

MEETING MINUTES

Riley-Purgatory-Bluff Creek Watershed District

October 5, 2016, Board of Managers Plan Workshop, Public Hearing, 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, RPBCWD
Michelle Jordan, District Technician and Compliance Officer
Josh Maxwell, District Technician II
Louis Smith, Attorney (Smith Partners)
Scott Sobiech, Engineer (Barr Engineering Company)

Other attendees: Paul Bulger, CAC
John Bushey, SWMLC; Eden Prairie Resident
Laurie Hable, CAC
Eric Luth, Sambatek**
Sharon McCotter, CAC*
Dave Morrow**
Dorothy Pedersen, CAC**
Marc Riedel, Shorewood Resident**
Bill Satterness, Eden Prairie Resident*
Dan Schmidt, Wayzata Resident**
Gretchen Schroeder, Westwood**
Laurie Susla, CAC
Greg Williams, Barr Engineering Co.*
David Ziegler, CAC

*Attended Workshop Only
**Attended Monthly Meeting Only

1. Call to Order: Plan Workshop

President Forster called to order the Wednesday, October 5, 2016, Board of Managers Plan Workshop at 5:42 p.m. at Eden Prairie City Hall, 8080 Mitchell Road, Eden Prairie, MN 55344.

2. Plan Workshop

President Forster introduced Erin Anderson of Barr Engineering to present about the draft prioritization framework for the plan. Administrator Bleser added that Ms. Anderson will be presenting on a tool that the District is considering using to help the District prioritize projects across the watershed. Administrator Bleser said that the discussion tonight is about the tool and not about specific projects.

[Manager Crafton arrives.]

Ms. Anderson, using a PowerPoint presentation, introduced a tool called Envision[®] and noted that it has been customized a bit for the watershed. She explained that sustainability considerations about infrastructure are important. Ms. Anderson said that infrastructure put in the ground today should serve its purpose for the next twenty to fifty years, so it behooves people to consider what kinds of pressures the infrastructure will be experiencing over that time frame. She listed pressures such as the growing population, the changing climate, growing quality of life and growing nations, competition of resources, which could affect cost of materials, and aging infrastructure.

Ms. Anderson talked further about why it is important to consider sustainability. She mentioned the World Health Organization's Human Development Index, which indicates the quality of life and environmental impact for nations across the globe. She explained why people should care about sustainability and said that people are starting to consider sustainability as part of decision-making.

Ms. Anderson described the Envision[®] tool, which provides a shared definition of sustainability, a checklist of design considerations for every infrastructure project, and a resource library. She stated that Envision is like LEED (Leadership in Energy and Environmental Design) for infrastructure and provides a way to place relative value on projects and a way to compare projects that have components that aren't easy to quantify.

Ms. Anderson explained that the Envision[®] framework considers five categories:

- Quality of Life: Purpose, community, well-being
- Leadership: Collaboration, management, planning
- Resource Allocation: Materials, energy, water, supply chain
- Natural World: Project siting, land and water, biodiversity
- Climate and Risk: Emissions and resiliency

She went into detail and provided examples of each category.

Ms. Anderson explained how the District could apply Envision[®]. She responded to questions, clarifying that the tool is based off of a series of yes or no questions covering all of the credits in the framework and that it does not include any cost or quantitative metrics. She noted also that the tool doesn't take into consideration budgetary or logistical elements. Ms. Anderson described how the tool was adapted for the District's specific use.

Administrator Bleser announced that the next step will be to do this presentation for the CAC. Mr. Bushey requested a copy of the presentation, and Ms. Bleser said she would provide it to him.

3. Call to Order: Monthly Meeting

President Forster called to order the Wednesday, October 5, 2016, Board of Managers Monthly Meeting at 7:02 p.m. at Eden Prairie City Hall, 8080 Mitchell Road, Eden Prairie, MN 55344.

He announced that staff has requested changes to the meeting agenda: Moving item 7c to Permit 2015-050 Arbor Glen to from the Consent Agenda to Action Item f, moving Action Item 9f to Office Space Options to become 9g, and adding Riley Creek as a Discussion Item as item 10e.

