MEETING MINUTES
Riley-Purgatory-Bluff Creek Watershed District
February 5, 2020, RPBCWD Board of Managers Public Hearing and Monthly Meeting

PRESENT:
Managers: Jill Crafton, Treasurer
Larry Koch
Dorothy Pedersen, Vice President
Dick Ward, President
David Ziegler, Secretary

Staff: Amy Bakkum, MN Greencorps Member, RPBCWD
Claire Bleser, RPBCWD Administrator
Zach Dickhausen, Water Resources Technician II
Terry Jeffery, Watershed Planning Manager
B Lauer, Education and Outreach Assistant
Josh Maxwell, Water Resources Coordinator
Michael Welch, Attorney, Smith Partners
Scott Sobiech, Engineer, Barr Engineering Company
Maya Swope, Education and Outreach Coordinator

Other attendees: Elizabeth Henley, Smith Partners
Marilyn Torkelson, CAC

1. Call to Order

President Ward called to order the Wednesday, February 5, 2020, Board of Managers Public
Hearing and Regular Monthly Meeting at 7:00 p.m. at the District Office, 18681 Lake Drive East,
Chanhassen, MN 55317.

2. Approval of Agenda

Manager Koch asked to remove item 9c – Approve Resolution 2020-001 Permit Fee Schedule –
from the Consent Agenda. He asked to move item 10f – Approve Fund Transfers – ahead in the
agenda, directly after item 10b – Accept December Treasurer’s Report. Manager Koch asked to
remove from the agenda items 10h – Approve the release of two full-time positions for hire; 10j –
Personnel/Personnel Consultant; 10k – Accounting Clerk; and 10p – Meet and Greet City
Officials. President Ward added to the agenda just ahead of adjournment a closed session for a
personnel matter. President Ward moved to approve the agenda as amended. Manager Pedersen
seconded the motion. Upon a vote, the motion carried 5-0.
3. Public Hearing: St. Hubert

Administrator Bleser displayed a PowerPoint presentation about the St. Hubert opportunity project. She provided historical information about the District-St. Hubert partnership and talked about the District’s identification of a campus retrofit as a possible opportunity project. She summarized the feasibility study findings and proposed project.

Administrator Bleser noted the District’s Opportunity Project budget funded the feasibility study. She reported the estimated project cost is $277,000 and said the Metropolitan Council will fund $75,000 of the project costs, $15,000 per year for three years. She stated the Carver County Soil and Water Conservation District has communicated it will provide funds toward project design, but a specific funding amount has not been specified. Administrator Bleser said St. Hubert school has plans to contribute $45,000, and its governing body would need to take action to do so. She reminded the Board that later in the agenda is an action item on the resolution to order the St. Hubert Water Quality Project design.

President Ward opened the floor for public comment. Manager Koch said if the Board moves forward to order the project, he will want the approval contingent on St. Hubert providing funding. He asked about plans for signage for the project. Administrator Bleser responded the project will include signage and other educational components.

President Ward commented that the agreement will need clear language regarding the parcels that have previously been up for sale. Administrator Bleser said she has discussed this point with the District’s Legal Counsel, and the cooperative agreement will address the issue.

President Ward called for further comments. Upon hearing none, Manager Ziegler moved to close the public hearing. Manager Koch seconded the motion. Upon a vote, the motion carried 5-0.

4. Wetland Report

Mr. Jeffery reported the District is two years into its wetland inventory and assessment program. He displayed a PowerPoint presentation and talked about historical wetland trends in terms of acreage throughout the U.S. He pointed out that the District’s 10-Year Plan includes the goal to preserve and enhance the quantity as well as the functions and values of District wetlands.

Mr. Jeffery explained about the methods of wetland determination and emphasized the District is not doing wetland delineation. He talked about the MNRAM output and how staff ran that output through Rule D scoring matrices. He reported that staff has assessed 282 District wetlands, with the following results:

<table>
<thead>
<tr>
<th>Classification</th>
<th>Number</th>
<th>Percent</th>
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</thead>
<tbody>
<tr>
<td>Unassigned</td>
<td>17</td>
<td>6%</td>
</tr>
<tr>
<td>Exceptional</td>
<td>5</td>
<td>2%</td>
</tr>
<tr>
<td>High</td>
<td>44</td>
<td>16%</td>
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Mr. Jeffery pointed out that the five exceptional wetlands were located on the property formerly owned by Prince.

