

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

**WEDNESDAY, AUGUST 21, 2019**

**Call to Order**

Chair Peterson called the meeting of the Board of Managers of the Nine Mile Creek Watershed District to order at 7:12 p.m., Wednesday, August 21, 2019, at the Nine Mile Creek Watershed District Office, 12800 Gerard Drive, Eden Prairie, MN 55346.

Managers Present: Bob Cutshall, Erin Hunker, Steve Kloiber, Grace Sheely and Jodi Peterson

Managers Absent: None.

Advisors Present: Randy Anhorn, Louis Smith, Bob Obermeyer, Janna Kieffer, Erica Sniegowski, and Lauren Foley

**Agenda**

Administrator Anhorn referenced the length of the agenda, noting that if time runs short there are items on the agenda that could be pushed to the next meeting.

**Manager Kloiber moved, seconded by Manager Hunker, 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 July 17, 2019. The Managers provided minor grammatical changes to staff.

**Manager Sheely moved, seconded by Manager Kloiber, to approve the minutes of July 17, 2019 subject to minor corrections. Upon a vote, the motion carried.**

The Chair called for review of the minutes of the Special Meeting of August 1, 2019. The Manager provided minor grammatical changes to staff.

**Manager Sheely moved, seconded by Manager Hunker, to approve the special meeting minutes of August 1, 2019 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 #2019-68: The District; 8049 Morgan Circle, 1901 American Boulevard West, 1951 American Boulevard West; Grading and land alteration permit: Bloomington**
- D. Permit #2019-87: Parking Lot Expansion for Wunderlich – Malec; 6101 Blue Circle Drive; Grading and land alteration permit: Eden Prairie**

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

## **Hearing of Permit Applications**

- A. Permit #2019-69: Miller Property; 7120 Gerard Drive; Grading and land alteration permit: Eden Prairie**

Engineer Obermeyer presented the permit request and proposed plans. He noted that of the 10-acre site, 6.3 acres is proposed to be disturbed to create 17 single family homes. He stated that the wetland boundary has been delineated and approved by the District in January. He reviewed the buffer requirements for the medium value wetland, noting that the buffer will be created at the bottom of the steep slope. He reviewed the proposed drainage for the site, including volume retention and water quality. He provided information on the 100-year flood elevation and low floor elevation, noting that all homes meet the requirement of two feet of freeboard. He provided details on the basin and noted that the existing gulley will not be impacted by this project. He stated that because the streets will be public, the City of Eden Prairie will be responsible for chloride management. He recommended approval of the permit contingent upon the standard conditions included in his memorandum.

Manager Hunker asked the depth of the basin.

Engineer Obermeyer replied that the basin would be five feet from the bottom to the overflow elevation.

Manager Kloiber asked if the wetland to the north is connected to the drainage system on the site.

Engineer Obermeyer replied that is an isolated wetland. He confirmed that if there was a surface overflow of that wetland, the water would move to the south.

Attorney Smith asked for details on the chloride management plan for residential subdivisions and asked if that would apply to all the lots or only the common areas.

Administrator Anhorn replied that it would only apply to the common area. He stated that if there is an HOA, the HOA must develop the management plan but noted that this is a public street.

**Manager Sheely moved, seconded by Manager Hunker, to approve the permit. Upon a vote, the motion carried (Manager Cutshall abstained).**

**B. Permit #2019-71: The Shoppes at Estelle; 6950 France Avenue; Grading and land alteration permit: Edina**

Engineer Obermeyer presented the permit request and proposed plans. He stated that the entire site will be altered as part of the project and stormwater will be treated through an underground treatment system. He stated that a variance is requested related to the rate of runoff for the site. He explained that the City of Edina has identified this area as a flood prone area because of the historic water problems. He stated that the City has requested the developer to design their system to bring the water back to the east to keep the water away from that flood prone area. He reviewed the District's rate control requirements and explained that by bringing the water back to the east would be a conflict with the District rules. He stated that the system to the east has sufficient capacity to handle this additional runoff.