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

President Forster read aloud a required statement as a follow-up to the closed session that the Board held on September 7, 2016. President Forster read, "At its meeting on September 7, the Board of Managers met in closed session to review the performance of the Administrator. The Board gave Ms. Bleser a summary evaluation of overall performance of "Exceeds Requirements," which is a 4.0 on a 5-point scale. At that same meeting, the Board also approved a 4.5% salary increase for Administrator Bleser."

4. Public Hearing: Plan Amendments

President Forster opened the public hearing on the plan amendments for the Chanhassen High School Reuse System and the Fire Station 2 Reuse System.

a. Chanhassen High School Reuse System

Administrator Bleser provided background on the project and described that the project proposes to use the water from the storm water pond on site to irrigate the school's ballfields. She said that the project will alleviate ground water usage by 3.8 million gallons per year.

Administrator Bleser noted that this project emerged in partnership with the City of Chanhassen and the school district. She reminded the Board that this project was awarded a Metropolitan Council grant in the amount of \$200,000, which requires a 25% local match of \$50,000. Administrator Bleser talked about the three project design options evaluated for this project and explained that in the grant application, the District proposed design alternative 1 with an estimated cost of \$385,000.

She stated that District staff held a follow up meeting with City of Chanhassen and school district staff. She said that at the meeting design alternative 3 was discussed as a viable option. Administrator Bleser talked about this design in further detail. She said that now a hybrid of alternative 3 is being considered, which will have a higher cost than was presented with the original alternatives.

She said that if the Board wants to continue with this project, the next steps include additional site visits, topography, design development, permitting, developing with the City and school district an education and outreach program, then bidding the project in the spring and building it in the summer.

She said that later in tonight's meeting the Board can take action to adopt the plan amendment and to move forward to implement the project and also to enter into a grant agreement with the Metropolitan Council.

President Forster asked for comments from the public. Upon hearing none, President Forster moved on to the public hearing for the plan amendment for the Fire Station 2 Reuse System.

b. Fire Station 2 Reuse System

Administrator Bleser stated that this project is designed to capture runoff from the fire station area and utilize the water for washing the trucks and other onsite purposes. She said there is an education and outreach component to this project as well. She noted that this project received a Metropolitan Council grant, requiring a 25% match. Administrator Bleser said that the work plan is still a work in progress and that the project timeline will be similar to the timeline for the Chanhassen High School Reuse System project. She read aloud the project summary.

President Forster asked for comments. Ms. Pederson asked about the proposed above ground tank. She said that it would freeze in the winter and asked if it will only be used in the months when temperatures are above freezing. Administrator Bleser said yes. President Forster called for any

additional comments. Upon hearing none, he asked for a motion to close the public hearing. Manager Crafton moved to close the public hearing. Manager Yetka seconded the motion. Upon a vote, the motion carried 5-0.

5. Matters of General Public Interest

President Forster provided instructions for introducing matters of public interest.

Ms. Laurie Susla of Dakota Avenue, Chanhassen, brought up Task Order 17, which was brought in front of the Board and approved at last month's Board meeting. She stated that Task Order 17 did not come before the CAC before it came to the Board and so the CAC was unable to give any input on it to the Board. She said that she thinks it is important that when the District is undertaking a big project such as this that the CAC has a chance to learn about the project and give input to the Board before the vote occurs. She said that it was previously decided that when possible the Board agenda would go to the CAC for its meeting so that situations like this could be avoided. She said maybe more emphasis could be put on that step so that the CAC would have an option to give input.

Ms. Susla said also that she is concerned because the Riley Creek project will help Lake Susan but once again the District is beginning a project on a lake that has seen a lot of projects and a lot of funding. She provided a description of flying over the lakes of the watershed and what she could view from the plane. Ms. Susla said that there has been a lot of money spent on a few lakes and she would really like to see in the future the District start to spend money on some lakes that haven't seen so much.

