

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

**WEDNESDAY, JANUARY 18, 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, January 18, 2017, at the Nine Mile Creek Watershed District Office, 12800 Gerard Drive, Eden Prairie, MN 55346.

Managers Present: Lynch, Kloiber, and Peterson

Managers Absent: Twele, Segreto (term expired)

Advisors Present: Louis Smith, Bob Obermeyer, Randy Anhorn and Erica Sniegowski.

**Agenda**

Manager Lynch 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 December 21, 2016. The Board discussed the need to clarify Engineer Obermeyer's statement on page three of the minutes to better explain that the Southwest Light Rail Transit project will incorporate new stormwater management facilities to meet the District's stormwater rule, not just existing stormwater facilities.

Manager Peterson provided clarification on page four of the minutes where she had asked what the plan was to protect against the infiltration of stormwater in areas with contaminated soils.

Administrator Anhorn suggest language on page nine of the minutes clarifying that the Board had previous discussions on the need to develop a permit and surety tracking system, and that he had investigated options to and suggested part-time assistance to help the District get past permit information entered. In addition, the Board handed written grammatical/typo changes to staff.

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 Special Meeting of January 5, 2017.

Attorney Smith offered clarifying language as to the Westbrooke Way wetland boundary and delineation determination on page one of the minutes and provided added language on page two to better capture each Manager's high priority areas within the Implementation Program section of the draft Plan, including partnering to address water resource management issues on a subwatershed basis and the use of innovative approaches to water management problems, such as iron-sand filtration systems.

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

### **Correspondence**

- Hennepin County letter stating that there were no parcels within the watershed found to be out of compliance with the MN Buffer Law.

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

There were none.

### **Consent Agenda**

- A. Permit #2016-142: International Spanish Language Academy Parking Lot and Playground Additions – 5959 Shady Oak Road; Grading and land alteration permit: Minnetonka**
- B. Permit #2017-02: Parking Lot Reconstruction – 8100 Pillsbury Avenue; Grading and land alteration permit: Bloomington**
- C. Adoption of Schedule of Board of Managers and CAC Meetings**
- D. Appointment of CAC Members**
- E. Naming of District Bank and Permit Security Depository**
- F. Naming of Official Newspaper**
- G. Review of Permit Fees and Financial Assurances**

Engineer Obermeyer stated Permit #2016-142 on the Consent Agenda was continued from the December 21, 2016 Regular Board meeting.

Education and Outreach Coordinator Erica Sniegowski went through the list of CAC reappointments, and the two new appointments.

Administrator Anhorn described the other annual business items on the Consent Agenda, including the District's designated newspaper, bank and permit security deposit and meeting dates and times.

The Board discussed and opted to defer the election of officers until the open Managers seat is filled.

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

### **Hearing of Permit Applications**

#### **A. Permit #2017-01: Home Reconstruction – 5901 Olinger Road; Grading and land alteration permit: Edina**

Engineer Obermeyer presented the permit request and proposed plans. He stated the the project triggered the District's wetland management, stormwater management, and erosion and sediment control rules. He stated that while a field verified wetland boundary determination to determine the extent of the needed wetland buffer boundary had not been done due to the time of the year, an approximate buffer boundary had been determined using the National Wetland Inventory mapping and the City's aerial photography and topographic information. Using this method, the proposed buffer boundary exceeds that required in the rules. He further stated that should the applicant wish to seek a reduction in the buffer area based on the field verified boundary, a boundary determination could be made during the 2017 growing season, approximately May 15<sup>th</sup> to October 15<sup>th</sup>. The recorded declaration could then be amended, if necessary, once the boundary determination is approved by the District, being the Local Governmental Unit (LGU) administering the requirements of the Wetland Conservation Act (WCA) in Edina.

He recommended approval of the permit contingent upon the general conditions including financial assurance in the amount of \$20,000, that a maintenance declaration be recorded on the property, submission of a revised plan complying with Rule 4.3.1a (i) that requires where below-ground infiltration facilities, practices or systems are proposed, pretreatment of runoff must be provided and acknowledgement that Troy Asleson, Stone Cottage, is the 5901 Olinger Road property owner authorized to sign the permit submitted, complying with Rule 1.2.1. Otherwise, the current property owner must sign the application or provide a letter of authority for Mr. Asleson to act on behalf of the current property owner.

In addition, Obermeyer stated that following the completion of the project, District rules require the demonstration and confirmation that the storm water management facilities have been constructed or installed and are functioning as designed and permitted prior to releasing the financial assurance. To ensure this, additional stipulations to the permit include the submittal of as-built drawing of the storm water facilities conforming to the permitted design specifications, and verification, through daily observation logs and photographs, must be provided showing the storm water facilities used for volume retention have drawn down within 48 hours from the completion of two 1-inch (approximate) separate rainfall events.

Manager Kloiber stated that the permit application and engineer's review seemed fairly straight forward.

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

### **Treasurer's Report**

In the Treasurers absence, Administrator Anhorn submitted the report. Administrator Anhorn provided clarification on certain items included in the report.

