

## MEETING MINUTES

### Riley-Purgatory-Bluff Creek Watershed District

#### September 6, 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: Tom Bakritges, Homestead Partners/JMS      Della Kolpin, Mesaba Capital Dev.  
Custom Homes  
Paul Bourgeoise, Minnetonka School District      Matt Lindon, CAC  
Paul Bulger, CAC      Sharon McCotter, CAC  
Eric Eckman, WSB      David Ziegler, CAC  
Larry Koch, Chanhassen Resident

#### 1. Monthly Board Meeting Call to Order

Acting President Yetka called to order the Wednesday, September 6, 2017, Board of Managers Monthly Meeting at 7:09 p.m. in the District Office, 18681 Lake Drive East, Chanhassen, MN 55317. She noted that prior to this meeting the District held a Plan Workshop to discuss governance of watershed districts. Acting President Yetka noted that former Board President Perry Forster and former Board Secretary Mary Bisek served their final meeting as managers last month. Acting President Yetka introduced and welcomed new managers Dorothy Pedersen and Dick Ward, who will take the oath of office tonight to become official managers on the watershed board.

#### 2. Oath of Office

Attorney Smith led Dorothy Pedersen and Dick Ward through the Oath of Office. The Board welcomed new managers Pedersen and Ward.

### 3. Approval of the Agenda

Acting President Yetka requested the addition of an action item regarding the annual waiver of limits on tort liability through the League of Minnesota Cities Insurance Trust. She said the item will be agenda item 11f. She requested adding agenda item 11g for the Board to decide if and in what manner the Board members will continue to attend CAC meetings. Manager Chadwick requested moving item 9a ó Accept Staff Report - off of the Consent Agenda to Discussion Item 12b. Attorney Smith noted that he can pull items off of the Consent Agenda when the Board reaches the Consent Agenda.

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

### 4. Election of Officers

Acting President Yetka announced that with the change in Board members, which included the departure of two Board officers, the Board will elect new officers tonight.

Manager Crafton nominated Leslie Yetka as president. Manager Pedersen seconded the motion. Upon a vote, the motion carried 5-0.

Manager Crafton nominated Dorothy Pedersen as vice president. Manager Ward seconded the motion. Upon a vote, the motion carried 5-0.

Manager Crafton nominated Richard Chadwick as Secretary. Manager Pedersen seconded the motion. Upon a vote, the motion carried 5-0.

President Yetka noted that there is a vacancy to be filled in the Personnel and Governance Committee. Manager Crafton nominated Manager Pedersen. Manager Chadwick seconded the motion. Upon a vote, the motion carried 5-0.

### 5. Public Hearing on Proposed RPBCWD 2018 Budget

Administrator Bleser passed around paper copies of the proposed 2018 budget table. She announced that the total proposed 2018 levy is \$3,420, 000. She explained that the proposed tax levy results in a tax equivalent of \$124.41 for a \$500,000 property, compared to \$104 for the same property in 2017 for the 2017 tax levy of \$2,859,000.

Administrator Bleser displayed a PowerPoint slide with a pie diagram of the proposed 2018 budget broken into categories of AIS, Cost-share/grants, Education and Outreach, Monitoring, Planning & Administration, Projects Research Studies, Permitting. Manager Chadwick recommended staff add the category percentages to the pie chart.

Administrator Bleser went through the proposed budget table, noting that it estimates \$20,000 in 2018 revenue from permitting and explaining that grants applied for are not included as revenue. She noted that Lake Vegetation is a new line item on the table. She said that Lake Vegetation contains the individual projects that apply herbicide to invaders. After going through the table's line items, she explained that for the proposed 2018 levy, \$2.6 million would come from Hennepin County and \$800,000 would come from Carver County. She announced that on November 1 the District would hold its public hearing as mandated by the Truth in Taxation legislation.

President Yetka opened the public hearing on the proposed RPBCWD 2018 Budget.

