

MEETING MINUTES

Riley-Purgatory-Bluff Creek Watershed District

May 3, 2017, Board of Managers Plan Workshop and Monthly Meeting

PRESENT:

Managers: Mary Bisek, Secretary

Richard Chadwick

Jill Crafton, Treasurer

Perry Forster, President

Leslie Yetka, Vice President

Staff: Claire Bleser, District Administrator

Zach Dickhausen, Water Resources Technician*

Terry Jeffery, Project Permit Manager

Michelle Jordan, Community Outreach Coordinator

Josh Maxwell, Water Resources Coordinator*

Louis Smith, Attorney (Smith Partners)

Scott Sobiech, Engineer (Barr Engineering Company)

Other attendees: Brian Beck, Wenck Assoc.*

Bob Kruempelstaedter, Chanhassen Resident

John Bender, Westwood*

Matt Lindon, CAC

Joe Bischoff, Wenck*

Sharon McCotter, CAC*

Dan Blake, Pemtom*

Dave Modrow, City of Eden Prairie*

Paul Bulger, CAC

Dorothy Pedersen, CAC

Mark Costello, Eden Prairie Resident*

Robin Ruben, Eden Prairie Resident*

Laurie Hable, LRIA

Laurie Susla, Chanhassen Resident

Peter Iversen, CAC

Ken Wencil, Chanhassen Resident

John Kirk, Eden Prairie Planning Comm.* David Ziegler, CAC

*Indicates attendance at the monthly board meeting and public hearing but not the plan workshop

1. Plan Workshop

President Forster called to order the Wednesday, May 3, 2017, Board of Managers Plan Workshop at 5:45 p.m. in the District Office, 18681 Lake Drive East, Chanhassen, MN 55317.

Administrator Bleser reported that the draft 10-year plan Table of Contents has been updated. She handed out the updated version and reviewed the updates. She asked for and recorded manager comments about the draft sections staff introduced at the Board's April regular monthly meeting.

Administrator Bleser handed out and reviewed with the Board the draft plan's Introduction section and draft section 5.0 Land and Water Resource Inventory. She requested and recorded comments about the two sections.

Administrator Bleser addressed the topic of the timing of alum treatments. She talked about the idea of looking at the sedimentation rates at waterbodies and possibly developing a sedimentation rate criterion. She asked the Board if it would like staff to look further into the idea of developing such a criterion and to bring back more information to the Board in June. There was discussion. Administrator Bleser said that based on the managers remarks, she will check to see if any agencies have relevant Paleolimnological or historical sedimentation data and will gather information to present to the Board at its next meeting.

Administrator Bleser said that at the next monthly meeting she will gather manager comments about the draft plan sections she handed out tonight and she will hand out the draft sections about Riley, Purgatory, and Bluff Creeks.

Manager Bisek said that the issue to understand is the level and rate of sedimentation at which an alum treatment can be successful. President Forster stated that he would like to receive information explaining the probability of an alum treatment being successful.

Manager Crafton moved to close the workshop. Manager Yetka seconded the motion. Upon a vote, the motion carried 5-0. President Forster closed the Plan Workshop at 6:58 p.m.

2. Monthly Board Meeting Call to Order

President Forster called to order the Wednesday, May 3, 2017, Board of Managers Monthly Meeting at 7:14 p.m. in the District Office, 18681 Lake Drive East, Chanhassen, MN 55317. He noted that immediately prior to this monthly meeting the Board held a plan workshop.

3. Approval of the Agenda

President Forster requested moving item 10d ó Permit 2017-007 Cedarcrest Stables Variance Request ó ahead in the agenda to immediately follow item 3 ó Approval of the Agenda. He also requested moving item 8f ó Approve Permit 2017-009 Emerson Process East Renovation with staff recommendations ó off the Consent Agenda and to put it as an Action item. Manager Crafton requested removing items 10 b ó Approve Paying of the Bills and item 10c ó Accept March Treasurer's Report ó off of this month's agenda and for those two items to come in front of the Board at its next meeting. Manager Chadwick requested that when those two items are put on the next agenda that the item to accept the Treasurer's Report precedes the paying of the bills.

Manager Crafton moved to approve the agenda as amended. Manager Yetka seconded the motion. Upon a vote, the motion carried 5-0.

