



**Nine Mile Creek Watershed District
2005 Annual Report**

Prepared and submitted by:
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Employees and Consultants

In 2005, for the first time, the District hired a District Administrator to oversee its daily operations and to support the work of the Board of Managers. Kevin Bigalke started as District Administrator on November 14, 2005, and opened the new District office on December 1. To meet its many statutory and regulatory requirements, the District also retains consultants to provide engineering, communications, legal, and accounting services.

District Administrator:

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Introduction

Established in 1959, the Nine Mile Creek Watershed District was the state's first urban watershed district. Despite its name, Nine Mile Creek's main branch actually travels 15.5 miles from its headwaters to its confluence with the Minnesota River. The Creek winds through the southwestern suburbs of the Twin Cities, draining a total of 50 square miles of a largely developed urban landscape, and encompassing most of Bloomington and Edina and portions of Minnetonka, Eden Prairie, Hopkins, and Richfield. Appointed by the Hennepin County Commissioners, each of the District's five Managers serve three-year terms.

Consistent with its statutory and regulatory obligations under Minn. Stat. § 103D.351 and Minnesota Rules § 8410.0150, the Board of Managers has prepared this Annual Report of the Nine Mile Creek Watershed District's financial status, its yearly activities and projects, its 2005 permitting and enforcement, and its 2006 goals and objectives. The Managers invite comments and suggestions concerning this report. Copies are available by contacting Kevin Bigalke, District Administrator, Nine Mile Creek Watershed District, 7710 Computer Ave., Suite 135, Edina, MN 55435, (952) 835-2078.

2005 Highlights:

- District's Hiring of its first District Administrator, Kevin Bigalke. See page 15.
- Completion of a full cycle of Use Attainability Analyses for the District's Lakes, as required by the 1996 Watershed Management Plan. See page 9.
- Groundwork for the District's 2006 Third Generation Plan, including a series of public forums to solicit citizen input. See page 13.

- Completion of XP-SWMM and P8 modeling for water level and water quality in the Nine Mile Creek Watershed. See page 10.
- Substantial completion of all projects under the Lake Minnetonka Basic Water Management Plan. See page 11.
- Construction ordered for the Bloomington Culvert Replacement Project. See page 12.
- First phase development of the Eden Prairie Lakes Water Quality Improvement Program. See page 12.
- The District hosted a Fall Tour highlighting the Minnetonka Lakes Project. See page 14.
- Ongoing maintenance of the Lower Valley Project. See page 13

Assessment of Previous Work Plan

In its 2004 Report, the District identified several broad goals and objectives for 2005, including:

1. Continued progress on its Lake Use Attainability Analyses.
2. Continued analysis of Nine Mile Creek.
3. Ongoing commitment to coordinated repair and maintenance projects with District's cities.
4. Assistance to cities in developing and implementing Basic Water Management Projects.
5. Begin development of the District's Third Generation Decennial Plan.

In 2005, the District made substantial progress toward all of these goals and objectives, as described below.

1. Continue Lake Use Attainability Analyses

Under its 1996 Watershed Management Plan, the District has developed and maintained an extensive monitoring and sampling program on 15 of its lakes, using procedures recommended by the Minnesota Pollution Control Agency and the Minnesota Department of Natural Resources. The program involves performing a regular cycle of Use Attainability Analyses (UAA) on 15 of the District's lakes. The Plan divides the lakes into three separate categories depending on their beneficial uses, and requires varying levels of UAAs for each category. The "survey" program applies to lakes that support aesthetic and wildlife uses, but not fishing and swimming, and requires sampling six times per year to detect water degradation. Lakes suitable for fishing but not swimming fall within the "management" program, and are sampled ten times per year. Finally, lakes that qualify as swimming lakes fall within the "intensive program," and are sampled 14 times per year.

By the conclusion of 2004, UAAs were available for all 15 lakes identified for UAA monitoring under the Plan. In 2005, the District began a new iteration of the UAA cycle, beginning with sampling of Lakes Cornelia, Indianhead, and Arrowhead. Updated UAAs for those lakes are presently underway. The District also undertook an intensive sampling program for Lakes Smetana, Normandale and Bryant. Using the historic data from these lakes' UAAs, the District can now track changes in water quality over time, and fashion appropriate project recommendations. This comprehensive data better positions the District to encourage cities to develop a comprehensive plan that encompasses the lakes within its boundaries. The District's

goal is to work with each city to replace piecemeal planning with a more holistic approach, to the benefit of the entire Watershed.

