

## MEETING MINUTES

### Riley-Purgatory-Bluff Creek Watershed District

#### July 12, 2017, Board of Managers Plan Workshop and Monthly Meeting

#### PRESENT:

Managers: Mary Bisek, Secretary  
Richard Chadwick  
Jill Crafton, Treasurer  
Perry Forster, 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: Paul Bulger, CAC; Eden Prairie Resident     Ryan Suler, Timberland Partners\*  
Pete Iverson, CAC     Laurie Susla, LLCA  
David Knaeble, Civil Site Group\*     Eric Toft, Eden Prairie Resident\*  
Dorothy Pederson, CAC     David Ziegler, CAC

\* Indicates attendance at the board meeting only

### 1. Plan Workshop

President Forster called to order the Wednesday, July 12, 2017, Board of Managers Plan Workshop at 5:42 p.m. in the District Office, 18681 Lake Drive East, Chanhassen, MN 55317.

Administrator Bleser summarized the items that will be covered in the workshop, including a general overview of draft plan revisions and receiving comments, an update on the watershed's legal boundaries, a second look at the draft 10-year plan implementation table with its revisions, and the District's permitting program.

Administrator Bleser asked each manager to provide comments on the draft plan. She recorded the managers' feedback and collected their paper comments.

Administrator Bleser moved on to the discussion about the watershed's legal boundaries. She displayed a PowerPoint slide showing parcels that, based on hydrology, could be allocated to other Districts and parcels that could be allocated to the RPBCWD. She noted that these proposed changes would lead to a gain in tax base for the District. She reminded the Board that last month it discussed a resolution in support of the boundary change. Administrator Bleser said that the next step is to develop the resolution for the other three watershed districts, Minnehaha Creek, Nine Mile Creek, and Lower Minnesota River, to present to their respective Boards for adoption. Administrator Bleser said that after the watersheds adopt the resolution, the RPBCWD would adopt a formal resolution, with supporting documentation, to bring to present to the Minnesota Board of Water and Soil Resources (BWSR) to order those boundary changes. She said that she would meet with and provide to the other

three watershed districts the draft resolution and ask them to seek adoption of the resolution at their August meetings. Administrator Bleser said that in September she would have a resolution in front of the Board to order petitioning BWSR to take action to formalize the boundary changes.

Administrator Bleser handed out the RPBCWD Draft Implementation Table 2019-2028 (draft 7-12-17). She reviewed the updates made to the table including moving the Lotus Lake alum treatment project to 2018 and moving ahead the Minnetonka road project by five years. She responded to questions. Administrator Bleser said that her next steps including meeting one-on-one with each of the District's cities and partners, such as the Three Rivers Park District, to walk them through this table and discuss their interest in partnering.

Terry Jeffery commented that staff would like manager feedback on the permit report format and information. He collected feedback from the managers. Mr. Jeffery discussed the staff's evaluation process of the District's permitting program. He said that the staff is first looking at efficiencies and ways to improve efficiencies. Mr. Jeffery talked also about evaluating the District's program for unintended consequences of the District's rules. He provided examples. Mr. Jeffery said that staff would bring in front of the Board a draft of modifications of the District's rules for comment and then would bring a revision back to the Board in October, release for public comment in November, and release for 45-day review in January.

Administrator Bleser noted that rather than assuming the District's next 10-year plan will be approved right away, staff recommends starting the plan amendment process for 2018 projects. She said staff will bring these draft plan amendments in front of the Board.

Administrator Bleser listed the revisions staff will be making to the draft plan based on the feedback provided at this workshop.

Manager Crafton moved to adjourn the workshop. Manager Chadwick seconded the motion. Upon a vote, the motion carried 4-0 [Manager Yetka absent from vote]. President Forster adjourned the Plan Workshop at 6:57 p.m.

## **2. Monthly Board Meeting Call to Order**

President Forster called to order the Wednesday, July 12, 2017, Board of Managers Monthly Meeting at 7:08 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 ahead in the agenda item 8e ó Approve Permit 2017-044: Toft Shoreline Naturalization Exception with Staff Recommendations - so that the item is directly after item 8c - Order Lake Susan Park Pond Project.

Manager Crafton moved to approve the agenda as amended. Manager Chadwick seconded the motion. Upon a vote, the motion carried 4-0 [Manager Yetka absent from vote].

## **4. Matters of General Public Interest**

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

Ms. Laurie Susla of Dakota Drive, Chanhassen, thanked Dr. Bleser for presenting at and President Forster and

Manager Chadwick for coming to the Lotus Lake Conservation Alliance (LLCA) Question and Answer meeting on June 20<sup>th</sup>. Ms. Susla presented PowerPoint slides with photos of Lotus Lake and questions by the LLCA about the lake, its water quality, and planned projects. She talked about lake issues and showed a short video about algae on the lake. Ms. Susla noted that she has seven pages of questions she collected at the LLCA meeting and remarked that she would like to consolidate the questions and submit them to the Board for Board response. The Board agreed that the LLCA can submit the questions to the Board.

