

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

WEDNESDAY, SEPTEMBER 20, 2017

Call to Order

Chair Kloiber called the meeting of the Board of Managers of the Nine Mile Creek Watershed District to order at 7:05 p.m., Wednesday, September 20, 2017, at the Nine Mile Creek Watershed District Office, 12800 Gerard Drive, Eden Prairie, MN 55346.

Managers Present: Twele, Kloiber, Sheely and Peterson

Managers Absent: Lynch

Advisors Present: Randy Anhorn, Michael Welch, Bob Obermeyer, Janna Kieffer, Erica Sniegowski, and Gael Zembal

Agenda

Administrator Anhorn requested to add additional items to the agenda. He stated that under Unfinished Business as Item A, an item should be added to provide public notice of a second opportunity for the public to comment on the District's 2018 budget and levy. He stated that under the Education and Outreach Program Report the following items should be added, Consider Two Master Steward Cost-Share Grant Requests, Barr Engineer Scope of Services for Discovery Point Phase II Technical Services, and Trail Map Printing Estimate. He noted that he previously discussed the current ability for the Administrator to have authorization to spend up to \$1,000 without Board authorization. He stated that it seems burdensome to bring back requests that have already been approved by the Board, such as the printing, and noted that he may bring back a request at a future meeting to increase that authorization for the Administrator to \$5,000, which would be similar to the limit that other Districts have.

Manager Peterson moved, seconded by Manager Sheely, to approve the agenda as amended. 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 16, 2017. Attorney Welch noted on page three, the first paragraph, it should state, "...used the MPCA documents including Stormwater Manual guidance for screening assessment for contamination at potential infiltration sites, and the USGS model..." On page three, the first paragraph, it should state, "...77 feet from the center point..." On page four, the fourth paragraph, it should state, "...to approve the permit with the recommended conditions." On page 11, under the

Administrators Report, the third sentence, it should state, “He explained that ~~the limit is through a restrictive covenant and would need City Council approval~~ there is a limitation on the number of full-time employees in the District’s Development Agreement with the City.”

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

Correspondence

No additional comments.

Hearing and Discussion of Matters of General Public Interest

There were none.

Consent Agenda

- A. Permit #2017-93: Budget Truck Rental – 305 American Boulevard; Grading and land alteration permit: Bloomington**
- B. Permit #2017-94: River Valley Crosstown Campus – 10801 Red Circle Drive – Opus II; Grading and land alteration permit: Minnetonka**
- C. Permit #2017-100: Edina Bus Barn Site – 5150 Brookside Avenue and 5220 Eden Avenue; Grading and land alteration permit: Edina**
- D. Permit #2017-101: Culvert Replacement – Girard Lake Park; Grading and land alteration permit: Bloomington**

Engineer Obermeyer referenced Item D, noting that he did receive confirmation that the DNR had waived its authority over the project to the city. He referenced Item C and provided additional information on the removal of the fuel tanks which occurred noting that an additional 50 cubic yards of material was removed as well. He stated that the activity was supervised by Braun and he provided additional details on the infiltration activity that will be submitted in a future permit to the District.

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

Hearing of Permit Applications

- A. WCA Wetland 03-23-A Sediment Removal; Tanger Lane and Leesborough Avenue: Eden Prairie**

Engineer Obermeyer stated that staff just received the information in the past day for the notice of decision. He stated that both requests are from the city of Eden Prairie for sediment removal. He stated that the City has requested a no loss determination for this action and stated that staff recommends the no loss determination. He provided additional details on the location of the wetland.

Chair Kloiber asked for and received confirmation that this activity would simply be removing accumulated stormwater sediment.

Manager Sheely moved, seconded by Manager Peterson, to approve the notice of decision for WCA Wetland 03-23-A. Upon a vote, the motion carried.

B. WCA 14-44-A Sediment Removal; 431 Prairie Center Drive: Eden Prairie

Engineer Obermeyer identified the location of the wetland and the proposed area of disturbance for the sediment removal activity. He recommended that the Board approve the no loss determination.

Manager Peterson, moved, seconded by Manager Twele, to approve the notice of decision for WCA 14-44-A. Upon a vote, the motion carried.

