

MEETING MINUTES

Riley-Purgatory-Bluff Creek Watershed District

October 4, 2017, Board of Managers Plan Workshop and Monthly Meeting

PRESENT:

Managers: Richard Chadwick, Secretary

Jill Crafton, Treasurer

Dorothy Pedersen, Vice President

Dick Ward

Leslie Yetka, President*

Staff: Claire Bleser, District Administrator

Zach Dickhausen, Water Resources Technician

Terry Jeffery, Project and Permit Coordinator

Michelle Jordan, Community Outreach Coordinator

Josh Maxwell, Water Resources Coordinator

Louis Smith, Attorney (Smith Partners)

Scott Sobiech, Engineer (Barr Engineering Company)

Other attendees: Larry Koch, Chanhassen Resident

Ken Wencil, Chanhassen Resident

Dave Modrow, City of Eden Prairie

David Ziegler, CAC

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

1. Workshop

Acting President Pedersen called to order the Wednesday, October 4, 2017, Board of Managers Plan Workshop at 5:50 p.m. in the District Office, 18681 Lake Drive East, Chanhassen, MN 55317. She noted that President Yetka would miss the workshop but will be at the Board's monthly meeting following the workshop.

a. Cost-Share Grant Modification

Ms. Jordan reminded the Board that last month it approved a cost-share grant for a shoreline buffer at 7203 Frontier Trail. She talked in detail about the change request submitted by the cost-share applicant and how the applicant is requesting to build a rock, or rip rap, border between the beach area and the buffer. She responded to questions. The Board discussed the applicant's request and talked about how the rocks are not needed to prevent erosion at that location, how the rocks would fragment the habitat, and how the project would be viewed by the public as an example of a cost-share project. Manager Ward moved to deny the request. Manager Crafton seconded the motion. Upon a vote, the motion carried 4-0 [Manager Yetka absent from vote.]

b. 10-Year Plan

Administrator Bleser reported that last week District staff met with the CAC and the TAC about the draft 10-year plan. She reviewed, using PowerPoint slides, with the Board the comments received from the CAC and TAC on the draft plan. She said that the CAC was happy overall with the plan and the TAC was also supportive of the plan and complimentary of the prioritization process.

Administrator Bleser went through the revisions staff made to the draft plan based on the comments received from the CAC and TAC. She reported that the TAC was clear about wanting more flexibility in how the MS4s can get credit for projects. She stated that District staff is setting up a meeting with the Minnesota Pollution Control Agency to talk more about this topic. She said that staff will come back to the Board next month with more information on this issue. Administrator Bleser said that Mr. Jeffery will be leading an upcoming meeting with the TAC about the District's regulatory program. Administrator Bleser stated that staff hopes to get the full draft of the plan to the Board at its next monthly meeting and releasing it for comment in November or December.

c. Permit Modification

Administrator Bleser introduced a resolution included in the Board packet and on the meeting agenda [Resolution 17-10 Delegating Certain Permit-Approval Authority to the Administrator]. She explained that the authority would allow her to sign off on certain permit modifications such as if the permit is transferred from one entity to another entity. She asked the Board to consider if there is some level of permit change threshold up to which she could approve the permit change requests.

Manager Ward asked if the Administrator could come back to the Board with suggested parameters. Manager Chadwick recommended that staff and the District's legal counsel and engineer work to develop such guidelines.

Acting President Pedersen closed the Plan Workshop at 6:50 p.m.

2. Monthly Board Meeting Call to Order

President Yetka called to order the Wednesday, October 4, 2017, Board of Managers Monthly Meeting at 7:07 p.m. in the District Office, 18681 Lake Drive East, Chanhassen, MN 55317.

3. Approval of the Agenda

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

4. Matters of General Public Interest

President Yetka took a few minutes to talk about how the Board operates its meetings, and she highlighted changes to the process. President Yetka noted that hearing comments from the public during the Matters of General Public Interest portion of the meeting is important. She said it's important to honor the public's time in coming in front of the Board to provide input. She said it is vital for the Board to hear and track the comments. President Yetka noted that public hearings are another avenue for the public to provide comments to the Board. President Yetka said that during the Board's action and discussion items on the agenda the board and staff can comment and ask questions. She asked for managers' questions and comments. Manager Chadwick stated that the Board's process of allocating three minutes per speaker seemed too short of a time period. He suggested that speakers could request a longer period of time. President Yetka said that if a speaker needs extra time the Board can work with the speaker on it and said that the goal is to respect everyone's time.

