</b>	<b>Yea</b>
<b>Manager Lynch</b>	<b>Yea</b>
<b>Manager Peterson</b>	<b>Yea</b>
<b>Manager Sheely</b>	<b>Yea</b>
<b>Manager Twele</b>	<b>absent</b>

**The motion carried.**

### **C. Rules**

Administrator Anhorn stated that a portion of the September 7<sup>th</sup> special meeting will focus on the District rules. He stated that the staff considered changes for triggers to permits, and thresholds and criteria for single-family homes, and analyzing potential changes.

Engineer Kieffer stated that staff is also speaking with member cities to determine how the changes to the rules could impact the cities.

### **New Business**

#### **A. Normandale Lake Study/Outcomes**

Administrator Anhorn stated that the District has been working with the City of Bloomington on the Normandale Lake study. He stated that the study is nearing completion and the City and Watershed have spoken with the Army Corp of Engineers (ACOE) to discuss various management options and to determine which would be allowed under the current ACOE permit and which would require a permit modification. He noted that Engineer Kieffer would be giving a presentation tonight and Education and Outreach Program Manager Sniegowski has been leading the District's efforts including organizing the upcoming resident stakeholder meeting to be held on August 22, 2017.

Engineer Kieffer reviewed the data and resulting statistics and graphs for Normandale Lake and information on how the shallow lake functions. She stated that there is extensive aquatic plant growth in the lake. She reviewed historical information for the lake, which was constructed in 1978 for flood control jointly by the District and the City of Bloomington. She provided additional information on curly leaf pondweed.

Administrator Anhorn noted that there have been two or three variations on this presentation based on the audience. He stated that staff is attempting to provide a higher level focus presentation for the stakeholder meeting with less of the highly scientific analysis.

Chair Kloiber agreed that staff should focus on high-level presentation for the stakeholder meeting that focuses on the information that would be important for that group. He stated that Normandale will never look like some other lakes because it is so shallow. He stated that perhaps a simply graphic showing some of the plants that you might see could be helpful to manage expectations. He stated that some people look at the lake and do not understand why it does not look the same as the lake at their cabin. He stated that pointing out the good aquatic plants could be helpful.

Engineer Kieffer provided a list of feedback that the District has received from the stakeholders in the area and reviewed some of those comments including the algae and how that limits recreational activities, the number of aquatic plants, the smell, and the desire for more District and City responsiveness.

Chair Kloiber stated that in talking with people and being around the lake, the highest items of concern is the filamentous algae which impacts the look and smell.

Engineer Kieffer stated that filamentous algae differ in species, as you can have a good phosphorus level and water quality and it can still appear, while other species need higher levels of phosphorus.

Manager Lynch asked if there are any fish in the lake.

Engineer Kieffer confirmed that there is a healthy fishery in the lake.

Chair Kloiber noted that winter kills sometimes occur on this lake.



Engineer Kieffer provided an update on the meeting with the ACOE, noting that the group was open to amending the terms of the permit. She provided a goal statement that was developed jointly between the District and the City of Bloomington. She stated that Barr Engineering developed a fairly complex model for Normandale Lake, which allows the quantification of aquatic plants and how the different management options would impact the lake. She provided additional details on the model and the different elements including phosphorus and the role that aquatic plants play on the hydrology and water quality. She stated that the plants are using that phosphorus as they grow all season and there is a battle between the aquatic plants and the filamentous algae. She explained that the plants are working in their favor. She provided information on an alum treatment facility and stated that staff did use that information in modeling. She acknowledged that it is an expensive option but noted that there was interest from the residents, but on top of the high initial and annual costs of a alum treatment plant, a 5-acre settling pond would also be needed to let the alum flocculent settle out. She noted that it may not be that feasible or cost-effective. In further analyzing the affects of a alum treatment plant on the lake, she stated that as the phosphorus level going into the lake is reduced, the plant life is also reduced, which then increases the phosphorus level in the lake as the plants are no longer taking in the phosphorus. She provided comparison information on the existing conditions to what would happen if the water were treated at different levels, noting that if the alum treatment facility is used the algae problem would become worse. She stated that the results were surprising and show the important role that aquatic plants play in the lake. She stated that an alum treatment facility would reduce the aquatic plant growth and will increase the algae population.