C. Tiller Corporation Wetland Boundary and Type Determination: 6401 Industrial Drive: Eden Prairie

Engineer Obermeyer stated that this is a wetland boundary and type determination, noting that this has been sent to the TEP for their review and comments, and no comments were received. He recommended that the Board approve of the wetland type and boundary.

Manager Peterson moved, seconded by Manager Sheely, to approve the wetland type and boundary for Tiller Corporation. Upon a vote, the motion carried.

Treasurer's Report

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

Manager Twele moved, seconded by Manager Sheely, to approve the Treasurer's Report and pay the bills and to approve the pay request to Blackstone Contractors in the amount of \$24,319 and a change order of \$2,354. 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 Specialist Zembal stated that they have begun recruiting for the third year of the Master Water Stewards program and provided an update on the process noting that the new cohort will begin on October 10th or 11th. She stated that the watershed tour for the Master Water Stewards will occur on October 13th.

Education and Outreach Program Manager Sniegowski stated that the District's adopt a drain program is ready to begin and noted the marketing that will occur in local newspapers. She stated that once the program is launched, interns will deliver doorhangers around the Normandale Lake area. She noted that all storm drains in Bloomington will be available for participation, although the area around Normandale Lake will be a priority. She stated that twice per year participants will be asked to report the materials that they clean up from the drain, which will provide the District with data.

B. Consider Two Master Steward Cost-Share Grant Requests

Education and Outreach Program Manager Sniegowski stated that the District has received cost-share applications from Master Water Stewards, noting that the program requires participants to partner with another participant to complete a capstone project. She reviewed the details of the proposed projects which have a total cost of \$4,280 and \$16,286. She recommended that both proposals be accepted as the District is committed to funding the capstone projects, noting that both projects would require ten-year maintenance agreements.

Manager Sheely asked for details on the high cost for the request.

Education and Outreach Program Manager Sniegowski noted that the project entails two large areas and provided additional details. She noted that there are additional funds being contributed to the projects and there are contractors involved as well.

Manager Peterson moved, seconded by Manager Sheely, to authorize the administrator to enter into the agreements for the Master Water Stewards cost-share grant requests in the amount of \$4,280 and \$16,286. Upon a vote, the motion carried.

C. Barr Engineering Scope of Services for Discovery Point Phase II Technical Services

Education and Outreach Program Manager Sniegowski stated that the District budgeted funds for the Phase II restoration work for 2018. She stated that in order to continue that work staff needs to work with Barr Engineering to develop the plans for the southwest portion of the property. She reviewed what would be included in the scope of services. She stated that one piece possibly to be included in Phase II is a mowed trail and how that could occur within the restoration areas. She estimated the cost for the scope of services at \$20,800. She stated that there are funds available still in the 2017 budget and noted that the buckthorn and honeysuckle removal could begin this fall. She confirmed that the cost would include both design engineering and restoration oversight. She noted that some of this work would begin in 2017 using funds available from the 2017 budget.

Attorney Welch asked for additional clarification on the work that will be completed.

Education and Outreach Program Manager Sniegowski provided additional details and noted that this item would remain under the threshold that requires a public bidding process.

Attorney Welch confirmed that because the work being completed is not construction and is less than \$100,000, this will not require a public bidding process.

Manager Peterson moved, seconded by Manager Twele, to authorize the administrator to enter into an agreement with Barr Engineering for the Phase II planning and restoration for Discovery Point for an amount not to exceed \$20,800. Upon a vote, the motion carried.

D. Trail Map Printing Estimate

Education and Outreach Program Manager Sniegowski stated that she has received the printing estimate for the trail maps. She stated that at one point there was discussion on whether the printing should occur on water resistant paper and therefore a quote was provided for water resistant paper and standard paper. She recommended using the standard paper because of the cost difference, with a cost of \$1,335 for 750 maps. She noted that there would be additional shipping costs.

Chair Kloiber asked how long it would be until another update is done.

Education and Outreach Program Manager Sniegowski stated that the last printing occurred prior to her start with the District. She confirmed that there have been requests for the maps at events that the District has participated in. She recommended using this amount as there could be tweaks that are identified after the printing and therefore staff could make additional adjustments to future printings rather than ordering a larger amount now.