4. Permit 2017-007 Cedarcrest Stables Variance Request

Engineer Sobiech stated that this permit application is for the construction of a 17-lot single-family-home subdivision in Eden Prairie just north of Riley Creek. He discussed the information received from the applicant, the District rules that are triggered, and the variances requested by the applicant.

Engineer Sobiech described his review of the permit application and the request for two variances, the conditions recommended by the District Engineer, and the information that the District Engineer would still like to receive from the applicant. Engineer Sobiech responded to questions from the managers. He introduced Mr. John Bender of Westwood, the applicant's civil engineer. Mr. Bender handed out information and described the proposed project. He talked about the idea of oversizing the north treatment basin in lieu of constructing the raingardens in the backyard's of three of the lots because the long-term maintenance of those three rain gardens would fall on the

property owners and because constructing the rain gardens would disturb existing vegetation. Mr. Bender responded to questions. Mr. Dan Blake of Pemtom provided comments as well.

President Forster stated that he would like to know the impact of not having those three Best Management Practices ó the three rain gardens ó installed versus the impact with those rain gardens installed. Manager Crafton said that she would like to know the impact of the volume of water coming out of the pipe into the creek. There was discussion.

Manager Chadwick moved that the Board take action at its next monthly meeting at which time the managers will have the requested information as discussed. Manager Crafton seconded the motion. Upon a vote, the motion carried 5-0.

5. Chanhassen Town Center Study

Administrator Bleser said this is a study for which the District was awarded Clean Water Land & Legacy funds. She noted that the City of Chanhassen partnered in on this study as well. She explained that the purpose of the study was to look at downtown Chanhassen, particularly the section that drains to Rice Marsh Lake, and to identify any opportunities to implement Best Management Practices (BMPs) during retrofitting that may occur down the road.

Administrator Bleser described the considered BMPs and displayed a PowerPoint map identifying possible sites for future BMPs.

Manager Yetka remarked that this study is a valuable tool and could be used for other cities and businesses. She asked if there are next steps. Administrator Bleser responded that the District's step would be to recognize these possible BMP projects as opportunity projects as defined in the District's draft 10-year plan.

6. Rice Marsh Lake Alum and Lake Susan Alum Feasibility Study

Mr. Joe Bischoff of Wenck described Wenck's adaptive approach to alum treatments. He said Wenck focuses on sediment chemistry, making sure to set a target for the sediment chemistry and to measure after the treatment in order to hit those targets.

Mr. Bischoff talked about Lake Susan and the sediment cores from that lake. He went into detail about the lake's sediment, including that it is incredibly dense and may require multiple alum treatments. Mr. Bischoff recommended treating Lake Susan in three doses with three years of monitoring between doses. He said the estimated cost of the three-dose alum treatment on Lake Susan is \$275,000.

Mr. Bischoff also talked about Rice Marsh Lake and its sediment, which is totally different from Lake Susan's sediment. He recommended treating this lake in two applications with four to five years between applications. Mr. Bischoff also recommended conducting a lab alum assay to confirm the alum dosage. He provided an alternate plan, which is conducting additional study with additional sediment cores, exposing varied labile P concentrations to alum and measuring binding efficiency. Administrator Bleser said that staff thinks that additional study would be helpful. Mr. Bischoff responded to questions.

7. Matters of General Public Interest

President Forster explained the procedure for bringing forward matters of general public interest and opened the

floor.

Mr. Paul Bulger, CAC member and Eden Prairie Resident, commented on the Lake Susan alum treatment project and the proposed multiple doses. He recommended that before proceeding, the District develop in writing objective criteria to establish when the future doses are applied. He also remarked that it has been helpful on other projects to understand the cost per pound of phosphorous removal and it would be helpful to know such information about the alum treatment projects. Mr. Bulger said he appreciated the level of detail of the Engineer's Report. He had a comment about the information in the report under Task Order 17 on page 31, and he asked that the report referenced in that section get sent out for public comment and distributed to the CAC for comment before the report is finalized. Mr. Bulger requested the same regarding the report referenced in the information in the Engineer's Report about Task Order 22.

Mr. Matt Lindon, CAC member, stated that he hopes that it is clear that the information the District is seeking from the applicant for Permit 2017-007 Cedarcrest Stables regarding the pond capacity is the current pond capacity, not the original designed capacity. Mr. Lindon also commented that he thinks it behooves the Board to think about what is the phosphorous sedimentation loading going in those lakes or any lakes in the future. He said the Board will want to know the rate at which a lake receives phosphorous that renders the alum treatment no longer effective.