2. Continuing Creek Analysis

Since 2004, the Nine Mile Creek has been on the Minnesota Pollution Control Agency's "Impaired Water" lists for turbidity, chloride and fish community Index of Biotic Integrity (IBI). In response to this listing, the District undertook a minimum three-year program, which includes water quality monitoring at three WOMP stations on the creek, and electrofishing. In 2006, the District will enter the third year of this program. In conjunction with this monitoring, the District will continue to work with the MPCA to determine the appropriate standards for assessing and classifying the creek's impairment, and to identify best practices for improving the water quality in the creek and achieving "unimpaired" status.

In 2005, the District gained a powerful tool in its efforts to monitor and return the Creek to its best use. Using Creek XP-SWMM water engineering software, the District undertook its first analysis of the regional floodplain since the 1970s, and created modeling for 50, 100 and 500-year storms. The District also completed P8 water quality modeling, which will guide efforts to meet various MPCA goals, such as the requirement that pollutant loads not exceed 1988 standards. The completed XP-SWMM / P8 modeling will allow both the District and the Cities to better analyze land use and its impacts, and will inform best management practices decisions and recommendations.

3. Repair and Maintenance Proposals

The District continues to make repair and maintenance funding available to municipalities on a 50/50 cost-sharing basis, allocated according to each city's size. In 2005, District's repair and maintenance funding supported several significant projects:

- Adam's Hill Pond - Richfield
- Bredesen Park Maintenance - Edina
- Stormsewer replacement Fred Richards Golf Course - Edina
- Several sediment clean outs throughout City of Edina

4. Development and Implementation of Basic Water Management Projects

Minnetonka Lakes Basic Water Management Project

In 2002, the City of Minnetonka petitioned the District for the Minnetonka Lakes Basic Management Project, based on the District's UAA of Glen, Shady Oak, Lone, and Minnetoga Lakes, and Woodgate Pond. The goal of the project was to protect and avoid significant degradation of water quality in this lake. Throughout the Plan's implementation phase, District worked with city officials and citizens to reach consensus and develop the plans for each component of the project. Although the planning process was lengthy, the construction phase generally progressed smoothly, and by the end of 2005, all but one small component of the plan was complete. In October, the District organized a tour of the basins, plantings, and rainwater gardens that were built as part of the Plan.

Bush Lake Outlet Invasive Species Control, Bloomington

Working with Prairie Restoration, the District undertook a project to control invasive species along the Bush Lake Outlet shoreline. The project costs were shared with the City of Bloomington.

Eden Prairie Lakes Water Quality Improvement Project

Following completion of the UAAs for Birch Island, Bryant, Smetana, and Anderson Lakes, Eden Prairie petitioned the District for the Eden Prairie Lakes Water Quality Improvement Project. As designed, the project will provide a coordinated approach to addressing water quality issues in the targeted lakes, including control of invasive plants, curly leaf pond weed, and Eurasian water milfoil. The project is in the midst of the Minn. Stat. 103D process and an engineer's feasibility report is underway. The current timeline calls for construction to begin in fall 2006.

Bloomington Culvert Replacement Project

In 2003, the City of Bloomington petitioned the District for a basic water management project to replace five aging culverts that presented a significant risk of flooding, erosion, and sedimentation. At the District's direction, the District Engineer prepared a report evaluating the feasibility and projected costs of the project. Finalized in 2005, the Engineer's report concluded that the project was necessary; feasible; and consistent with the District's 1996 Water Management Plan, the City's petition, and the Nine Mile Creek UAA of March 2004. The advisory committees of the Minnesota DNR and BWSR approved the plan, and the District held a public hearing on the project, at which property owners expressed support for the project. Because one of the culverts directly benefits the Canadian Pacific Railroad, the District has

engaged in ongoing discussions with the Railroad about project plans and cost sharing, but has yet to reach agreement.

In September, the District granted the City's petition and ordered that the project be constructed, excepting the Railroad culvert. On October 7, one of the culverts identified for replacement failed and required emergency repair, which only underscored the project's urgency. The District approved a construction bid in December 2005, and construction should be complete by spring 2006. During 2006, the City will continue to work with the Railroad to explore cost-sharing and project parameters for the remaining culvert.

Lower Valley Project Maintenance

The Lower Valley Restoration Project was completed in 1991 to address erosion issues in the lower reach of Nine Mile Creek. The District and the City of Bloomington continue to partner on this project to address erosion issues and to stabilize the banks of Nine Mile Creek.

5. *Development of Third Generation Plan*

The District's 1996 Plan expanded the District's earlier focus on flood control to encompass a broad goal of improving water quality management of the District's lakes. The Third Generation Plan's goals will expand to reflect the awareness of the need to address the District's water quality goals through better surface water management.