Mr. Larry Koch of Bighorn Drive, Chanhassen, noted that the proposed budget table consolidated some line items that were previously separate line items. He said he thinks it is better to have specific line items and budgets for each specific item such as for AIS, how many dollars will go to Chanhassen and how many dollars will go to Eden Prairie. Mr. Koch requested that such a level of detail get included in the budget detail/explanation document. He commented that he thinks it would be helpful to be able to see everything that the District is going to spend by project because it helps to be able to put everything in perspective. Mr. Koch said it also allows everyone to be cognizant of where the District is going. Mr. Koch recommended that before the District designates budgets for wetland management and ground water conservation the District should determine how it will spend funds on these items. He also recommended that the Budget information include a recap of the District's multi-year projects.

Mr. Paul Bulger of Southlawn Road, Eden Prairie and CAC member remarked that line item 12 - the 10-year Watershed Management Plan - seems extremely low and he recommends increasing that number substantially. He said that for line items 13 (AIS Inspection and Early Response), 22 (Plant Restoration), and 28 (Lake Vegetation Implementation Plan) the information given is unclear because budgets for projects within the line items are lumped together. Mr. Bulger stated that the District owes it to the public to make expenditures clear. He questioned the 2018 proposed budget of \$115,000 for Education and Outreach when the District hasn't even come close to spending its Education and Outreach budget in previous years. Mr. Bulger said that the District owes it to the public to explain why the District is only spending a fraction of its Education and Outreach budget each year but continues to budget the same amount or even increase that budget. Mr. Bulger commented that the Duck Lake watershed load project is associated with phosphorous reduction but he doesn't understand how the project will reduce phosphorous.

Mr. Matt Lindon, Eden Prairie Resident and CAC member, brought up the Governor's 25x25, or 25% by 2025, initiative. He suggested that the District consider how it will move in the same direction as the initiative. Mr. Lindon suggested the District should consider how it could address water impairments and how the District will quantify restoration so that the District is moving in the same direction as the Governor's initiative.

Laurie Susla, Chanhassen Resident, agreed with Mr. Lindon that it is a good idea to incorporate the Governor's initiative in the District's 10-year plan. She commented that the pie chart that was displayed in the PowerPoint presentation was confusing and seemed disproportionate. Ms. Susla pointed out that the budget table indicates that the 2016 actual for line 13 of AIS inspection and early response was higher than the \$11,563.71 listed because the District paid more than that amount in funds to the cities of Chanhassen and Eden Prairie. She suggested that the budget table include a column indicating the expected expenditure at year end for each line item. Ms. Susla asked the Board to look at the amount of funds it has sitting in its reserves and to consider how the District could use those funds to meet its proposed 2018 budget without increasing the tax levy. She also asked the Board to consider what percent of its proposed budget is planned to be spent on water quality improvements, which she considers the core of the District's purpose. She said that she would like to see the District increase the percent of annual budget spent on water quality projects.

President Yetka called for additional comments. Upon hearing none, she asked for a motion to close the public hearing. Manager Ward moved to close the public hearing. Manager Pedersen seconded the motion. Upon a vote, the motion carried 5-0.

Administrator Bleser addressed questions and comments presented in the public hearing. The managers discussed the proposed budget and provided comments to Administrator Bleser such as the suggestion that a column be added to the budget table to include the projected year-end number for the budget items and add more detail to the budget description to identify specific items in budget lines.

President Yetka read aloud Resolution 2017-06 to Adopt 2018 Budget. Manager Pedersen moved to adopt Resolution 2017-06. Manager Crafton seconded the motion.

Upon a roll call vote, the motion carried 4-1 [Manager Chadwick voted against motion].