Mr. Jeffery talked in detail about assigning value to wetlands and explained the concept of provisioning ecological services.

Mr. Jeffery addressed the District’s next steps:

- Complete the inventory in 2021
- Use GIS to identify potential restorations and MnRAMS to identify potential rehabilitations
- Reach out to other organizations, such as Ducks Unlimited, BWSR, MN Land Trust, and cities
- Refine the prioritization process
- Develop a wetland management plan

Mr. Jeffery talked about the process of identifying wetlands. He said no action is required as this is an informational item. Mr. Jeffery responded to questions and comments, and managers and staff had a lengthy discussion about the information Mr. Jeffery presented. Managers requested Mr. Jeffery email the PowerPoint presentation to the Board.

5. Annual Report

Administrator Bleser presented a preview of the District’s draft annual report, highlighting the District’s 2019 activities, including, among others:

- 59 monitoring sites; 12 active projects; grants; and partnering with 36 organizations;
- An update to the District’s Rules, and one plan amendment;
- AIS work; the Watershed Stewardship Grant Program, with 14 projects and 55,000 square feet restored;
- Data collection;
- Education and outreach; youth outreach; continuing education including conducting 22 trainings;

<table>
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<tr>
<th>Medium</th>
<th>152</th>
<th>54%</th>
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<tr>
<td>Low</td>
<td>64</td>
<td>23%</td>
</tr>
</tbody>
</table>
• Communications program;
• Watershed District 50th Anniversary events throughout the year;
• Community resiliency investigation – City of Bloomington;
• Permitting program – 52 permits issues;
• Plant restoration – University of Minnesota;
• Groundwater conservation program;
• Mn Green Corps – member Amy Bakkum’s focus on residential stormwater Best Management Practices;
• Improvements in the Silver Lake subwatershed: chloride reduction and steep slope best practices campaign;
• Lake vegetation management: Red Rock Lake and Lotus Lake Curly-leaf pondweed treatment;
• Stormwater pond study by University of Minnesota St. Anthony Falls laboratory; and,
• Hennepin County chloride initiative.

Administrator Bleser went through and highlighted the District’s 2019 projects per subwatershed. She responded to questions and comments, and she said the managers will receive a draft annual report next month.

6. Matters of General Public Interest

No matters were raised.

7. Reading and Approval of Minutes

a. December 11, 2019, RPBCWD Board of Managers Regular Monthly Meeting and Public Hearing
Manager Ziegler noted an edit on page 7, line 166, to replace the word “at” with the word “as.” Attorney Welch noted a spelling correction on page 7, line 158, so the name reads, “Melissa Jenny.” Manager Ziegler moved to accept the minutes as amended. Manager Crafton seconded the motion. Upon a vote, the motion carried 5-0.

b. September 23, 2019, RPBCWD Board of Managers Closed Session Administrator Review (morning meeting)
Attorney Welch noted the time reflected on page 1, line 2 should be “p.m.” Manager Koch requested adding “Bleser” after “Administrator” on page 1, line 3. Manager Koch moved to accept the minutes as amended. Manager Pedersen seconded the motion. Upon a vote, the motion carried 5-0.

c. September 23, 2019, RPBCWD Board of Managers Closed Session Administrator Review (3 p.m. in the afternoon meeting)
Manager Ziegler moved to accept the minutes as amended. Manager Pedersen seconded the motion. Upon a vote, the motion carried 5-0.

8. CAC

Ms. Marilynn Torkelson highlighted the two key motions the CAC is recommending to the District Board. Manger Pedersen asked if the sample rain garden boxes could be displayed at the Silver Lake Garden Fair. There was discussion about the CAC’s proposed resolution about soil health. Manager Ziegler raised the topic of the Board developing a resolution to submit to MAWD for its 2020 annual meeting. He suggested the Board direct staff to investigate if there are other parties interested in co-authoring a resolution on the issue of soil health to bring to MAWD. The Board agreed that staff should investigate if other watersheds are interested in co-authoring a resolution on soil health to bring to the 2020 MAWD annual meeting.