Ms. Susla addressed the process for public input on items that are on the agenda. She said she thinks it is important that the public be allowed to speak about things that if they have something they want to say about something the Board is going to consider. Ms. Susla said currently this is not allowed and she wondered if a process could be developed so the public could speak on an item that is on the agenda such as at this point in the meeting or at the time that the item is being discussed. She said she thinks it would be a healthier situation.

Paul Bulger of Eden Prairie commented that there are action items on the agenda and these items are not open for public comment. He said there is an interesting Action Item on climate change on tonight's agenda and he is concerned that the public doesn't have an opportunity to voice comments on it.

6. Reading and Approval of Minutes

a. August 17, 2016, RPBCWD Board of Managers Monthly Meeting and Budget Workshop

Manager Crafton requested a spelling correction on page 3, second paragraph. Manager Yetka moved to accept the minutes as amended. Manager Crafton seconded the motion. Upon a vote, the motion carried 5-0.

b. September 7, 2016, Board of Managers Monthly Meeting and Public Hearing

Manager Crafton requested the removal of duplicate words on pages 4 and 9.

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

7. 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 Permits with Staff Recommendations: ii. 2016-038 Optum Technology Drive Improvements; d. Approve Progress Payment Application #3 for Lake Susan Spent Lime System (final payment application) e. Accept Final Construction Documentation for Lake Susan Spent Lime; f. Accept Chanhassen High School Water Reuse Memo; g. Approve Paying of the Bills; h. Accept August Treasurer's Report; i. Approve Hiring Process: Water Quality Technician

Manager Crafton moved to approve the Consent Agenda as read aloud by President Forster. Manager Bisek seconded the motion. Upon a vote, the motion carried 5-0.

8. Citizen Advisory Committee (CAC)

President Forster said that Board has the CAC's meeting minutes from its most recent meeting. No comments were raised about the CAC minutes. Administrator Bleser announced that the next CAC meeting has been moved to October 24 and the meeting will have an early start.

9. Action Items

a. Adopt Plan Amendments

i. Chanhassen High School Reuse System

President Forster pointed out that Resolution 16-08 to Adopt Amendment to Watershed Management Plan for City of Chanhassen Stormwater Capture and Reuse System Project is in front of the Board.

Manager Chadwick moved to approve Resolution 16-08 as presented. Manager Crafton seconded the motion. Upon a roll call vote, the motion carried 5-0.

Manager	Aye	Nay	Abstain	Absent
Bisek	X			
Chadwick	X			
Crafton	X			
Yetka	X			
Forster	X			

ii. Fire Station 2 Reuse System

President Forster stated that Resolution 16-07 Resolution to Adopt Amendment to Watershed Management Plan for City of Eden Prairie Fire Station #2 Water Harvesting and Reuse Project is in front of the Board. He read aloud from the resolution.

Manager Crafton moved to approve Resolution 16-07 as presented. Manager Bisek seconded the motion. Upon a roll call vote, the motion carried 5-0.

Manager	Aye	Nay	Abstain	Absent
Bisek	X			
Chadwick	X			
Crafton	X			
Yetka	X			
Forster	X			

b. Approve Task Order 18 – Building Community Resilience to Climate Change Initiative

Administrator Bleser explained that this is part of the Minnesota Pollution Control Agency’s \$27,000 grant awarded. She said that the task order covers engineering time to help prepare deliverables and covers working with facilitators for the workshop. She reminded the Board that the District and the Nine Mile Watershed District are partnering on a match to that grant at \$9,500 each. Administrator Bleser responded to questions.

Manager Yetka noted that her name is mentioned in the Task Order and clarified that it is due to her professional role with the Freshwater Society, which is in no way receiving funds for this project and that all of her time with the project is an in-kind match.

Manager Chadwick requested an edit to the Task Order 18, Task 1-2 language to change the current wording to the new wording, “consider climate change data already collected.” Managers Bisek and Crafton highlighted spelling edits to be made to the task order document as well.

