

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

**WEDNESDAY, SEPTEMBER 19, 2018**

**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, September 19, 2018, at the Nine Mile Creek Watershed District Office, 12800 Gerard Drive, Eden Prairie, MN 55346.

Managers Present: Hunker, Kloiber, Sheely and Peterson

Managers Absent: Twele.

Advisors Present: Randy Anhorn, Jana Kieffer, and Erica Sniegowski

**Agenda**

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

**Reading and Approval of Minutes**

The Chair called for review of the minutes of the Regular Meeting of August 15, 2018. The Managers provided minor grammatical changes to staff.

**Manager Peterson moved, seconded by Manager Hunker, to approve the regular meeting minutes of August 15, 2018 subject to minor corrections. Upon a vote, the motion carried.**

The Chair called for review of the minutes of the Special Meeting of September 6, 2018. The Managers provided minor grammatical changes to staff. Administrator Anhorn noted that the Resolution numbers for the budget and levy will also be added.

**Manager Peterson moved, seconded by Manager Hunker, to approve the special meeting minutes of September 6, 2018 subject to minor corrections. Upon a vote, the motion carried.**

**Public Open Forum**

There were none.

## Consent Agenda

- A. **Administratively Approved Permits**
- B. **Permit Inspection Report**
- C. **Permit #2018-105: Parking Lot Expansion for CSM Corporation; 6810 Shady Oak Road; Grading and land alteration permit: Eden Prairie**

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

## Hearing of Permit Applications

- A. **Permit #2018-52: Bren Road Apartments; 11001 Bren Road East; Grading and land alteration permit: Minnetonka**

Engineer Kieffer presented the permit request and proposed plans. She stated that this is a redevelopment site within the Opus 2 Development Area. She noted the existing building will be torn down and three apartment complex buildings will be constructed. She reviewed the erosion control measures that will be implemented. She stated that the impervious area of the site will increase by about nine percent but because the entire existing impervious area is being disturbed, stormwater control will be required for the entire site. She reviewed the soil conditions of the site, noting that this is considered a restricted site due to clay soils. She described the water reuse that will occur for irrigation purposes and the underground storage system that will be used for rate control and water treatment. She stated that Minnetonka is the WCA LGU for the site and have made a determination on the wetland delineation, noting that the District was involved in the discussion. She identified the existing and proposed buffer for the site, noting that would comply with the wetland buffer requirements. She recommended approval of the permit subject to financial assurance in the amount of \$859,000 and submission of a detailed irrigation plan to ensure the details of the water reuse system proposed.

Administrator Anhorn stated that the applicant could choose to pay 125 percent of construction costs of the stormwater BMPs in lieu of the financial assurance amount if desired as that may be a lower cost.

Engineer Kieffer provided additional details on the elevation of the site relating to the low floor of the underground parking. She stated that the stormwater feature is underground but is higher than the low floor. She stated that because there is no avenue for the water to get into the low elevation of the basement, it is therefore considered separate, noting that additional details were provided in the Board packet.

Manager Sheely stated that she was struggling to identify what would occur with the new path on the edge of the wetland without having the topographical information.

Engineer Kieffer displayed the grading plan, noting that there is not a lot of detail on what the trail will look like. She stated that the trail is tucked into the hillside and therefore some

flattening will need to occur. She noted that a few renditions were completed to get the trail out of the wetland buffer.

Manager Sheely stated that she was unsure that could be done without using a retaining wall.

Chair Kloiber stated that it would be unusual to create an unstable slope. He stated that the full buffer width is provided and therefore a retaining wall would not be needed as the request meets the rules of the District.

**Manager Sheely moved, seconded by Manager Peterson, to approve the permit with the conditions recommended by staff and engineer. 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. He provided details on pay requests from Rachel Contracting in the amount of \$95,380.10 for the first part of the Normandale Project and from Sunram Construction in the amount of \$190,794.79 for Phase I of the Edina Stream Stabilization Project.

Engineer Kieffer stated the pay requests from Rachel Contracting and Sunram Construction are recommended for approval from Barr Engineering.

**Manager Hunker moved, seconded by Manager Sheely, to approve the pay requests to Rachel Contracting in the amount of \$95,380.10. Upon a vote, the motion carried.**

**Manager Sheely moved, seconded by Manager Peterson, to approve the pay requests to Sunram Construction in the amount of \$190,794.79. Upon a vote, the motion carried.**

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

### **Staff Reports**

#### **A. Education and Outreach Program Report**

Program and Project Manager Sniegowski stated that there are several events coming up that staff will be attending. She stated that the District is still accepting applications for the next Master Water Stewards cohort.

#### **B. Program and Project Manager Report**

Program and Project Manager Sniegowski provided an update on the Normandale project, stating that the goal to have the drawdown substantially complete was September 15<sup>th</sup>.

She reported that the District was able to meet that goal, but that subsequent rain raised the lake level again. She stated that the pumps have been turned off and will be turned back on once the rain stops. She stated that although the deadline for the installation of the 36-inch bypass pipe is not until later in October, the contractor has it onsite and will most likely have it installed next week. She stated that the District has a camera on the tower and therefore has a live camera feed of the lake. She noted that the intent is to have pictures taken over the course of time to provide a time lapse of the drawdown.