9. Consent Agenda

Manager Ziegler moved to approve the Consent Agenda as amended. Manager Pedersen seconded the motion. Upon a vote, the motion carried 5-0. Consent Agenda items included: 9a – Accept January Staff Report; 9b – Accept January Engineer’s Report (with attached Inspection Report); 9d – Approve Change Order #1 for the Lower Riley Creek Restoration Project to Extend Substantial Completion Date; 9e – Approve Payment Application #1 for the Lower Riley Creek Restoration Project; 9f – Approve Payment Application #3 for the Bluff Creek Tributary Restoration.

10. Action Items

a. Pulled Consent Agenda items

i. Approve Resolution 2020-001 Permit Fee Schedule

Mr. Jeffery talked through the permit fee process, including the steps for submitting the original fee with the application and if needed, fee replenishment. Manager Koch asked staff how the 45-day period for submitting the fee replenishment was derived. Mr. Jeffery said this was not pulled from the District’s rules but was set because staff deemed it an appropriate length of time. Manager Koch said the permit application should clarify that the permit fee is due with the application submission. He added that in his view a 30-day period is sufficient for applicants to replenish the fees.

Manager Koch remarked he would like to see the District’s permit fee schedule call out the details that make it clear the fee structure is for time and materials. He said the schedule should call out the information from the District’s resolution.

Manager Koch stated he believes the District should be recouping its costs from staff time spent on permit applications pre-submittal. Mr. Jeffery commented that staff doesn’t want to discourage applicants from coming in early to discuss
President Ward remarked that the 45-day period for fee replenishment is too long and a 30-day period is plenty of time. Manager Koch asked about the process of refunding fees.

Attorney Welch stated the refunding of excess funds at permit close out is built into the structure and wouldn’t come back to the Board. He said the release of the financial assurance is a different matter. Attorney Welch said the release of the financial assurance happens concurrently with the permit close out and could be delegated from the Board to the Administrator. He added that this resolution is not about financial assurances but about the permit fee schedule.

Attorney Welch offered a brief amendment to the resolution in front of the Board, adding to the first resolution language stating “effective for all private project applicants.” There was discussion by the managers and staff about the length of time to provide for fee replenishment.

Manager Koch moved to direct Attorney Welch and Mr. Jeffery to revise the proposed resolution and fee schedule to reflect Manager Koch’s previous comments. Attorney Welch said the structure of the language was purposefully stated broadly. He explained what the language, as written, means and why this language is used. Attorney Welch added that if the Board wants to direct staff to change language, the Board needs to be clear about what it wants changed. Manager Koch said several of the costs and expenses are listed in the resolution and that language as well as the broad language should be inserted into the fee schedule. Manager Pedersen clarified that the motion is to change the fee replenishment time period from 45 days to 30 days and to add onto the last page of the fee schedule the language Manager Koch noted should be copied from the resolution. Manager Koch agreed. Manager Pedersen seconded the motion.

Manager Koch moved to amend his motion to include the corrected staff rate. Manager Pedersen seconded the motion to amend. The motion to amend the motion carried 5-0.

President Ward called the question on the amended motion. Upon a roll call vote, the motion carried 5-0.

<table>
<thead>
<tr>
<th>Manager</th>
<th>Aye</th>
<th>Nay</th>
<th>Absent</th>
<th>Abstain</th>
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<tbody>
<tr>
<td>Crafton</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Koch</td>
<td>X</td>
<td></td>
<td></td>
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b. Accept December Treasurer’s Report
Manager Crafton moved to accept the Treasurer’s Report as submitted. Manager Pedersen seconded the motion. Upon a vote, the motion carried 5-0.

   i. Approve Fund Transfers
Manager Koch said he think it’s appropriate to allocate enough money to cover the invoices or projected shortfalls. He moved to revise the fund transfer amounts to actuals in order to zero out and avoid deficit. Manager Pedersen seconded the motion. Upon a vote, the motion carried 5-0.

c. Approve Paying of Bills
Manager Crafton moved to pay the bills. Manager Pedersen seconded the motion. Upon a vote, the motion carried 5-0.

d. Approval to Attend MAWD Legislative Days
President Ward, Manager Crafton, Manager Koch, and Manager Ziegler indicated interest in attending MAWD Legislative Days. There was discussion about CAC members attending. Manager Koch moved to authorize any member of the Board and up to two CAC members to attend. Manager Ziegler seconded the motion. Upon a vote, the motion carried 5-0. The Board agreed that all attending would need to be up to date on the District’s talking points.