Administrator Anhorn noted that the variance request by the applicant is a result of the city asking them to direct the runoff from the portion of the parcel that would flow to the west, back to the east where the city feels there is more capacity for the water.

Manager Sheely stated that perhaps in a long-term plan the City of Edina could identify additional options to manage water that would help to avoid variance requests.

Manager Kloiber stated that this request seems to make sense.

Manager Sheely agreed but noted that Edina presents some of the oddest variance requests.

Manager Kloiber stated that the variance requests seem few and far between.

Manager Hunker agreed that she would not support changing the rule because of this variance request.

Attorney Smith stated that if there continues to be similar variance requests of this nature for this area, there would have to be discussion of capacity.

Engineer Obermeyer agreed that staff can meet with public works staff from Edina to discuss a long-term plan for this area.

Manager Hunker asked if a larger basin was considered onsite.

Engineer Obermeyer stated that the applicant is meeting the District requirements, the City is just asking that the 3 CFS be reduced to zero.

**Manager Kloiber moved, seconded by Manager Sheely, to approve the variance from the stormwater rate criteria with the findings of fact as presented by the Engineer: this was not a situation created by the applicant and the actions will not cause any adverse effects to water resources in the district. Upon a vote, the motion carried.**

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

**C. Permit #2019-88: Creek Bank Stabilization and Pedestrian Trail Repair; Harrison Park – Lower Valley; Grading and land alteration permit: Bloomington**

Engineer Obermeyer presented the permit request and proposed plans. He stated that earlier this spring there was a blockage and caused erosion on the creek banks. He stated that this permit would reestablish the creek bank to the original condition and reconstruct the pedestrian trail to recreate the conditions pre-spring 2019. He noted that the erosion control plan would be provided before issuance of the District permit. He reviewed the floodplain fill exception included in this request, noting that there would be no net loss. He explained that when the Lower Valley project was completed in 1991 the intent was to leave the creek in the original condition, to meander. He stated that there was anticipation that periodic maintenance would be needed.

Chair Peterson asked if there would be more requests of this nature because of the rain conditions.

Engineer Obermeyer confirmed that would be a possibility because of the significant levels of rain in the rain fall events.

Manager Kloiber asked if this would be considered as part of the natural meandering if the trail were not in existence.

Engineer Obermeyer noted that this work would be required regardless of the trail element because of the level of erosion.

Manager Kloiber stated that it is clearly obvious that the project needs to be done.

**Manager Hunker moved, seconded by Manager Kloiber, to approve the exception for the floodplain fill the permit. Upon a vote, the motion carried.**

**Manager Sheely moved, seconded by Manager Cutshall, to approve the permit with the approved exception. Upon a vote, the motion carried.**

**D. Permit #2019-95: Creek Bank Stabilization along the Braemar Branch of Nine Mile Creek; Upstream of Valley View Road and Hilary Lane; Grading and land alteration permit: Edina**

Engineer Obermeyer presented the permit request and proposed plans. He stated that there was a failure of the slope area of the creek in the Braemar Branch. He stated that the plan is to establish the banks to the original conditions. He stated that an exception to the floodplain related to the fill is required. He stated that a letter from the DNR was received on August 19<sup>th</sup>.

**Manager Kloiber moved, seconded by Manager Hunker, to approve the exception for the floodplain fill for the permit. Upon a vote, the motion carried.**

**Manager Sheely moved, seconded by Manager Kloiber, to approve the permit with the approved exception. Upon a vote, the motion carried.**

**Treasurer's Report**

**A. Sunram Construction Pay Request**

Engineer Kieffer provided a revised pay request, noting that the numbers for certain line items were corrected but the total amount requested did not change. She recommended approval of the pay request from Sunram Construction.