Ms. Laurie Susla, Chanhassen Resident, asked if the core samples on Lake Susan and Rice Marsh Lake were taken in the areas in which treatment was being considered. She also asked if the information discussed at Board workshops could be included in the monthly Board meeting packets. Ms. Susla thanked the Administrator for coming to the recent AIS rapid response meeting attended by many stakeholders. Ms. Susla commented on the minutes from the previous monthly Board meeting and specifically remarked on a comment by President Forster about the draft plan not being at the stage of setting dates. Ms. Susla said that there are dates being associated with projects in the draft. Also Ms. Susla expressed the LLCA's concern about waiting until 2025 to do an alum treatment on Lotus Lake. She said that the LLCA would appreciate moving the project to an earlier year in the draft 10-year plan.

President Forster called for additional comments. Upon hearing none, he moved on to the next agenda item.

8. Reading and Approval of Minutes

a. April 5, 2017, RPBCWD Board of Managers Plan Workshop, Public Hearing, and Monthly Meeting

Manager Chadwick requested a correction on page 1 to replace the word "identified" with "identify" and a correction on page 4 to replace the word "has" with "does."

Manager Crafton moved to accept the minutes as amended. Manager Chadwick seconded the motion. Upon a vote, the motion carried 5-0.

b. April 26, 2017, RPBCWD Board of Managers Special Meeting

Manager Crafton requested an edit to the last sentence under action item 2 to read, "I would report to the Board." Administrator Bleser requested a correction to update a title to "Water Resources Coordinator."

Manager Crafton moved to accept the minutes as amended. Manager Chadwick seconded the motion. Upon a vote, the motion carried 4-0 [Manager Bisek abstained from the vote because she had not attended the April 26th meeting.]

9. Consent Agenda

President Forster read aloud the Consent Agenda items: a. Accept Engineer's Report (with attached inspection report); b. Accept Staff Report; c. Approve and Adopt Amended Governance Manual d. Approve entering into a Cooperative Agreement with the City of Chanhassen and Eastern Carver County Schools; e. Approve Permit 2017-001 Kopesky 2nd Addition with Staff Recommendations; g. Approve permit 2017-011 Galpin Boulevard Water Main Improvements with Staff Recommendations; h. Approve Permit 2017-022 Chanhassen High School Reuse with Staff Recommendations; i. Approve Review Period Extension for Permit 2017-023 Eden Prairie Assembly of God.

Attorney Smith noted that regarding the Cooperative Agreement between the District and the City of Chanhassen and the Eastern Carver County School District, the Board's approval of that item should authorize President Forster to sign the Cooperative Agreement under advisement of the District's Legal Counsel who has made non-substantive changes.

Manager Yetka moved to approve the Consent Agenda as read and including item d the Cooperative Agreement and authorizing President Forster to sign the Cooperative Agreement including non-substantive changes. Manager Crafton seconded the motion. Upon a vote, the motion carried 5-0.

10. Citizen Advisory Committee (CAC)

Ms. Dorothy Pedersen reported that the CAC has worked on the Adopt-A-Storm Drain Project and has worked on developing subcommittees. She noted that the CAC will look at the draft 10-year plan in the subcommittee groups. Ms. Pedersen also reported that the CAC has been working on the Education and Outreach concept in the draft 10-year plan and that a number of CAC members have submitted comments to the District.

11. Action Items

a. Order Lake Susan Park Pond Project

Administrator Bleser stated that the action in front of the Board is deciding whether to go forward with the pump and treat option. She said that the design would come in front of the Board at its next monthly meeting. She said that the City of Chanhassen is interested in partnering on the pump and treat and the District has not heard back from Emerson. Administrator Bleser said that an additional \$170,000 is needed for the pump and treat option for this project. She said staff's proposal is for the City of Chanhassen to contribute \$100,000 and the District to levy \$70,000 next year, since the project will not be built this year. Administrator Bleser noted that staff is recommending that the City of Chanhassen contributes a 31.25% match to what the District is contributing through its grant and other funds and that this would come into play if the current project cost estimate is on the high end.

There was discussion about the project timeline, the cost-benefit of the project in terms of phosphorous removal, and contacting Emerson again. Attorney Smith suggested the District contact Emerson through a written letter, which he could help draft, that clearly outlines the idea of the project and the opportunity.