Manager Peterson stated that in the future there may be a shift for people to utilize the digital version, which could then reduce the number of copies the District may need in the future.

Manager Twele moved, seconded by Manager Sheely, to approve the printing of 750 maps on the 80-pound paper with a cost not to exceed \$1,500. Upon a vote, the motion carried.

Unfinished Business

A. Public Notice for a Second Opportunity for the Public to Comment on the 2018 Budget and Levy

Administrator Anhorn stated that Attorney Welch noted that the District should have mentioned at the September 7th budget public hearing that there is another opportunity for the public to comment on the District’s 2018 budget and levy.

Attorney Welch announced that the public will have another opportunity to comment on the District’s 2018 budget and levy.

Administrator Anhorn commented that the item could occur on the November 15th regular meeting agenda which would allow staff to then finalize the budget and levy amounts.

Attorney Welch noted that the District cannot raise the levy from the amount adopted in September but could lower those amounts if desired.

B. Water Management Plan Update

Administrator Anhorn stated that he presented the plan to the central region Board of Water and Soil Resources (BWSR), whom recommended approval to the full BWSR Board. He noted that once that occurs, the District Board can then adopt the Water Management Plan at the October 18th Board meeting.

Manager Sheely asked if there a version on the District website that includes all the changes.

Attorney Welch noted that the version that was submitted to BWSR for the 90-day review would be posted and once approved by BWSR, the final version of the plan would be posted to the District website.

C. Rules

Administrator Anhorn stated that staff has been meeting regularly to discuss the rules, specifically regarding single-family homes. He noted that once there is more feedback received from the Board, he would provide a draft for the Managers to review. He suggested scheduling a workshop for October 5th, which would allow the Board to further discuss the rules and consider a few additional items.

It was the consensus of the Board to schedule a workshop on October 5th at 5:30 p.m.

Administrator Anhorn reviewed the items that he would like the Board to consider under the discussion tonight. He reviewed the schedule that begun earlier this month and the tentative schedule for the upcoming months, noting that the goal would to be have the new rules adopted in early March prior to the permitting season. He highlighted the focus for the discussion items tonight.

Attorney Welch provided additional details on the proposed language regarding enforcement, as the rules currently do not include language regarding enforcement. He stated that traditionally the District has relied on member cities for enforcement because the District has such a small staff, but noted that it is only fair to include language which states the District has the ability to address enforcement. He provided additional information regarding the relation to the enforcement language and the financial assurance that the District holds.

Administrator Anhorn reviewed potential fee amounts for different permit fees.

Attorney Welch provided additional details on how regional plans would be considered compared to individual permits. He noted that most likely regional plans would be submitted by a member city and not a private entity.

Administrator Anhorn reviewed the draft language that would enable the District to charge additional staff time to permittees. He noted that these actions would be more in line with what other Districts are doing.

Attorney Welch provided examples of how costs can be tracked to individual permits and how this language can require the homeowner to pay the additional staffing costs. He explained that the District has been incurring additional staff time reviewing certain requests that require a lot of staff input.

Engineer Obermeyer noted that it could cost more staff time to attempt to collect the additional funds.

The Managers stated that they like that the District would be more in line with what other Districts are doing.

Manager Sheely stated that perhaps Barr Engineering can provide more information on what a typical cost package would be for a single-family home.

Attorney Welch noted that the additional costs would be a condition of approval, therefore an applicant would not receive a permit until the additional costs are paid to the District.

Chair Kloiber stated that the fee schedule was set in the past based on the best information that the District had. He stated that if there is better data now in terms of cost recovery, he would support that.

Manager Peterson stated that perhaps there is a method upfront which would allow staff to notify a homeowner that their permit is not fully ready in order to make the process smoother than charging the additional fees after the fact.

Chair Kloiber stated that there is a permit fee when the application is submitted. He stated that the application clearly states all of the information that is required along with the notification that the fee could be more if the application is not complete and requires additional staff time.

Administrator Anhorn stated that the rules would propose to minimize chloride application. He stated that the District would be the first to require the applicant to submit a chloride management plan, noting that the options could include simply submission of a chloride management plan or that the District approve the chloride management plan and whom the requirement would apply to.