**Manager Sheely moved, seconded by Manager Kloiber, to approve the pay request from Sunram Construction in the amount of \$12,780.11. Upon a vote, the motion carried.**

The Treasurer submitted the report. Manager Cutshall provided clarification on certain items included in the report.

Manager Cutshall referenced the reserves that would not be anticipated to use in the near future and noted that there was discussion on possibly investing those funds to receive a higher interest rate. He provided additional details noting that typically the longer term on the bond, the higher rate of return you would receive. He explained that currently the adverse is true and therefore that option will not be pursued at this time. He believed that the District should continue to monitor the issue.

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

**Staff Reports**

**A. Permit and Water Resource Coordinator**

Permit and Water Resource Coordinator Foley stated that there have been a high volume of wetland reviews and site visits for a variety of reasons. She noted that staff began to make

changes on how to present the cost-share program to potential applicants. She stated that Manager Hunker was also nice enough to come in and provide assistance.

#### **B. Education and Outreach Program Coordinator**

Program and Project Manager Sniegowski stated that she is present to answer any questions on the report. She noted that Education and Outreach Program Coordinator Zembal completed her credits and requirements for her master's degree. She reported that about 14 people attended the Master Water Stewards informational meeting the previous night, which was a great turnout.

#### **C. Program and Project Manager**

Program and Project Manager Sniegowski stated that invitations were sent out for the 60<sup>th</sup> anniversary state of the waters event. She stated that the District has gained four business partners that will use the District generated coasters. She reported that the ADA accessibility updates are live on the District website.

Manager Sheely asked if there would be analytics available to determine how many people are accessing the Story Map.

Program and Project Manager Sniegowski stated that element is hosted on the Barr website but confirmed that she could follow up to gain that information.

#### **D. Administrator**

Administrator Anhorn stated that there were four applicants for the open positions on the Board. He stated that Manager Sheely will be seeking reappointment for her position, while Manager Kloiber will not. He stated that Manager Kloiber's last meeting will be in September and stated that perhaps the Board would like to meet early to have time for a small celebratory event.

Manager Sheely commented that each of the applicants presented very well to the appointing Commission, noting that each is very talented.

Administrator Anhorn noted that the budget public hearing is scheduled for Wednesday, September 4<sup>th</sup>. He stated that the MnDNR received an emergency appropriation permit application for the pumping of Arrowhead Lake in Edina. He provided an update to the timeline for the District building addition with the City of Eden Prairie.

Engineer Kieffer noted that also on September 4<sup>th</sup>, the Board will receive a presentation on ground water from Barr Engineering.

## **Unfinished Business**

### **A. Delegation of Additional Permit Approval Authority to Administrator**

Administrator Anhorn stated that this item has been discussed on multiple occasions and a draft resolution was prepared as directed. He noted that this would include an 18-month evaluation period as previously discussed.

#### **i. Resolution 19-03**

**Manager Sheely moved, seconded by Manager Kloiber, to adopt Resolution #19-03 delegating additional authority to approve certain permit applications to the administrator. The Administrator conducted a roll call vote:**

**Yay**

**Nay**

**CUTSHALL X  
HUNKER X  
KLOIBER X  
PETERSON X  
SHEELY X**

**The motion carried.**

### **B. Lake Cornelia and Lake Edina Water Quality Study Projects**

Administrator Anhorn stated that this item could be moved to the end of the agenda and possibly to the next meeting, dependent on time.

### **C. Revised Scope of Work for Non-Profit Planning Grant SW BMP Projects**

Program and Project Manager Sniegowski stated that a scope of work was approved at the May 18<sup>th</sup> meeting to work on three non-profit projects. She stated that this scope of work from Barr revises that scope of work in order to have the plans for all six projects ready to go for bid. She stated that the Board previously authorized \$24,600, of which \$20,902.27 remains unspent. In the revised scope of work, Barr states that a total amount not to exceed \$45,000 would be needed to complete design and provide construction oversight which is an increase of \$23,097.73.