President Forster noted that there are no substantive changes being requested. Manager Crafton moved to approve Task Order 18-Building Community Resilience to Climate Change Initiative. Manager Chadwick seconded the motion. Upon a vote, the motion carried 5-0.

c. Approve Task Order 19- Chanhassen High School Water Reuse System Design

Administrator Bleser stated that this task order is for part of the project for the Chanhassen High School’s water reuse system. She described the tasks, which are incorporated within the grant agreement, including developing some education and outreach, developing the project final design, developing the bid, and overseeing the building of the project. She said that this does not include the actual bidding of the project. Manager Crafton requested a wording edit to task 2.2

Manager Crafton moved to approve Task Order 19-Chanhassen High School Water Reuse Design. Manager Yetka seconded the motion. Upon a vote, the motion carried 5-0.

d. Authorize Administrator to Enter into Grant Agreement with the Metropolitan Council for Chanhassen High School Reuse System Reuse Grant

Manager Crafton moved to authorize the Administrator to enter into a grant agreement with the Metropolitan Council for the Chanhassen High School Reuse System grant. Manager Bisek seconded the

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

e. Approve Permit 2016-030 IDI Distribution –Variance

Engineer Sobiech stated that the permit application is for a distributing center in Chanhassen off of Audubon Road. He explained that the property has an existing retaining wall and impervious surface that is within the required buffer setback. Engineer Sobiech said that the applicant is asking for a variance from that required distance. He said that the District's rules require a 40-foot average buffer and the applicant would be providing a 37.5-foot average buffer, which is 94% of the requirement. Engineer Sobiech noted that there is an existing NURP stormwater pond on the property as well. He described other water quality techniques that the applicant proposes to use on the site such as pervious pavers and storm water reuse. He recommended approval of the variance request.

Manager Crafton moved to approve, based on the findings set forth in the engineer's report, the variance for permit 2016-030. Manager Chadwick seconded the motion. Upon a vote, the motion carried 5-0.

Manager Bisek moved to approve permit 2016-030. Manager Yetka seconded the motion. Upon a vote, the motion carried 5-0.

f. Permit 2015-050 Arbor Glen

Engineer Sobiech noted that staff recommends conditions to be included with this permit. He referenced condition No. 3 listed on page 10 of the permit No. 2015-050 Application Review and requested that the language be revised to read, "The permit rights must allow for the restoration with native vegetation, the designation of a buffer, and the right to maintain that buffer."

Engineer Sobiech pointed out that the area in question is off of the applicant's property and is within Mn/DOT right-of-way. He said that the applicant is proposing to construct a trail in Mn/DOT right-of-way as the trail gets close to the existing wetland. Engineer Sobiech said that the applicant has moved the trail out of the required buffer minimum as requested but now the engineer is asking that the applicant get the property rights from Mn/DOT to install the buffer.

Manager Crafton moved to approve permit 2015-050 with the engineer's recommendations and the revised language for condition No. 3. Manager Yetka seconded the motion. Upon a vote, the motion carried 5-0.

g. Office Space Options

Administrator Bleser talked about two office spaces that could meet the District's office space needs. She went through the office space information included in the meeting packet, and she provided staff's recommendation on which of the two would be appropriate space for the District's office needs. There was discussion about the new space and costs, possibilities with the District's current office space, and dealing with the violations by others of the lease on the current office space which has impinged on the District's rights to fully enjoy its space for its business purposes. Attorney Smith updated the Board on previous conversations with the landlord.

Attorney Smith said that the Board's first step is to give direction tonight, if it thinks it is appropriate to pursue the move, to communicate and resolve with the landlord through a written understanding the District's situation with the existing space. He said that once that understanding is in place, staff would work with the landlord of the new space and communicate with that party that the District would be prepared to enter into a lease as of the Board's November monthly meeting. Attorney Smith said that the plan would be to bring the fully negotiated lease for the Board's consideration to the November monthly

meeting.

Manager Bisek moved to approve the actions that Attorney Smith just detailed. Manager Crafton seconded the motion. Manager Chadwick asked if it would be possible that in conjunction with working with the proposed landlord to continue the discussions with the current landlord to attempt to reach an agreement that results in no further cost to the District and then staff could bring both items to the Board in November. Attorney Smith responded yes, that is the intent. Manager Chadwick asked that this language be included into the motion on the table. President Forster said he considers Manager Chadwick's request a friendly amendment to the motion. Managers Bisek and Crafton agreed to the friendly amendment. Upon a vote, the motion carried 5-0.