Program and Project Manager Sniegowski provided an update on the restoration project at Discovery Point, noting that site prep began on September 11<sup>th</sup>. She stated that two herbicide treatments occurred during the summer and the forestry mower was used for site prep this fall. She reported that 35 trees, 105 shrubs, and 15 vines have been installed as part of phase II and 15 trees and six shrubs were replaced in the phase I area. She stated that seeding began on Monday but then it rained. She explained that it is now unknown how much seed is left on the hill after the rain. She noted that a certain amount of seed germination is guaranteed through the contract and therefore staff is meeting with Barr to discuss the topic and will then meet with the contractor.

### **C. Administrator's Report**

Chair Kloiber asked how the rains effected the stream stabilization project.

Administrator Anhorn replied that so far things are looking good and there has not been damage. He noted that obviously the contractors have not been out working this week because of the rain. He highlighted the two pieces of correspondence that were included in the meeting packet, as well as additional information he received after the meeting packets had gone out.

#### **1. Metro MAWD Brownfields, BMPs and Brews**

Administrator Anhorn stated that this event will be held the following day.

#### **2. MAWD Preliminary Project and Program of the Year Preliminary Nomination**

Administrator Anhorn stated that the District applied for project of the year and program of the year. He stated that Manager Sheely was part of the group that did the rankings, although not for the District's projects. He noted that unfortunately he received word that the District projects were not chosen to move ahead.

Manager Sheely provided details on the review process and the elements that were used for ranking. She noted that perhaps the District did not stress those elements of the project and program. She stated that the focus seemed to be on big projects and collaborations.

#### **3. Other**

Administrator Anhorn noted that the hotel reservation form is available for the MAWD Annual meeting for those Managers that are interested in attending. He stated that he recently attended a group meeting with different watersheds and municipalities in southern Hennepin County regarding water conservation and summarized some of the topics that the District may want to consider in the future. He stated that the District received the Minnetonka Local Water Management Plan for the 60-day review and advised that staff will bring that back before the Board in November. He stated that the District may receive a request for a special meeting to hear a permit request from Pentagon Village prior to the October meeting.

## **Unfinished Business**

### **A. Open Manager Position Update**

Administrator Anhorn stated that there is currently one applicant, whom is in the audience tonight. He stated that he has had one other phone call, but that person has not yet submitted an application. He stated that initial interviews are scheduled for October 2<sup>nd</sup> or 16<sup>th</sup> with selection of a new Manager at the County Commissioner's October 25<sup>th</sup> Board meeting. He stated that Manager Twele has stated that she would be willing to stay on until the new Manager is selected.

Administrator Anhorn provided an update on the staff position, noting the high number of applications that he has received. He stated that there are still 1.5 weeks left for application submission.

### **B. Consider Moving November Board Meeting Date**

Administrator Anhorn stated that the November regular meeting date is the Wednesday prior to Thanksgiving and therefore is a difficult time to have a quorum. He proposed to hold the meeting the week before, suggesting November 13<sup>th</sup>, 14<sup>th</sup> or 15<sup>th</sup>.

It was the consensus of the Board to hold the November Board meeting on Tuesday, November 13<sup>th</sup> at 7:00 p.m.

Manager Sheely suggested that possible dates be discussed should there be a request for a special meeting in October.

It was the consensus of the Board that staff should determine possible dates through email if needed.

**Manager Sheely moved, seconded by Manager Hunker, to reschedule the November 21, 2018 meeting to Tuesday, November 13, 2018. Upon a vote, the motion carried.**

### **C. Manager iPads**

Administrator Anhorn provided an update on the Manager iPads and apps that will be obtained.

## **New Business**

### **A. Discovery Point Office Space**

Administrator Anhorn stated that a temporary cube will be setup in the interactive area to accommodate one employee. He stated that he worked with an architect to provide schematics for two office spaces. He reviewed three possible options that have been provided thus far.

The Board provided input and there was consensus on further pursuing option B.

## **Engineer's Report**

Administrator Anhorn commented that the addition of pictures to the Engineer's Report is helpful.

Engineer Kieffer referenced the Edina Stream Stabilization Project and stated that there was a reach of the project that it appeared would not meet the deadline. She noted that staff worked to draft a letter to the contractor explaining liquidated damages and the contractor was able to complete that reach within the deadline. She referenced the Normandale Project and noted that the level of carp is beyond the threshold where management would be discussed and therefore staff reached out to a researcher at the University of Minnesota to gather additional input on possible management activities that should be considered. She reported that staff will meet with the City of Edina the following week to provide an update on the modeling analysis for the Lake Cornelia and Lake Edina study.

## **Attorney's Report**

Attorney Smith stated that legal counsel has been working with staff on the contract management activities for the Stream Stabilization and Discovery Point projects.

## **Managers' Reports**

The Chair called for reports. There were no additional comments.

## **Adjournment**

**It was moved by Manager Sheely, seconded by Manager Peterson, to adjourn the meeting at 8:10 p.m. Upon a vote, the motion carried.**

Respectfully submitted,

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Grace Sheely, Secretary

ATTACHMENTS:  
Treasurer's Report

DRAFT