President Yetka read aloud the procedures for this portion of the meeting and opened the floor for matters of general public interest.

Mr. Ken Wencl, Chanhassen resident, said that it is a thrill to see how the District has improved over the past five

years. He reported on the effectiveness of the Curlyleaf pondweed treatment on Lake Susan and the spent-lime treatment on the same lake. He said that the work done on behalf of Lake Susan is appreciated.

Mr. Dave Wallace, Eden Prairie resident and board member of the Friends of Red Rock Lake, brought up the topic of the coontail plant in Red Rock Lake. He talked about the increase of coontail in the lake and the problems stemming from it. He expressed an interest in seeing data about the nutrient loading, and in particular phosphorous loading, into Red Rock Lake. Administrator Bleser responded with information about shallow lakes and how often there is an increase in native plant growth once water clarity improves. She talked about the correlation between increased phosphorous and increased frequency of algal blooms. Administrator Bleser also talked about data that Mr. Wallace would be interested in and when and where it will be available.

Mr. Larry Koch, Chanhassen resident, read a list of thirteen comments including that he is curious about how many carp have been taken from District lakes, he would like the draft 10-year plan to be made available on the District's website, and he would like a copy of the CAC's comments on the plan, among his other comments recorded by staff and the Board. President Yetka and staff responded to his comments and questions. Manager Chadwick requested that staff include in the next staff report a written explanation of reserve funds.

5. Reading and Approval of Minutes

a. September 6, 2017, RPBCWD Board of Managers Monthly Meeting

Manager Crafton requested a change on page 3, changing the word from "indicated" to "indicating". President Yetka requested that her title of President is used consistently in the meeting minutes. President Yetka requested a correction on page 10, item 11i, to correctly identify the amount of funding approved by the Board as \$15,000 instead of \$1,500 as listed.

Manager Ward moved to approve the September 6, 2017, meeting minutes as amended. Manager Crafton seconded the motion. Upon a vote, the motion carried 5-0.

6. Consent Agenda

Manager Chadwick requested the removal of Consent Agenda item a - Accept Staff Report and item d ó Approve Commitment Letter with Redpath Company. President Yetka added those items as Action items 8g and 8h, respectively. President Yetka read aloud the Consent Agenda items: b. Accept Engineer's Report (with attached inspection report); c. Authorize Solicitation of Bids for Scenic Heights Forest Restoration e. Approve Permit 2016-043: Bongards Redevelopment Permit Modifications with Staff Recommendations; f. Approve Permit 2017-001: Kopesky 2nd Addition Permit Modifications with Staff Recommendations; g. Approve Permit 2017-039: Mission Hills Senior Living 3rd Permit Review Period Extension; h. Approve Permit 2017-063: Clear Springs Elementary 2018 gymnasium Addition with Staff Recommendations; i. Approve Permit 2017-064 Scenic Heights Elementary School Forest Restoration with Staff Recommendations.

Manager Crafton moved to approve the Consent Agenda. Manager Ward seconded the motion. Upon a vote, the motion carried 5-0.

7. Citizen Advisory Committee (CAC)

Mr. Ziegler, CAC President, reported that the 25 by 25 workshop in September was successful and thanked the District for hosting a good workshop. He said that the CAC is happy overall with the 10-year plan and supports the direction the plan is going.

8. Action Items

d. Accept August Treasurer’s Report

Manager Crafton described her review and comparison of year-to-date expenses and the District’s 2017 budget and August financial report. She moved to accept the Treasurer’s Report as presented. Manager Pedersen seconded the motion. Manager Chadwick asked questions about the year to date spending for line items Permit Reviews and Inspections and Office Costs. Administrator Bleser answered his questions. Upon a vote, the motion carried 5-0.

e. Approve Paying of Bills

Manager Crafton moved to pay the bills. Manager Pedersen seconded the motion. Upon a vote, the motion carried 5-0.

- i. Manager Crafton moved to adopt recommendations 1 through 5 in the memo addressing the District’s internal controls and procedures. She read aloud the recommendations. Manager Pedersen seconded the motion. Upon a vote, the motion carried 5-0.

f. Approve Delegation Authority for Permit Transfers

Mr. Jeffery reminded the Board that staff introduced and talked about this idea in today’s workshop before the monthly meeting.