Engineer Kieffer stated that if there was a whole-lake alum treatment there would be a minimal increase in the algae. She noted that in the past when that option was mentioned with the ACOE, there seemed to be resistance but stated that in this more recent meeting the ACOE did not appear to object to that option. She stated that anything they do in the lake should be done with caution. She reviewed the management strategies that staff is considering including external phosphorus reduction, which would target watershed BMPs, and an alum treatment facility, which is not recommended.

Chair Kloiber stated that from those conclusions, if he were a neighbor on the lake he he could come to the conclusion that he would not want the watershed to do water quality projects upstream.

Education and Outreach Program Manager Sniegowski stated that will be an opportunity to share education as to why phosphorus removal is important.

Chair Kloiber stated that he would want to see additional information on the impact that a lake-wide alum treatment could have on lake's macrophyte population.

Administrator Anhorn noted that when the management option was discussed with the ACOE, they did not seemed concerned.

Chair Kloiber stated that perhaps this is an opportunity to discuss variations to the plant community as the plants will assist in reducing the algae.

Engineer Kieffer provided additional information on the low oxygen levels in the lake and reviewed the different management strategies that could be used to address that issue including aeration and aquatic plant harvesting testing. She stated that the ACOE were not supportive of the plant harvesting.

Administrator Anhorn noted that although the ACOE said that testing even if they decide to allow the selective harvesting test, at the end of the day, even if successful, the permit does not support harvesting and the ACOE would likely not be interested in amending the permit to allow that activity.

Engineer Kieffer noted that another management strategy would be a lake drawdown which would kill the curly leaf pondweed in order to create more plant diversity. She noted that similar process occurred in Anderson lakes. She reviewed the next steps which would include submission of a letter to the ACOE with the possible management strategies and potential modifications to the permit.

Administrator Anhorn noted that the ACOE would then provide feedback on the possible strategies.

Administrator Anhorn noted that funds are budgeted for 2018 and 2019 and therefore some of the strategies could be implemented.

Chair Kloiber suggested making some adjustments to the presentation for the resident meeting.

Manager Peterson asked if this could be viewed as a pilot study and perhaps the District would benefit from additional help perhaps from partnering with another organization such as the University of Minnesota.

Chair Kloiber reviewed the four possible management strategies that may be feasible; including a lake drawdown, an in-lake alum treatment, aeration, and selective harvesting of the top foot of macrophytes, which would also remove the filamentous algae.

Engineer Obermeyer noted that anything that is done on this lake should be done in baby steps as it is a very sensitive system that is doing its job exceptionally well.

## **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. Normandale Lake Water Quality Improvement Project: Status Report**
- E. Discovery Point Phase I Site Restoration**
- F. Pentagon Park Storm Water Management**
- G. Lake Cornelia**
- H. Minnetonka Storm Sewer Repair – 5225 Baker Road: Minnetonka**
- I. Cherokee-Chamberlain Drainage Analysis**
- J. Status of Construction Projects**

Engineer Obermeyer updated the Board on the above listed projects. He stated that he provided a copy of the letter that was provided to Alaska Fur and Doubletree. He noted that the work at 5225 Baker Road has been completed but staff will need to go back in to complete the final restoration.

Administrator Anhorn stated that a preconstruction meeting for Phase I was completed and went through the project work schedule including tree removal in access areas in late-August and early-September and actual stream restoration work starting the week of September 11, 2017.

## **Attorney's Report**

Attorney Smith had nothing further to report.

## **Administrator's Report**

Administrator Anhorn noted that the District hosted Neighborhood Night Out “Night to Unite”, which was well attended. He stated that he spoke with Eden Prairie staff about the possibility of adding additional staff members. He explained that there is a limitation on the number of full-time employees in the District’s development agreement with the City and would need City Council approval to exceed limitation. He noted that seemed like a possibility that the District could possible add one or two staff members in the future if the Council allowed.

## **Managers' Report & Calendar**

The Chair called for reports.

Manager Sheely referenced the dates of the salt workshops that will be held by Minnehaha Creek Watershed District.

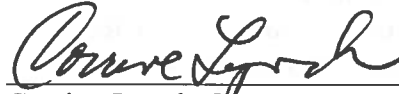
Education and Outreach Program Manager Sniegowski noted that the District will also be hosting similar events.

Manager Peterson noted some possible Metropolitan Council grant opportunities.

**Adjournment**

**It was moved by Manager Sheely, seconded by Manager Lynch, to adjourn the meeting at 9:35 p.m. Upon a vote, the motion carried.**

Respectfully submitted,



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Corrine Lynch, Secretary

ATTACHMENTS:  
Treasurer's Report