<b>Manager</b>	<b>Aye</b>	<b>Nay</b>	<b>Abstain</b>	<b>Absent</b>
Chadwick		X		
Crafton	X			
Pedersen	X			
Ward	X			
Yetka	X			

President Yetka read aloud Resolution 2017-07 to Adopt 2018 Metropolitan Surface Water Management Act Levy. Manager Ward moved to adopt Resolution 2017-07. Manager Crafton seconded the motion. Manager Chadwick commented that he feels that the assessment is more than necessary.

Upon a roll call vote, the motion carried 4-1 [Manager Chadwick voted against motion].

<b>Manager</b>	<b>Aye</b>	<b>Nay</b>	<b>Abstain</b>	<b>Absent</b>
Chadwick		X		
Crafton	X			
Pedersen	X			
Ward	X			
Yetka	X			

## 6. Public Hearing and Ordering Scenic Heights School Forest Restoration Project 2017-08

Administrator Bleser provided an overview of the project, describing the location, partners, ecosystem, project goals, timeline, estimated total cost of \$260,000, and funding sources besides the District including \$50,000 from Hennepin County and \$45,000 from the Minnetonka School District.

President Yetka opened the public hearing on the Scenic Heights Restoration Project. She called for comments. Upon hearing none, she called for a motion to close the public hearing. Manager Ward moved to close the public hearing. Manager Pedersen seconded the motion. Upon a vote, the motion carried 5-0.

President Yetka read aloud Resolution 2017-08 Ordering the Scenic Heights Elementary School Forest Restoration and Water Quality Improvement Project. Manager Pedersen moved to adopt Resolution 2017-08. Manager Crafton seconded the motion. There was a short discussion. Manager Chadwick commented that he sees this project as involving primarily upland forest and while it has some water quality and volume indications, he thinks the District is exceeding its prerogatives by going into forest. He said he thinks that the District could contribute as a minor partner in the project but coming in as the primary fund source exceeds the prerogatives of the watershed. There was further discussion.

Upon a roll call vote, the motion carried 4-1 [Manager Chadwick voted against motion].

<b>Manager</b>	<b>Aye</b>	<b>Nay</b>	<b>Abstain</b>	<b>Absent</b>
Chadwick		X		
Crafton	X			
Pedersen	X			
Ward	X			
Yetka	X			

## 7. Matters of General Public Interest

President Yetka opened the floor for matters of general public interest.

Mr. Paul Bulger congratulated the District on the Scenic Heights project and encouraged the Board to pursue more projects of this kind. He asked the Board why the District did not hold a public meeting about the proposed Boundary Change. Attorney Smith informed him of the state's process regarding boundary changes and let him know that the Minnesota Board of Water and Soil Resources would hold the public hearing on the proposed boundary change.

Ms. Laurie Susla asked if the District has a policy or guideline about how much money it can hold in reserve. Administrator Bleser replied that there is information in the District's Governance Manual. President Yetka asked how much of the \$4.5 million currently in reserve is earmarked. Administrator Bleser said \$1.8 million plus this year's budget plus the multi-year projects as listed on the Treasurer's Report.

Mr. Koch, in response to earlier discussion that reserve funds are important for the District in the event of government shutdown, asked if in the case of a government shutdown how much money does the District get from the state in any one year. He commented that all of the facts and numbers about this this topic need to be known and real numbers need to be discussed instead of hypothetical numbers.

President Yetka directed staff to look at the District's reserve policy in the Governance Manual and to bring the topic back to the Board as needed.

## 8. Reading and Approval of Minutes

### a. July 17, 2017, RPBCWD Board of Managers Special Meeting

Administrator Bleser noted a correction to be made to indicate that the meeting ended at 9:12 p.m. instead of 4:12 p.m. as listed in the minutes. Manager Crafton moved to approve the minutes as amended. President Yetka seconded the motion. Upon a 2-1 vote, the motion did not carry [Manager Chadwick voted against the motion; Managers Petersen and Ward abstained from vote because they had not attended the meeting].

Attorney Smith described the process the Board is required to follow and did follow regarding reporting on its closed meetings. He informed the Board that it could take action to suspend its Bylaws for the purposes of taking action on an item.