Manager Crafton moved to approve the delegation of authority for Permit Transfers. Manager Pedersen seconded the motion. President Yetka asked if the Board will see the actions in a report. Mr. Jeffery said yes. Manager Ward asked that the information just get included in the monthly staff report. The Board indicated consent to including communication about staff actions on permit transfers in the monthly staff report.

President Yetka read aloud Resolution 17-10 Delegating Certain Permit-Approval Authority to the Administrator.

Upon a roll call vote, the motion carried 5-0.

Manager	Aye	Nay	Abstain	Absent
Chadwick	X			
Crafton	X			
Pedersen	X			
Ward	X			
Yetka	X			

g. Approve Release of Plan Amendment for Lotus Internal Control Treatment and Rice Marsh Lake Internal Control Treatment

Administrator Bleser explained that these two projects have been identified in the District’s new 10-year

plan, but the District doesn't know when the new plan will be approved. She stated that moving forward with the plan amendment for these two projects is for the District to be proactive and prepared so it is able to move ahead with these projects according to their timing regardless of the timing of the new 10-year plan approval. Administrator Bleser responded to questions and talked further about project timelines and efficiencies.

Manager Crafton moved to authorize the release of the plan amendment for the Lotus Internal Control Treatment and Rice Marsh Lake Internal Control Treatment. Manager Pedersen seconded the motion. Upon a vote, the motion carried 5-0.

h. CAC Appointment Process

President Yetka provided background on the CAC appointment timeline and the process for publicizing the application timeline and soliciting applications. She pointed out that the CAC role description is in the meeting packet and said that Board members can provide comments. Manager Ward commented that a one-year term is problematic and that over time a three-year term should be set so there is continuity on the committee. He suggested that with the upcoming appointments, one-third of the members be appointed for a one-year term, one-third be appointed for a two-year term, and one-third be appointed for a three-year term until over time all the terms are three year terms. There was discussion about the appointment process. Manager Chadwick said that he and President Yetka will continue working with staff on the appointment process, taking into consideration the ideas shared tonight. The Board indicated consent.

i. MAWD

Administrator Bleser provided information about the resolution request and upon which districts will vote at the MAWD annual meeting. She explained that the resolution is regarding a liability waiver for private applicators. Manager Chadwick asked for more information on the resolution. Attorney Smith provided more details. Administrator Bleser asked if the Board is again this year extending an invite to CAC members to attend MAWD. The Board indicated yes.

j. Accept Staff Report

Manager Chadwick provided comments on the report format and requested some edits. He talked about the 2017 Aquatic Plant Survey reports included in the meeting packet and requested a summary of the data and findings. Administrator Bleser responded that staff recently received the reports and staff provided them to the Board as an information-only item because the data will be posted on the District's website.

Manager Pedersen moved to accept the staff report. Manager Ward seconded the motion. Upon a vote, the motion carried 5-0.

k. Approve Commitment Letter with Redpath Company

Manager Chadwick asked if the District's legal counsel has reviewed the letter and if counsel recommends accepting it. Attorney Smith said he would be happy to read the letter. He provided options for the Board to consider regarding action on this item. Manager Chadwick asked if counsel could bring his comments about his review of the letter to the next monthly Board meeting. Attorney Smith said yes. The Board agreed to defer this item until next month's Board meeting.

9. Discussion Items

a. Upcoming Meetings

President Yetka noted the upcoming meetings including the MAWD Annual Meeting November 29-December 2 in Alexandria.

10. Upcoming Events

- Citizen Advisory Committee Monthly Meeting, Monday, October 16, 6:30 p.m., District Office, 18681 Lake Drive East, Chanhassen
- Board of Managers Workshop and Regular Monthly Meeting, Wednesday, November 1, 5:30 p.m., District Office, 18681 Lake Drive East, Chanhassen
- Minnesota Association of Watershed Districts (MAWD) Annual Meeting, Wednesday, November 29-Saturday, December 2, Arrowwood Resort, Alexandria, MN

11. Adjourn

Manager Ward 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 8:58 p.m.

Respectfully submitted,

Richard Chadwick, Secretary