As part of developing the Plan's focus, in 2005 the District hosted a Technical Advisory Committee meeting, mailed 10,000 surveys and held a series of well-attended public forums to solicit citizen input. In addition to the Technical Advisory Committee, the District met with the municipalities individually to identify their unique watershed management needs and expectations. Together, the District and its many stakeholders laid the groundwork in 2005 to

shape a Third Generation Plan that encompasses a shared vision for the Watershed during the coming decade.

6. Education and Outreach

Headwaters Kiosk, Hopkins. In 2005, the District supported an Eagle Scout project by Luther Overholt of the Hopkins Boy Scouts. Led by Overholt, the troop erected a kiosk and marker at the headwaters of the Nine Mile Creek in Hopkins, installed plantings and a picnic table, and undertook trash removal. The District paid for the cost of the kiosk and sign for the site. The City of Hopkins donated staff to clear and grade the site and a picnic table for the site.

Fall Tour. On October 4, 2005, the District hosted its Fall Tour highlighting the Minnetonka Lakes Project undertaken in 2005. The 2005 tour included stops at some of the basins, plantings, and rainwater gardens that were built as part of the project to improve water quality in Glen Lake, Lone Lake, and Lake Minnetoga. Following the site visits, the tour returned to Barr Engineering's office where District consultants gave a presentation of the recently completed XP-SWMM model. The tour was attended by city, county, and state agency staff, Watershed District staff and consultants and members of the District's Citizen Advisory Committee.

Public Input Meetings and Citizen Survey. In the spring of 2005, the Nine Mile Creek Watershed District hosted a series of public Water Forums and conducted a District-wide citizen survey. The purpose of the Water Forums and citizen survey was to gain input from the general public and staff of the cities within the District on how the public uses the lakes in the District and Nine Mile Creek, and gather ideas for enhancing and protecting our water and natural resources for future generations. The ideas, concerns, and input received at the Water Forums

and through the survey were used to help the Board of Managers make critical policy decisions in developing the third generation watershed management plan.

7. *Other 2005 Activities*

In 2005, prompted by the growing demands within the District and the anticipated scope of the Third Generation Plan, the District hired Kevin Bigalke as its first District Administrator. Prior to joining the District, Mr. Bigalke served as the Director of Conservation Programs with the Friends of the Minnesota Valley, and also worked with the Minnesota Department of Natural Resources and the Lower Minnesota River Watershed District. He holds a B.S. in Biology from Gustavus Adolphus in St. Peter, and an M.A. in Public Administration from Minnesota State University in Mankato.

Coinciding with the hiring of the District Administrator, the District also established a formal office on December 1, 2005, at 7710 Computer Avenue, Suite 135, Edina, Minnesota.

As part of its public communication efforts in 2005, the District published its third annual Nine Mile Creek Watershed District annual calendar. Featuring nature photos selected from citizens' submissions, the calendar has become a popular and effective form of public outreach for the District.

Projected 2006 Work Plan

Complete 2006 Third Generation Plan

A primary component of the District's 2006 work is the completion of its decennial Third Generation Management Plan, to succeed the 1996 Second Generation Plan. Development of the Third Generation Plan began in 2005, when the District engaged both city officials and the

public to reach consensus on the Plan's vision and commitment, and to determine each city's needs and expectations for the coming decade. In May 2005, the District held a series of five public forums to solicit citizen input on water problems, solutions, and objectives. Drafting of the Plan began in the fall of 2005, and is ongoing, with a goal of completing a preliminary version for review by April 2006.

The Third Generation Plan will continue and build upon the 1996 Plan's commitment to the UAA process as a means of modeling and monitoring the District's lakes and Nine Mile Creek. The Plan's goals for the stream will include improving wildlife habitat and morphology, and avoiding stream degradation.

Approval and Implementation of Eden Prairie Lakes Water Quality Improvement Project

As noted earlier, the Eden Prairie Lakes Project is in the development phase, with construction planned to begin in fall 2006.

Continue UAA /Lake /Creek Studies

In 2006, the District will continue to monitor Nine Mile Creek with the WOMP stations. The District will also continue with the cycled lake monitoring.

Citizen Assisted lake Monitoring Program (CAMP)

In 2006, the District is supporting citizen monitoring through the Metropolitan Council's Citizen Assisted lake Monitoring Program (CAMP). Volunteer monitoring teams will collect water quality samples from Lake Cornelia in Edina, Bush Lake and Normandale Lake in Bloomington, and Glen Lake and Wing Lake in Minnetonka.