Manager Crafton moved to suspend the Bylaws. Manager Pedersen seconded the motion. Upon a vote, the motion carried 4-1 [Manager Chadwick voted against the motion].

Manager Ward moved to approve the July 17, 2017, meeting minutes as amended. Manager Crafton seconded the motion. Upon a vote, the motion carried 4-1 [Manager Chadwick voted against the motion].

### b. August 2, 2017, RPBCWD Board of Managers Plan Workshop and Monthly Meeting

President Yetka noted that she attended the meeting but is not listed as being present at it. Attorney Smith requested an edit on page 5 under 10d to replace the phrase "modify the District's rules" with "provide."

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

## 9. Consent Agenda

Manager Chadwick requested the removal of Consent Agenda item a. Accept Staff Report. President Yetka noted a potential conflict of interest for her with item j. Authorize Administrator to Execute with Freshwater Society to Participate in the Master Water Stewards Program. She explained that she is employed at Freshwater Society and she added the item to the agenda as 11i. President Yetka read aloud the Consent Agenda items: b. Accept Engineer's Report (with attached inspection report); c. Approve Permit 2017-052: Old Excelsior Senior Living with staff recommendations; d. Approve Permit 2017-053: Minnetonka Mastercraft with staff recommendations; e. Approve Permit 2017-055: Scenic Heights Elementary 2018 Building Additions with staff recommendations; f. Approve Permit 2017-056: Covington Road Culvert Replacement with staff recommendations; g. Approve Permit 2017-057: Eden Prairie Center Retaining Wall with staff recommendations; h. Approve permit 2017-023: Eden Prairie Assembly of God permit modification with staff recommendations; i. Approve 2<sup>nd</sup> Review Extension Period for Permit 2017-039: Mission Hills Senior Living; k Approve staff recommendations for cost-share applications for ki. 7300 Laredo Drive, Chanhassen (lake buffer, homeowner); kii. Frontier Trail, Chanhassen (lake buffer, homeowner), kiii. 7205 Frontier Trail, Chanhassen (lake buffer, homeowners assoc.)

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

## 10. Citizen Advisory Committee (CAC)

Mr. Ziegler, recently appointed CAC President, reported that the CAC encourages the District to host a 25 x 25

meeting and that the CAC is considering adding a workshop to its next meeting to discuss ways that the CAC could help with hosting such a meeting. He stated that the CAC supported the direction of the proposed 2018 budget as presented to the CAC by Terry Jeffery. Mr. Ziegler raised the CAC's idea of conducting a wetland tour in the spring. He said that such a tour would require staff time and that Mr. Jeffery had said that he could probably help with the tour. Mr. Ziegler noted that the CAC would need to know the District's wetland goals. He introduced CAC member and Speakers Bureau Subcommittee member Matt Lindon to talk about the CAC's initiative of developing a RPBCWD Speaker's Bureau. Mr. Lindon reviewed the subcommittee's proposal to develop a District Speaker's Bureau including talking about the objectives and the types of presentations.

Ms. Jordan updated the group about with information about possibly hosting 25 x 25 meeting and talked about possible formats and dates, including the CAC meeting date of September 25. She added that comments collected at such a meeting need to be submitted by October 5.

The Board indicated its support for hosting a 25 x 25 meeting and moving forward with plans for the Speaker's Bureau. Manager Chadwick asked that staff and Board member involvement in the Speaker's Bureau remain strictly in oversight capacity. Ms. Jordan agreed but noted that the process will need to make sure that speaker requests go through staff and that presentation materials are approved by staff. There was a short discussion about a speaker's bureau budget.