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

## 5. Reading and Approval of Minutes

### a. June 7, 2017, RPBCWD Board of Managers Plan Workshop and Monthly Meeting

Manager Chadwick noted a correction to be made on page 4 to correctly reference the annual audit being issued May 2017. Manager Crafton pointed out that on page 5 under 12a the word ðinö should be replaced with ðis.øPresident Forster requested the addition of a comma on page 1, item 1, paragraph 3, after ðPowerPoint slides.ö He also noted the need to insert commas on page 3 under item 5, paragraph 1, so the sentence reads, ðMr. Modrow, with the City of Eden Prairie, providedí ö Manager Bisek requested a spelling correction on page 5. Manager Crafton requested a grammatical edit on page 3, item 4, paragraph 4 to correct a run-on sentence.

Manager Chadwick moved to accept the minutes as amended. Manager Crafton seconded the motion. Upon a vote, the motion carried 4-0 [Manager Yetka absent from vote].

## 6. Consent Agenda

President Forster pointed out that there is a new version of Permit 2017-040: Basin 05-12-C Pond Clean-out with staff recommendations. He explained that the address listed in the original permit was incorrect and the new version has the correct address.

President Forster read aloud the Consent Agenda items: a. Accept Staff Report; b. Accept Engineerø Report (with attached inspection report); c. Approve Salary Adjustment for Community Outreach Coordinator with Updated Community Outreach Coordinator Job Description d. Approve Permit 2017-024: Prairie Bluff Senior Living with staff recommendations; e. Approve Permit 2017-038: West Park Subdivision and Site Plan Review with Staff Recommendations; f. Approve Purgatory Creek Restoration at Highway 101 Pay Application #3; g. Approve Permit 2017-040: Basin 05-12-C Pond Cleanout with Staff Recommendations; h. Approve Lotus Lake Alum Feasibility Task Order, i. Approve staff recommendations for Single Family Homeowner Cost-Share Applications: (i) 8583 Red Oak Drive, Eden Prairie (lake buffer); (ii) 7935 S. Bay Curve, Eden Prairie (lake buffer); iii. 8513 Red Oak Drive, Eden Prairie (lake buffer); iv. 17689 Sheffield Lane, Eden Prairie (wetland buffer); v. 4557 Timber Woods Lane, Minnetonka (pond buffer); j. Approve Task Order 24: Silver Lake Phase I.

Manager Crafton moved to approve the Consent Agenda as presented. Manager Bisek seconded the motion. Upon a vote, the motion carried 4-0 [Manager Yetka absent from vote].

## 7. Citizen Advisory Committee (CAC)

Ms. Pederson stated that the CAC is looking forward to receiving the draft 10-year plan. She reported that the CAC has been working on the adopt-a-storm drain project and will have a formal presentation on it this month about how the project will roll out. Ms. Pederson said that the Committee is trying to brainstorm other smaller

projects. She said that this month a couple of CAC members resigned from the Committee as it was not a fit for their volunteer interests.

## 8. Action Items

### a. Accept May Treasurers Report

Manager Crafton provided an updated on the 2017 budget to-date. She responded to questions. She moved to accept the Treasurer's Report as presented. Manager Chadwick seconded the motion. Upon a vote, the motion carried 4-0 [Manager Yetka absent from vote].

### b. Approve Paying of Bills

Manager Crafton reported that Administrator Bleser went through the bills in accordance with the District's internal controls and procedures for financial management and recommended paying the bills as outlined on page 2 of the Treasurer's Report. Manager Crafton said she went through the bills, too, and concurs with Administrator Bleser. Manager Crafton moved to pay the bills. Manager Bisek seconded the motion. Upon a vote, the motion carried 4-0 [Manager Yetka absent from vote].

### c. Order Lake Susan Park Pond Project

Administrator Bleser stated that the Board packet has a memo about ordering the project. She reported that staff has discussed the project with the City of Chanhassen but that the District wasn't successful in getting Emerson on board with the project. Administrator Bleser explained that staff still recommends project option 4A, the pump filter and reuse system. She pointed out that option 4A would require \$80,000 in additional project funding over the funding already levied and that the \$80,000 would be levied in 2018. Administrator Bleser reminded the Board that it already held a public hearing on the project and the CAC reviewed the project and recommended 4A or 4B. She said that to move forward with project design and to levy the \$80,000, the Board needs to order the project. Administrator Bleser said that in front of the Board is Resolution 2017-04, which outlines the project, its anticipated outcomes, and its total estimated cost of \$480,000, based on the feasibility study by Barr Engineering Company and submitted in March 2017.

Manager Chadwick remarked that he is concerned with the cost of this project and its cost-benefit. He asked if the watershed and City could together approach Emerson. There was discussion.

Manager Crafton moved to approve Resolution 2017-040 to Order the Lake Susan Park Pond Project Phase II. Manager Bisek seconded the motion. Upon a vote, the motion carried 3-1 [Manager Chadwick voted against the motion; Manager Yetka absent from vote].