Attorney Smith recommended that the new not to exceed amount be approved, with the understanding of the previously approved amount.

**Manager Kloiber moved, seconded by Manager Cutshall, to increase the amount budgeted for this work for a total not to exceed amount of \$45,000. Upon a vote, the motion carried.**

#### **D. 2020 Draft Budget**

Administrator Anhorn stated that this information was developed from the budget workshop that details the slight changes to the budget amount, which did not change the proposed levy amount. He noted that the information will come before the Board again at the September 4<sup>th</sup> meeting.

#### **New Business**

##### **A. Scope of Work to Manage the Cornelia Lake Alum Treatment Project**

Administrator Anhorn stated that the Lake Cornelia alum treatment was approved earlier tonight, and this scope of services would have Barr Engineering supervise the process at a cost not to exceed \$20,000. He reviewed the proposed project schedule.

**Manager Sheely moved, seconded by Manager Kloiber, to approve the scope of services for the Lake Cornelia alum treatment with Barr Engineering for a cost not to exceed \$20,000. Upon a vote, the motion carried.**

#### **Unfinished Business (Continued)**

##### **B. Lake Cornelia and Lake Edina Water Quality Study Projects (Continued)**

Administrator Anhorn stated that the alum treatment was approved tonight, and the next step would be to continue to review the list of potential projects to determine which other elements should move forward to feasibility studies. He noted that additional options were also mentioned tonight during the public hearing including a using a lake drawdown to control the curly-leaf pondweed and potentially address the bottom feeding fish problem.

Manager Kloiber stated that there are two large objectives which are to control external load and control internal load, noting that within internal loading would be the subcategories of sediment release, fish and curly-leaf pondweed. He stated that each option should include the impact on each of those elements along with the amount of confidence that the option would be successful. He stated that a sound strategy should be identified to address each of those elements.

Manager Sheely stated that she would like a better understanding on the fish population and the impact that has.

Manager Kloiber stated that the fish are pretty good at disturbing the sediment and aquatic plants and therefore if part of the objective is to establish a diverse plant community, the fish management should occur prior to the vegetation management.

Chair Peterson noted that following up on the curly-leaf pondweed management by the City of Edina should also occur.



Engineer Kieffer provided additional details on the two years the City did not complete the activity.

Manager Sheely stated that floating islands was a thoughtful option and noted that perhaps something could be done at the capture point between north and south Cornelia, noting that perhaps a different option would be a better fit.

Engineer Kieffer noted that the outlet area is not that large, and it could be difficult.

Administrator Anhorn stated that it appears that it could be helpful to have additional information on the different options prior to ordering a feasibility study on additional options. He confirmed that for some options the District could attempt to pursue grant funding, noting that the spent lime option may be a good candidate for grant funding.

Engineer Kieffer stated that in relation to the watershed management practices, the park location may be the best fit. She stated that additional options could be presented to the Board but noted that the District would need to speak with the City of Edina first to determine their level of interest in using park property.

Manager Sheely referenced the large parking lot for the park and noted that perhaps a project be done in that area to add permeability to that area or provide underground treatment.

Engineer Kieffer confirmed that the parking lot area was reviewed. She noted that an underground treatment could be looked at, but infiltration would not be an option because of the poor soils. She noted that the elevation is also low which creates challenges. She reviewed some of the options that were reviewed in the previous UAA.

### **Engineer's Report**

Engineer Kieffer had nothing further to report.

### **Attorney's Report**

Attorney Smith had nothing further to report.

### **Managers' Report**

The Chair called for reports. There were none.

### **Adjournment**

**It was moved by Manager Sheely, seconded by Manager Hunker, to adjourn the meeting at 8:43 p.m. Upon a vote, the motion carried.**

Respectfully submitted,

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Erin Hunker, Secretary

ATTACHMENTS:  
Treasurer's Report