## 11. Action Items

### a. **Permit 2017-047: Fawn Hill Subdivision – Consider Variance Request and Permit with Staff Recommendations**

Engineer Sobiech explained that the permit application is for an 11.6-acre 10-lot single family home subdivision in Chanhassen with an existing high-value wetland on the western portion of the property. He reported on infiltration designed to be installed onsite and explained that additionally the applicant plans to use an existing storm water pond that is partially on and partially off the property. Engineer Sobiech went through his review of the permit application, noting that the development proposes to add an additional acre of impervious surface and describing the District's rules triggered. Engineer Sobiech also noted that all of the buffer for the site will be 60 feet wide and the buffer will be required to be recorded on the declaration.

Engineer Sobiech talked about the applicant's plans to utilize the storm water pond that is partially on the site and partially on the adjacent site, which the applicant developed prior to the District's rules taking effect. Engineer Sobiech reported that the applicant's variance request asks the District to measure the rate control criteria at the outlet from the pond rather than the parcel boundary, which bisects the pond.

Engineer Sobiech noted that if the District approves the variance request the applicant will meet the District's rate control criteria. Engineer Sobiech provided more details on the Engineer's review. He said that the Engineer recommends approval with the condition that the permit applicant provides documentation of authorization from the drainage and utility easement holder, which is the City of Chanhassen, to use the facility and the maintenance instrument enforceable by the Watershed District for the storm water facility that is located off their site. Engineer Sobiech said that also the applicant that submitted the draft maintenance declaration and the draft permit application for review was H.P. Holdings LLC; however, in the draft declaration provided, it is indicated that the declarant will be H.P.H. Fawn Hill LLC rather than the applicant. He said that because the entity in the declaration is different than the permit applicant and H.P.H. Fawn Hill LLC will be taking ownership over that property after closing in

the middle of September, the Engineer recommends that if the Board approves the variance and permit the Board should allow the permit to be permitted to the property owner H.P.H. Fawn Hill LLC.

There was a long discussion about the draft declaration and the maintenance of the storm water pond.

Mr. Tom Bakritges of Homestead Partners/JMS Custom Homes, the developer and builder of the site being discussed, provided details about the project and responded to questions.

Manager Chadwick moved to approve the variance based on the findings presented by the Engineer and with the Engineer's conditions and recommendations. Manager Crafton seconded the motion.

There was a lot of manager discussion.

Upon a vote, the motion carries 3-2 [Managers Ward and Pedersen voted against the motion].

Manager Chadwick move to approve permit 2017-047 with staff recommendations. Manager Crafton seconded the motion. Upon a vote, the motion carries 3-2 [Managers Ward and Pedersen voted against the motion].

**b. Permit 2017-034: Park Road Improvements and Riley Creek Crossing Replacement – Consider Variance Request and Permit with Staff Recommendation**

Engineer Sobiech stated that this permit application is from the City of Chanhassen. He described the project, which is a mill and overlay project between Audubon Road and Powers Boulevard in Chanhassen and a replacement of a creek crossing at the Riley Creek crossing. Engineer Sobiech summarized his review of the application. He noted that the applicant has a variance request and proposes to grade a portion of the streambank at a slope steeper than 3:1, which doesn't meet the District's requirements. He said that the proposed grade is to match the existing grade and to minimize disturbance on the site and maintain vegetation and existing trees.

Engineer Sobiech responded to questions.

Manager Ward moved to approve the variance based on the findings presented by the Engineer and with staff recommendations. Manager Crafton seconded the motion. Upon a vote, the motion carried 5-0.

Manager Pedersen moved to approve Permit 2017-034 Park Road Improvements and Riley Creek Crossing Replacement. Manager Chadwick seconded the motion. Upon a vote, the motion carried 5-0.

**c. Accept July Treasurer's Report**

Manager Crafton moved to accept the Treasurer's Report as presented. Manager Pedersen seconded the motion. Manager Crafton stated that she and the Administrator each reviewed the report in accordance with the District's controls and procedures. Upon a vote, the motion carried 5-0. Mr. Koch asked to comment. President Yetka asked him to submit his comments to the Board in writing due to the time of night and the length of the meeting.