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

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

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

Education and Outreach Manager Sniegowski stated that the CAC met last week on January 11<sup>th</sup>, 2017 for a business meeting and to discuss education and outreach planning. Bob Prince was appointed CAC chair.

The E/O staff has been busy with work planning for 2017 and scheduling 2017 programming.

E/O Manager Sniegowski stated that the District would be applying for an AIS prevention grant through Hennepin County in partnership with the City of Bloomington for a grant titled *Pop Up Education: AIS Prevention*. The amount requested is \$15,850, and no match is required on these grants. The City of Edina is also submitting an AIS prevention grant that the District is a partner on to create hands on models of AIS for educational purposes. Jessica Wilson at Edina is taking the lead on this grant application.

Manager Lynch inquired about progress on the outdoor seating project. E/O Manager Sniegowski responded that Administer Anhorn, E/O Specialist Zembal, and her had met with Matt Kumka and Brendan Dougherty, Barr Engineering, the previous week to review draft project plans and a draft opinion of cost. She stated that the next step is to review plans with the Minnesota Land Trust, and then bring the plans to the board, hopefully in February.

Administrator Anhorn stated that two volunteers (and Master Water Stewards and CAC members), Bob Cutshall and Bob Prince have been providing a lot of volunteer help around the District offices from general building maintenance to recent removal of existing debris, including old railroad ties and plastic and metal edging, around the District grounds.

#### **B. Discovery Point Restoration Update**

Education and Outreach Manager Sniegowski stated that two companies responded to the RFQ for the Discovery Point Ecological Restoration, Phase 1. Quotes were due Friday, January 13<sup>th</sup>, 2017 at 2 PM. Minnesota Native Landscape was the contractor that submitted the lowest

quote at \$44,885.00, and staff recommends proceeding to contract with Minnesota Native Landscape to perform the work. The next steps to move the project forward are to execute the contract and submit the necessary permits to the city of Eden Prairie. E/O Manager Sniegowski stated that she anticipates the work on the construction entrance, tree and buckthorn removal to begin in the next few weeks, once the contract is executed and the permits are in place.

It was moved by Manager Lynch, seconded by Manager Peterson to accept the quote from Minnesota Native Landscape and authorize the Administrator to execute a contract, subject to legal review and any non-substantive changes. Upon vote, the motion carried, 3-0.

Education and Outreach Manager Sniegowski further stated that Mat Kumka, Barr Engineering, and her recently completed a neighborhood outreach effort on January 9<sup>th</sup>. She stated that they went door knocking after E/O Manager Sniegowski sent out a letter the previous week about the project. The 18 houses nearest Discovery Point received the letter and received an in person visit. On January 9<sup>th</sup>, E/O Manager Sniegowski stated that they had conversations with 15 of the 18 residents. She stated that there were no concerns about the project, and several residents were interested in cost share grants to do buckthorn removal on their own property.

Manager Peterson inquired about the upcoming Community Resilience workshops that the District is holding in partnership with the Freshwater Society and Riley Purgatory Bluff Creek Watershed District as part of the Minnesota Pollution Control Grant that we received. E/O Manager Sniegowski stated that there are three workshops. The dates and times of the works are as follows: January 24 from 6-8 PM (General Education Workshop); January 31 from 4-8 PM (Community Resilience Planning Workshop #1); February 8 from 4-8 PM (Community Resilience Planning Workshop #1). All the workshops will be held at the Bent Creek Golf Course in Eden Prairie. E/O Manager Sniegowski stated that the cities participating in the workshop from the Nine Mile Creek Watershed District are: Hopkins, Edina, Minnetonka, and Bloomington. The workshops are open to citizens, city staff, and local leaders.

### **Unfinished Business**

#### **A. Watershed Management Plan; Chapter 6 – Implementation TAC recap**

Administrator Anhorn stated that the District's Technical Advisory Committee (TAC) met on Thursday, January 12, 2017 to discuss Chapter 6 – Implementation program of the draft Watershed Management Plan update. He further stated that at the meeting they went through the same implementation table the Managers discussed at its January 5, 2017 Special Meeting.

Manager Lynch asked if there was any opposition to what was proposed.

Administrator Anhorn said that while there was no opposition to District's proposed implementation items and plan activities, they did not get as much feedback at the meeting on which activities should be of the highest priority for the District and what the District's role should be (lead, partner, or participant). He said that a few things that were mentioned included; wetland restorations for the development of banking credits within the watershed, developing a

general permit process for cities undertaking basic maintenance of sedimentation facilities (e.g., sediment removal), and being the clearinghouse for the tracking of load reductions for projects.

Administrator Anhorn said that because they did not get as much feedback as they had hoped for, they gave the TAC the same homework and timeline that the Managers had received, to prioritize the implementation plan activities and District roles by January 25, 2017. He said that staff would summarize what is received from the TAC at the Manager's February 2, 2017 Special Meeting.