Continued Support of Repair and Maintenance Proposals

The District continues to maintain a Repair and Maintenance Fund to cost-share with the cities of the District the cost of repair and maintenance of stormsewers, water quality treatment features,

and lake and stream projects. The cities request 50/50 cost-share of projects as they are scheduled.

Reinvigorate CAC Program

The Nine Mile Creek Watershed District historically has had an active Citizen Advisory Committee (CAC). The District hopes to reinvigorate the CAC with educational presentations and guest speakers on watershed and water quality related topics.

Update District Website

The District website has been a valuable tool for providing information about the District, its regulatory program, and its meeting calendar. In 2006, the District will be reviewing its website to make it a more useful tool. The website will be used during the review of the Third Generation Plan to post the draft plan for broader access for review. The Plan will be posted on the website so that anyone interested will have an opportunity to review and comment on the plan.

Technical Advisory Committee

The District anticipates working with the Technical Advisory Committee to begin discussing the development of performance standards and the rules revision process that the District will undertake in 2007.

Permitting Activity

Summary of Permits and Variances Issued and Denied

In 2005, the District reviewed and granted 51 grading and land alteration permits. The Board of Managers reviews permit applications with the assistance of the District Engineer, and imposes various conditions for approval as appropriate. The District issued permits in the following cities: Bloomington – 19; Edina – 12; Minnetonka – 10; Hopkins – 4; Eden Prairie – 2; Richfield – 1; Bloomington/Eden Prairie – 2; Eden Prairie/Edina – 1.

The District subjects projects to a preliminary review so that it can issue permits simultaneously, or shortly after, municipal permits. In 2005, the District did not grant any permits that required a variance to its rules.

In 1997, the MNDR issued a general permit allowing the District to regulate certain aspects of work in public waters, which streamlines and expedites the permitting process for applicants who undertake certain specified activities. In 2005, the District reviewed and approved five (5) Minnesota Department of Natural Resources Permits for Work in Protected Waters.

Enforcement Activity

The District's engineer regularly inspects permitted work to ensure compliance with permit conditions. If violations are found, the District attorney typically will notify permittees and seek voluntary abatement or correction before resorting to formal legal action. In 2005, no enforcement actions were necessary.

Summary of Water Quality Monitoring Data

Under the 1996 Plan, the District performs Use Attainability Analyses on all of its major lakes on a three-year rotating cycle. The Engineer's Annual Report contains UAA monitoring data for all of the District's Lakes. The annual Engineer's Report will be completed and made available later this year (2006).

Status of Local Plan Adoption and Implementation

The District monitors the plans of watershed districts and water management organizations that affect the District's cities and that have been approved by the Board of Soil and Water Resources. Currently, the cities of Edina, Eden Prairie, Minnetonka, and Richfield have approved local water management plans.

Biennial Solicitation of Interest Proposals

Under M.S.A. 103B.227, subd. 5, the District must issue a biennial solicitation for legal, technical, and other professional services. The District issued a formal solicitation for legal services in June 2005, and selected Smith Partners, PLLP, as its new legal counsel in August 2005. The District issued its biennial solicitation for engineering, accounting, auditing, and communications in July 2005.

Fund Balances for Specific Program Elements.

The District's fund balances and financial status will be included in the District's annual audit. The annual audit will be submitted upon completion.

Status of any Locally Adopted Wetland Banking Program

Because of the inherent limitations of a fully urbanized watershed, the District has not developed a wetland-banking program. Instead, it uses the state wetland bank administered by the Minnesota Board of Water and Soil Resources.

Annual Written Communication to the Public

As required by Minn. R. 8410.0100, subp.4, the District prepared and disseminated its annual notice to the public that identified the Board members, the current CAC members, contact and public meeting information, and information concerning its role in watershed planning. A copy of the Written Communication is included in the Appendix.

Annual Audited Financial Report and Audit Report

The District's audited annual financial report was prepared by Tautges Redpath, Ltd., a certified public accounting firm. As required by Minn. R. 8410.0150, subp. 2, the Audited Financial Report includes classification and reporting of revenues and expenditures, a balance sheet, an analysis of changes in final balances, and all additional statements necessary for full financial disclosure. The 2005 Audited Financial Report may be found in the appendix to this Annual Report.

2006 Annual Budget

The District adopted its 2006 Annual Budget in September 2005. The 2006 Budget may be found in the appendix to this Annual Report.

Appendix

- 1. Annual Audit**
- 2. 2006 Approved Annual Budget**
- 3. Copy of Annual Communication**