**d. Approve Paying of Bills**

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

**e. Adopt Resolution 2017-09: Petitioning Boundary Change**

Administrator Bleser summarized the steps the District, Nine Mile Creek Watershed District, Minnehaha Creek Watershed District, and the Lower Minnesota River Watershed District have gone through to-date

regarding moving forward in the process to petition changes of boundaries. She explained that the next step is for the Board to adopt Resolution 2017-09 to petition the Minnesota Board of Waters and Soil to change the boundaries.

Manager Crafton moved to adopt Resolution 2017-09 Resolution to Petition Changes of Boundary Between Riley Purgatory Bluff Creek Watershed District, Nine Mile Creek Watershed District, Minnehaha Creek Watershed District, and Lower Minnesota River Watershed District. Manager Ward seconded the motion.

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

<b>Manager</b>	<b>Aye</b>	<b>Nay</b>	<b>Abstain</b>	<b>Absent</b>
Chadwick	X			
Crafton	X			
Pedersen	X			
Ward	X			
Yetka	X			

**f. Action on Monetary Limits on Tort Liability through LMCIT**

Attorney Smith said that annually the District needs to inform the League of Minnesota Cities Insurance Trust (LMCIT) whether the District will or will not waive monetary limits on its tort liability. He stated that in the past the District has elected not to waive the monetary limits.

Manager Chadwick moved that the District not waive the monetary limits on its tort liability through the LMCIT. Manager Crafton seconded the motion. Upon a vote, the motion carried 5-0.

**g. Board Managers’ Attendance at CAC Meetings**

President Yetka noted that the Board’s recent practice has been that managers on a rotating basis attend the CAC meetings to listen. She said that with the new make-up of the Board, the Board should determine if it will continue this practice.

Manager Crafton moved that the Board continue the practice. Manager Pedersen seconded the motion. Manager Chadwick added the friendly amendment that the managers attend on a rotating basis as convenient. Upon a vote, the motion carried 5-0.

**h. Staff Report**

Manager Chadwick provided comments on changes he would like to see in the format and content of the staff report.

**i. Authorize the Administrator to Execute with the Freshwater Society to Participate in the Master Water Stewards Program**

President Yetka recused herself from presiding over or participating in this action item because she is employed with the Freshwater Society. Manager Pedersen assumed the Acting President role.

Administrator Bleser provided details about the program and contract. She stated that the District's funding of this item is not to exceed \$15,000.

Manager Crafton authorized the Administrator to enter into contract with the Freshwater Society for sponsoring residents in the program at a total cost not to exceed \$15,000. Manager Ward seconded the motion. Upon a vote, the motion carried 5-0.

## 12. Discussion Items

### a. Upcoming Meetings

President Yetka announced that the CAC meeting will be held on September 25 and that the Board's next workshop and monthly meeting will be held October 4 at 5:30 p.m. and 7:00 p.m., respectively.

## 13. Upcoming Events

- Citizen Advisory Committee, Monday, September 25, 6:30 p.m., District Office, 18681 Lake Drive East, Chanhassen
- Metro Children's Water Festival, September 27, 9:00 a.m. to 3:00 p.m., Minnesota State Fairgrounds
- Governor's 25 x 25 town hall meetings for the Twin Cities Metro Area, 6:30-8:30 p.m. ([www.eqb.state.mn.us/townhalls](http://www.eqb.state.mn.us/townhalls)):
  - September 27 in Minneapolis
  - October 4 in Burnsville
  - October 5 in Stillwater
- Board of Managers Workshop and Regular Monthly Meeting, Wednesday, October 4, 5:30 p.m., District Office, 18681 Lake Drive East, Chanhassen
- Cycle the Creek, Saturday, October 7, 10 a.m. to noon, District Office, 18681 Lake Drive East, Chanhassen

## 14. Adjourn

Manager Pedersen 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 10:41 p.m.

Respectfully submitted,

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Richard Chadwick, Secretary