## **New Business**

### **A. BCBS and Guardian Monthly Premium**

Administrator Anhorn stated that the District currently pays for staff medical and health insurances monthly, and due to the timing of District meetings and insurance invoice due dates, the District is continually paying late fees and needing to contact support representatives from both companies to get verification on the current premiums due (which are consistently different than that on the invoices). He said that this has resulted in multiple hours on the phone each month to sort through the confusion and to ensure that staff's insurances do not lapse. Following a recent clarification phone call with the District accountants and Blue Cross Blue Shield (BCBS), it was suggested that the best option to get premiums paid on time would be setting up a electronic funds transfer (EFT) for the BCBS and Guardian monthly insurance premiums.

The Board asked Attorney Smith if this was allowable.

Attorney said it was, but suggested that if the Board so chooses to direct staff to set up the EFTs for the insurance premiums, that the motion include the actual monthly premium amount, noting payment on the monthly Treasurer's report.

Following discussion, Manager Lynch moved, seconded by Manager Peterson, to direct the administrator to set up EFTs out of the District's checking account to pay the District's \$2,969.85 monthly insurance premium with BCBS and \$426.87 monthly premium with Guardian. Upon a vote, the motion carried.

### **B. Draft Employee Policy Manual**

Administrator Anhorn introduced the draft Employee Policy Manual stating that while there was to be no Board action on the draft manual this evening, it was presented for informational purposes to promote discussion. He further stated that the accompanying memo highlighted areas within the policy manual where there will need to be Board action such as setting PTO accrual rates and maximum carryover and where the Board would designate certain oversight to the administrator and where the Board felt they should maintain direct oversight.

The Managers stated that this was a good start and that they thought the sooner policies could be formalized, the better. The Managers further discussed the need to schedule a

workshop to discuss the draft Employee Policy Manual once the draft Watershed Management Plan was submitted to BWSR for review comment.

Administrator Anhorn also mentioned that to help the Board in future decisions, he included a benefit/policy plan comparison table comparing PTO/vacation/sick accrual and maximum carryover, number of holidays and other benefits of other metro watershed districts, cities, and Hennepin County.

### **C. RPBCWD Proposed Boundary Changes**

Administrator Anhorn stated that Riley Purgatory Creek Watershed District (RPBCWD) is in the process of assessing and proposing boundary changes between their watershed and adjacent watersheds to make the boundaries more hydrologically correct. Anhorn mentioned the accompanying attachments show the proposed changes (RPBCWD to NMCWD and NMCWD to RPBCWD). He said that the proposed boundary changes would result in a change in the total market value (TMV) of NMCWD of -\$84,707,900. He said that when comparing this change to the 2016 watershed-wide TMV of \$17,454,792,004, it results in a reduction in the TMV of NMCWD of %0.485.

Administrator Anhorn stated that at this point the information was for informational purposes. He said that he was going to be meeting with RPBCWD Administrator Claire Bleser to discuss their timing and determine what they would like from NMCWD.

Attorney Smith mentioned that following RPBCWD's formal request for a boundary change to BWSR, BWSR would lead the process and that once RPBCWD official presents the proposal to the NMCWD Managers, they would likely be looking for some kind of support from the NMCWD Board.

The Managers present noted hydrology and other considerations, and asked Mr. Obermeyer the nature of the changes.

Engineer Obermeyer stated that hydrology changes over time as development and road construction at times has changes flow.

### **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. Pentagon Park Storm Water Management**
- H. Lake Cornelia**
- I. Status of Construction Projects**

Engineer Obermeyer updated the Board on the above listed projects. He referenced a memo highlighting the District's historic involvement in the management of shoreline vegetation around Bush Lake. He further mentioned that the most recent 3-year contract for the work was up and was requesting direction from the Managers to seek quotes to continue the work.

Engineer Obermeyer stated that the last 3-year contract with Minnesota Native Landscapes was for \$35,000, or just over \$11,500 a year

Administrator Anhorn provided a Minnesota Land Cover Classification System (MLCCS) handout showing the area around Bush Lake as "ecologically significant" and further mentioned that the City of Bloomington was willing to share in the cost of resulting management contract.

Following discussion, Manager Lynch moved, seconded by Manager Peterson, to direct the staff to solicit quotes to continue the shoreline vegetation management work around Bush Lake. Upon a vote, the motion carried.

**Attorney's Report**

Attorney Smith had nothing further to report.

**Administrator's Report**

Administrator Anhorn provided an update on the Edina Stream Restoration project and handed out a spreadsheet showing where in the process he was in gathering needed access licenses and easement agreements. He noted that meetings are being set with landowners that have specific questions. He further stated that there is one parcel that he has had trouble contacting the landowner(s).

**Managers' Report**

The Chair called for reports.

**Adjournment**

It was moved by Manager Lynch, seconded by Manager Peterson, to adjourn the meeting at 7:58 p.m. Upon a vote, the motion carried.

Respectfully submitted,



Corrine Lynch, Secretary

ATTACHMENTS:  
Treasurer's Report