It was the consensus of the Board not to require chloride management plans for single-family permits.

Chair Kloiber noted that the requirement could be redundant for some entities but perhaps the District simply asks for a copy of the applicant's plan.

Administrator Anhorn asked what should be asked for in the plan for commercial and industrial permittees.

Chair Kloiber stated that it would be important to show that this is not a burdensome requirement.

The Board further discussed the elements of chloride management. It was clarified that the requirement for a chloride management plan would only be required when an entity is submitting a permit.

Education and Outreach Program Manager Sniegowski stated that the District hosts chloride management training events and if the District has these contacts, staff can reach out to those contacts to gain additional participation in the training events.

Attorney Welch stated that the District will be the first to enact this element and therefore it will be helpful to determine a meaningful way for the District to dip their toe into this topic rather than attempting to bite off too big of a piece which then causes the effort to fail.

Chair Kloiber stated that perhaps it become a requirement that a person from the organization participate in the chloride training.

Attorney Welch stated that the District could make it a requirement to attend the PCA training but could not require the applicant to attend the District's training.

There was additional discussion of the Board and staff as to whether there would simply be a requirement for the applicant to provide a contact or whether the PCA training would be required. It was the consensus of the Board to make the training a requirement.

Administrator Anhorn noted that the single-family home discussion would come back to the October 5th workshop as there was not sufficient time tonight. He provided a highlight of the comments that he received from the Board thus far to confirm consensus.

Engineer Kieffer provided additional details on single-family home permitting.

Chair Kloiber stated that if a single-family home property is reducing the overall impervious of the site, that could be seen as a BMP itself. He stated that conceptually he would be okay with exempting some single-family permits. He stated that his concern with simply requiring a BMP is that there is no specification on the minimum requirement for a BMP. He stated that he would potentially be agreeable to either an applicant being exempt or requiring some minimum level of BMP.

Administrator Anhorn asked how the Board would feel about smaller requirements for single-family homes with D soils.

Chair Kloiber stated that conceptually a rule could be written that would require all lots, regardless of soils type, would need to maintain runoff equivalent to the undeveloped state.

Engineer Kieffer stated that it would be hard for the applicant to prove. She noted that while the calculations for A, B, and C soils are similar, the requirement for D soils is very different.

Attorney Welch noted that the general track for state requirements has a different requirement for D soils, so the change would make the District more consistent with state requirements.

New Business

A. MAWD Resolutions

Administrator Anhorn stated that the information received from MAWD regarding their potential resolutions were included in the Board packet. He stated that the District could suggest a potential resolution regarding liability for chloride application, noting that it would be helpful to have the support of this organization and other watersheds.

It was the consensus of the Board for staff to draft a potential resolution for the Board to review at the October meeting.

B. Open Manager Position Update

Administrator Anhorn stated that there were three applicants for the open positions including Manager Peterson. He stated that two interviews were held and the last would be held on October 5th with the final decision being made on October 28th. He stated that a new Manager would be joining the Board in November.

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 Stormwater Management**
- H. Lake Cornelia**
- I. Discovery Point Phase I Restoration**
- J. Minnetonka Storm Sewer Repair – 5225 Baker Road: Minnetonka**
- K. Double Tree Hotel – Alaskan Fur Parking Lot Merger: Bloomington**
- L. Status of Construction Projects**

Engineer Obermeyer stated that a written report was included in the Board packet.

Administrator Anhorn noted that there have been a few meetings for Normandale Lake, noting that the potential concept was provided at the last meeting. He stated that staff is going to work with the City of Bloomington to draft a letter to the Corps with the potential actions. He stated that because this is a petition project, there would be a different process to follow and provided additional details on the process that would occur.

Attorney’s Report

Attorney Welch had nothing further to report.

Administrator’s Report

Administrator Anhorn had nothing further to report.

Managers’ Report

The Chair called for reports.

Task Summary Report & Manager’s Calendar

The Managers reviewed and updated the task report.

Adjournment

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

Respectfully submitted,



Grace Sheely, Secretary

ATTACHMENTS:
Treasurer’s Report