Manager Crafton encouraged that the District send a letter to Emerson and see if the District gets a response and then at the Board's June monthly meeting receive an update from staff. President Forster requested that the District Engineer also bring to the June meeting a calendar that outlines the sequence of events for this proposed project and when the Board needs to make decisions. The Board indicated consent to these directions to staff.

- b. Approve Permit 2017-009 Emerson Process East Renovation with Staff Recommendations**
Engineer Sobiech described the project, handed out a map, and pointed out on the map where project work will occur. He explained that an area of property drains across the parking lot, into a couple of catch basins, then into the storm sewer, and then discharges into the wetland. Engineer Sobiech said that the water does not directly discharge into the wetland, so the District Engineer and District Attorney agree in their interpretation in this instance that the wetland buffer rule is not triggered. Engineer Sobiech said he is bringing this item to the Board's attention to make sure that staff is interpreting the rule in the way that the Board intended. Engineer Sobiech responded to questions. There was discussion including the recommendation that the Engineer clarify in the permit review findings that a portion of the site is treated by the sump manhole prior to discharging to the wetland.

Manager Crafton moved permit 2017-009 with the additional language as described to be added to the findings and with the staff's recommended conditions. Manager Yetka seconded the motion. Upon a vote, the motion carried 5-0.

c. Professional Services

President Forster reported that the District received one response for legal services, one response for accounting services, and six responses for Engineering services. He said that the response for legal services was from Smith Partners, the District's current legal services provider.

Manager Yetka moved that the District continue to retain legal services from Smith Partners for another two years. Manager Crafton seconded the vote. Upon a vote, the motion carried 5-0.

President Forster stated that the District received the single response for accounting services from its current accounting services provider. He noted that that District can terminate services in fewer than two years if the District finds the performance of services unacceptable. Manager Crafton moved to accept the accounting services from JMSC. Manager Chadwick seconded the motion. Upon a vote, the motion carried 5-0.

President Forster reported that the District received responses for Engineering Services from Barr Engineering, LimnoTech, Sambatek, SRF, WSB, and Wenck. He summarized the information received and talked about which services meet the District's needs. There was a discussion about the Engineering services.

President Forster moved to retain Barr Engineering for another two years. Manager Bisek seconded the motion. Upon a vote, the motion carried 5-0.

12. Discussion Items

a. Aquatic Invasive Species

Administrator Bleser reported that she has developed a draft AIS (Aquatic Invasive Species) Decision Tree outlining considerations, decisions, and steps in the case of AIS and to be used to determine if a rapid response is needed and possible. She walked the group through the draft decision tree, answered questions, and listened to comments. President Forster recommended adding to the decision tree a step to notify the public of news through newspapers and other outlets.

Administrator Bleser said that based on the comments today this decision tree seems like the right direction so she will continue working on it to catalog the contacts. The Board indicated agreement.

b. Upcoming Meetings

Administrator Bleser noted the need for a special meeting to hold a public hearing. The Board determined to hold the special meeting on Monday, May 15, 2017, at 6 p.m. at the District Office.

The managers discussed the date of the July monthly meeting. Manager Crafton moved to change the July 5, 2017, meeting to Wednesday, July 12, 2017, and to direct staff to advertise in the newspaper the change. Manager Chadwick seconded the motion. Upon a vote, the motion carried 5-0.

13. Upcoming Events

- Rain Barrel Sale, May 5, 1-6 p.m. and May 6 9-noon, District Office, 18681 Lake Drive East, Chanhassen
- District Special Board Meeting, Monday, May 15, 6 p.m., District Office, 18681 Lake Drive East, Chanhassen
- Bluff Creek Plan Amendment and Ordering Public Hearing, Monday, May 15, 6 p.m., District Office, 18681 Lake Drive East, Chanhassen
- Citizen Advisory Committee, Monday, May 15, 6:30 p.m., District Office, 18681 Lake Drive East, Chanhassen
- Preparing for Our Changing Climate, Wednesday, May 31, 6:30-8 p.m., Nine Mile Creek Watershed District Office, 12800 Gerard Drive, Eden Prairie.

14. Adjourn

Manager Chadwick moved to adjourn the meeting of the Board of Managers. Manager Crafton seconded the motion. Upon a vote, the motion carried 5-0. The meeting adjourned at 9:58 p.m.

Respectfully submitted,

Mary Bisek, Secretary