Manager Crafton moved to order Task Order 13b: Lake Susan Watershed Treatment and Storm water Reuse Enhancements Design and Construction Administration and to approve levying \$80,000 in 2018 for scenario 4A for the Lake Susan Park Pond Project. Manager Bisek seconded the motion. Upon a vote, the motion carried 3-1 [Manager Chadwick voted against the motion; Manager Yetka absent from vote].

### d. Approve Permit 2017-044: Toft Shoreline Naturalization Exception with Staff Recommendations

Mr. Jeffery described the property and the existing conditions, as outlined in detail in the Board packet. He talked about the project's goal of restoring the shoreline to near-natural condition, and he described the proposed project components. Mr. Jeffery stated that staff recommends approval of the permit with the conditions as described and the staff recommendation of waiving the permit fee and only considering

the 85-foot portion of the shoreline where rip rap will be placed for calculating the financial assurance. Mr. Jeffery and the applicant responded to questions.

Manager Crafton moved to approve permit 2017-044 with the conditions recommended by staff. Manager Chadwick seconded the motion. Upon a vote, the motion carried 4-0 [Manager Yetka absent from vote].

**e. Approve Permit 2017-030: Elevate and Variance Request**

Engineer Sobiech described the location in Eden Prairie of the proposed project and explained that the applicant proposes to remove the two existing structures on the two-parcel property. He said that the applicant proposes to construct an apartment building and 12,000-square feet of commercial development plus associated parking. Engineer Sobiech described the permit review. He talked about the applicant's variance request from the low-floor requirement of three feet of free board.

Engineer Sobiech went through the variance request, described the site constraints, and the Engineer's recommendations and conditions. Engineer Sobiech recommended approval of the variance request with the condition that the applicant provides written indemnification of the RPBCWD of all claims and actions for flood damage to the property and recording on the title the non-compliant elevation. He pointed out that the variance would only affect the applicant's property.

Manager Crafton moved to approve the variance for permit 2017-030 Elevate based on the Engineer's findings and conditions as detailed in the Engineer's report. Manager Chadwick seconded the motion. Upon a vote, the motion carried 4-0 [Manager Yetka absent from vote].

Manager Bisek moved to approve permit 2017-030 Elevate contingent on the Engineer's recommendation and conditions as described by the Engineer including documentation for approval for the right to flow water to the offsite storm water management facility and indemnification against claims against the RPBCWD. Manager Crafton seconded the motion. Upon a vote, the motion carried 4-0 [Manager Yetka absent from vote].

**f. Approve Permit 2015-016 (Expired): Blossom Hills Letter of Credit Reduction**

Mr. Jeffery explained that this permit has expired. He said that the applicant had provided the \$43,700 letter of credit as required by the permit. Mr. Jeffery described the work that has been completed by the permit owner. Mr. Jeffery listed the information that the permit holder has provided the District regarding the work completed. He also reported that staff visited the site on July 6, 2017, and he described what staff observed. Mr. Jeffery stated that staff recommends a reduction in the letter of credit, holding half of the restoration fund to ensure vegetation is established and that upon project completion the silt fence is removed. Mr. Jeffery said that Pentom is producing a new letter of credit in the amount of \$5,005 at which time the District would release the existing letter of credit. Mr. Jeffery responded to questions.

Manager Crafton moved approval of reduction of financial assurance for Permit 2015-016 from \$43,700 to \$5,005. Manager Chadwick seconded the motion. Upon a vote, the motion carried 4-0 [Manager Yetka absent from vote].

## 9. Discussion Items

**a. Governor's 25 x 25 Conferences Minnesota**

President Forster said that he suggested to Administrator Bleser that RPBCWD, Nine Mile Watershed District, Minnehaha Watershed District, and the Lower Minnesota River Watershed District may be interested in hosting one of the conferences because right now the nearest one is in Mankato. He said

he would like the RPBCWD to take the lead to try to coordinate hosting one of these conferences in this area. Manager Crafton noted that the two Isaac Walton League chapters in Bloomington are trying to do this and can coordinate with the District.

**b. Upcoming Meetings**

President Forster noted there is a closed meeting here at the District office at 7 p.m. on Monday, July 17, and the meeting will be public noticed.

**10. Upcoming Events**

- Citizen Advisory Committee, Monday, July 17, 6:30 p.m., District Office, 18681 Lake Drive East, Chanhassen
- Save the Date: Watershed Tour ó 10 Year Plan highlight. Monday, July 31, District Office, 18681 Lake Drive East, Chanhassen
- Board of Managers Regular Meeting and Workshop, Wednesday, August 2, 5:30 p.m. , District Office, 18681 Lake Drive East, Chanhassen
- Citizen Advisory Committee, Monday, August 21, 6:30 p.m., District Office, 18681 Lake Drive East, Chanhassen

**11. Adjourn**

Manager Crafton moved to adjourn the meeting of the Board of Managers. Manager Chadwick seconded the motion. Upon a vote, the motion carried 4-0 [Manager Yetka absent from vote]. The meeting adjourned at 8:08 p.m.

Respectfully submitted,

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Mary Bisek, Secretary