10. Discussion Items

a. 2017 CAC Application Update

Michelle Jordan described revisions to the CAC position description and application. She recommended that the District open the CAC application process in the end of October and close it in the end of November so that the Board can review and discuss the applications in December and still have time to make final appointments in January. President Forster suggested that if any manager had any suggestions to the CAC position description and application to forward them to Ms. Jordan.

b. Silver Lake: Wetland, Shallow Lake Designation

Administrator Bleser summarized her meeting with the Silver Lake Association Steering Committee. She said that she left the meeting with the next steps of talking to the Minnesota Pollution Control Agency (MPCA). Administrator Bleser explained that the Association submitted comments during the MPCA's comment period in regard to the proposed list of impaired waters in the District. She said that in her discussion with the MPCA, she found out that the MPCA is interested in putting Silver Lake on the shallow lake standard. Administrator Bleser explained that this would mean that Silver Lake would be listed as impaired but there would be an asterisk with the listing noting that when the MPCA defines its wetland standards, the MPCA will look at Silver Lake again to see if it is still appropriate to have it designated as a shallow lake or if it should be designated as a wetland. She said that this means Silver Lake could be listed as an impaired water as proposed on the MPCA's draft impaired waters list.

Administrator Bleser remarked that the MPCA's public comment period about the draft list has closed and the MPCA is now working to put together its response to comments. President Forster mentioned that he and Administrator Bleser met with Shorewood Councilmember Kris Sundberg on this topic. He recommended that Administrator Bleser send a letter to Ms. Sundberg to let her know what has transpired since that meeting.

Administrator Bleser noted that the studies that the District has done on Silver Lake is being shared with the MPCA that to help with the TMDL process.

c. Governance Manual

Administrator Bleser reported that the Governance Manual was provided to the Board at this meeting and will be presented as an action item at the November meeting. She said that the employee handbook will come in front of the Board as well. Administrator Bleser said that she would like the Board to have a mini-workshop prior to the November Board meeting to discuss the organizational structure of the District, which ties into the employee handbook. President Forster recommended that managers review the draft governance manual and submit comments to Administrator Bleser prior to the November meeting.

Administrator Bleser requested comments be submitted to her by October 20. Manager Chadwick requested that the manual be on the agenda for December instead of November to provide the Board with more time to review it. The Board and staff agreed that on Wednesday, November 2 the managers could come with their comments or questions about the governance manual and then the organizational workshop would start at 6:00 p.m., followed by the monthly meeting.

d. Upcoming Meetings

Administrator Bleser brought up the Minnesota Association of Watershed Districts conference being held November 30-December 2 and asked the managers to let her know if they would like to be registered.

e. Riley Creek

Administrator Bleser said that staff recommends scheduling a public hearing for November 2, 2016, in regards to Riley Creek ReachE-D3 section. She said that at the November monthly meeting, the Board will either approve or not approve going forward with that project. She said that the Board soon will receive the feasibility report for the project. Ms. Hable asked if the CAC would see or hear more about that feasibility study before the public hearing. Administrator Bleser said she could distribute it to the Board and the CAC at the same time. President Forster directed Administrator Bleser to distribute the feasibility study to the Board and CAC at the same time. Ms. Laurie Susla asked about the status of the Purgatory Creek UAA. Administrator Bleser said that staff needs to take the final received comments and finalize the UAA.

11. Upcoming Events

- Cycle the Creek, Saturday, October 8, 2016, 10 a.m., Purgatory Rec Area
- Citizen Advisory Committee Meeting, Monday, October 24, 2016, District Office
- District Regular Board Meeting, Wednesday, November 2, 2016
- Minnesota Association Watershed District Annual Meeting, Thursday, November 30, 2016-December 2, 2016

12. Adjourn

Manager Crafton moved to adjourn the meeting. Manager Yetka seconded the motion. Upon a vote, the motion carried 5-0. The meeting adjourned at 8:31 p.m.

Respectfully submitted,

Mary Bisek, Secretary