e. Resolution 2020-002 to Order St. Hubert Water Quality Project
Manager Ziegler moved to adopt Resolution 2020-002 to Order St. Hubert Water Quality Project Design Phase. Manager Pedersen seconded the motion. Attorney Welch stated staff will correct the date on the resolution to today’s date. Manager Koch moved to amend the motion to make the approval contingent on the firm approval by the authorized party for St. Hubert. Attorney Welch noted that there needed to be a cooperative agreement with St. Hubert, and the agreement would include authorization for work and long-term maintenance of the project, including full reimbursement of the District’s costs per some pro-rated schedule. There was discussion by the managers about the need to secure the District’s interests. Manager Koch’s motion to amend died for lack of a second. President Ward called for a vote on the motion on the table. Upon a roll call vote, the motion carried 5-0.
f. **PID #25 0360010 (No Physical Address), City of Chanhassen, Highway 101 Right-of-Way, City Request for Parcel Exchange**

Mr. Jeffery explained the Highway 101 project needs a portion of property the District owns in order to realign the highway. He stated the agreement between the City of Chanhassen and the District would allow the City to enter this property and allows some assurance of what the City would need to do in the unlikely event the transfer doesn’t go through. Manager Koch asked for more details. Attorney Welch provided details.

Manager Koch moved to authorize President Ward to sign the right-of-entry agreement with the City of Chanhassen on behalf of the District. Manager Pedersen seconded the motion. Upon a vote, the motion carried 5-0.


g. **IT/IT Consultant**

Manager Koch moved to table until the next Board meeting this item and items 10l – Credit Cards (LK), 10m – Investment of fund (LK), 10n – Journal of votes (LK), 10o – Shoreline and erosion (LK), 10q – Permit variance resolution (LK), 10r – Form of resolutions approving permit application (LK), 10s – Internal calendar (LK), 10t – Multi-year project report (LK), and 10u – Minnesota Data Practices Act requests and seminars (LK). Manager Ziegler seconded the motion. Upon a vote, the motion carried 5-0.

11. **Discussion Items**

a. **Manager Report**

i. **Personnel Committee**

Manager Pedersen reported that the Personnel Committee met.

ii. **Other Matters**

President Ward reported that a resolution submitted by the District to MAWD for consideration at the annual meeting was not adopted but is being brought forward at a house committee meeting on February 11 in St. Paul. Manager Crafton moved a letter based on the District’s proposed resolution be drafted by staff and
submitted the committee chair. The Board authorized Manager Crafton to attend the committee hearing on behalf of the District.

b. Other

Attorney Welch reported on information about chloride liability legislation and his follow-up to get up-to-date information. Manager Crafton mentioned she and Gail Sheely of Nine Mile Creek Watershed District met with Brooke Asleson of the MPCA. Manager Crafton said there is a public comment period open until March 11 regarding the MPCA’s ability to charge fees for education programs to cover the programs’ costs. She said the District could consider submitting comments. President Ward said he hears the Board wants to support this but first the District needs to know who is leading the initiative and to whom to address the letter, and he directed staff to prepare a letter for Board approval.

12. Upcoming Board Topics

President Ward said he doesn’t think a 1.5-hour session before the next monthly meeting is enough time for the Governance Workshop. The Board and staff agreed to hold the Governance Workshop at 9:00 a.m. on Monday, March 2 at the District Office instead of as a workshop prior to the March monthly Board meeting.

13. Upcoming Events

- Watershed Stewardship Grant Open House, February 19, 2020, 6:00 p.m., District Office, 18681 Lake Drive East, Chanhassen
- Citizen Advisory Committee Meeting, February 24, 2020, 6:00 p.m., District Office, 18681 Lake Drive East, Chanhassen
- Board of Managers Meeting, March 4, 2020, 7:00 p.m., District Office, 18681 Lake Drive East, Chanhassen

14. Closed Session

Manager Pedersen moved to enter into closed session for purposes of performance evaluation of the District Administrator. Manager Koch seconded the motion. Upon a vote, the motion carried 5-0. The meeting moved into closed session at 9:15 p.m.

15. Adjournment

The managers reconvened in open session at 10:15 p.m. Manager Ziegler moved to adjourn the meeting. Manager Koch seconded the motion. Upon a vote, the motion carried 5-0. The meeting adjourned at 10:15 p.m.

Respectfully submitted,