

## MEETING MINUTES

### Riley-Purgatory-Bluff Creek Watershed District

February 3, 2016, Board of Managers Monthly Meeting and Public Hearing

#### PRESENT:

Managers: Richard Chadwick

Jill Crafton, Treasurer

Perry Forster, President

Leslie Yetka, Vice President

Staff: Claire Bleser, RPBCWD Administrator

Michelle Jordan, RPBCWD Water Quality & Outreach Coordinator

Scott Sobiech, Engineer (Barr Engineering Company)

Josh Maxwell, District Technician and Compliance Officer

Louis Smith, Attorney (Smith Partners)

Other attendees: Bob Adomaitis, CAC, SW Lakes Coalit.

Larry Koch, CAC

Jim Boettcher, CAC

Dorothy Pedersen, CAC

Paul Bulger, CAC

Laurie Susla, CAC, LLCA

Laurie Hable, CAC

Dennis Yockers, CAC

Peter Iversen, CAC

David Ziegler, CAC

#### 2 and 3. Regular Board Meeting Starts and Call to Order

President Forster called the Wednesday, February 3, 2016, Board of Managers Monthly Meeting and Public Hearing to order at 7:14 p.m. at the RPBCWD District Office at 14500 Martin Drive, Suite 1500, Eden Prairie, MN 55344. He reported that prior to this meeting the Board and CAC met for a Workshop starting at 5:30 p.m. [Meeting Agenda Item 1].

#### 4. Approval of the Agenda

President Forster added to the agenda to immediately follow Approval of the Agenda an item to appoint a Secretary Pro Tem. He also added to the Agenda to immediately follow the Engineer's Report a brief report from Legal Counsel on CH2M Hill and the Post Development. Manager Yetka requested the addition under Manager's Discussion an update on the most recent Metro MAWD meeting. Administrator Bleser added as item 12b a discussion about Board quorums for the Board's April, May, and July meetings. Manager Yetka moved to approve the agenda as amended. Manager Chadwick seconded the motion. Upon a vote, the motion carried 4-0 [Manager Bisek absent from vote].

#### 5. Appointment of Secretary Pro Tem

President Forster nominated Manager Chadwick as Secretary Pro Tem. Manager Crafton seconded the motion. Upon a vote, the motion carried 4-0 [Manager Bisek absent from vote].

## 6. Major Plan Amendment: Lake Riley Alum and Riley Creek

President Forster reminded the Board that when the District's 10-year plan was written, no projects were included, so the District needs to amend its plan to include this project in order to be able to do the project. He said that the action in front of the Board is to adopt the Major Plan Amendment.

Administrator Bleser said that both the Lake Riley Alum project and the Riley Creek project went through the Major Plan Amendment process under the old 8410 Rule of the Minnesota Board of Water and Soil Resources. She pointed out that the 8410 Rule has changed since the time the District started this Major Plan Amendment process. Administrator Bleser explained that the last step in the amendment process was to send any changes the District made after receiving comments through the public process and the state plan review process. She reported that the District received no comments and the BWSR Board has approved the plan. She explained that now the District Board needs to adopt the amendment in order for it to be incorporated into its 10-year plan.

Administrator Bleser described both projects included in the amendment. She stated that the cost of the Lake Riley Alum project is approximately \$500,000 for both dosages combined and said that the project will be funded over two years. Administrator Bleser noted that the District would implement the first dosage this year. Administrator Bleser pointed out that the Riley Creek Project includes only reaches E and D3 and said that the estimated construction cost is \$1.5 million. President Forster clarified that the Board is taking action on one amendment that includes both projects.

Mr. Koch pointed out that the language in the amendment mentions reach H but the language should likely be corrected to state reach D3. Attorney Smith agreed that the corrections to the amendment and to the resolutions should be handled now. Attorney Smith noted three corrections to be made: amend the title of Resolution 16-01 to include the Riley Creek Water Quality Improvement project, direct its Administrator and Legal Counsel to insert appropriate language that explains the inclusion of the Riley Creek Water Quality Improvement project in Resolution 16-01, and include a resolving clause identifying the technical correction replacing reach H with reach D3, which the Administrator should so advise BWSR. Attorney Smith announced that with those three changes, the Board is in a position to proceed with the resolution.

Manager Crafton moved to approve the resolution with the three changes that Legal Counsel read into the record. Manager Yetka seconded the motion. By call of roll the motion carried 4-0 [Manager Bisek absent from vote].

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

## 7. Public Hearing: Ordering the Lake Riley Alum Treatment Project

President Forster opened the public hearing.

Mr. Dennis Yockers of 3648 Hazelmere Place, Minnetonka asked if this treatment will be a short-term or long-term solution to the phosphorous problem that now exists in the lake given that there are significant inputs of phosphorous into Lake Riley. President Forster said that they will respond after hearing the other questions.

Mr. Bob Adomitis of 9503 Highview Drive in Eden Prairie introduced himself as the Chairman of the Lake Riley Improvement Association Board. He commented in support of the proposed Lake Riley Alum Treatment project. He commented that Lake Riley is a heavily used recreational lake and he is in support of projects that improve the water quality. Mr. Adomitis pointed out that he endorses the recommendations made by the engineers who have studied this issue and who say that this is the right treatment for this lake at this time. He also endorsed the recommendation that as part of the District's 10-year plan, the upstream bodies of water be treated to address phosphorous loading of Lake Riley from upstream sources. Mr. Adomitis offered the Lake Riley Improvement Association Board's assistance in distributing communications about the project to its members.

Administrator Bleser asked him if he is the District's contact for the Lake Riley Improvement Association Board. Mr. Adomitis said yes.

President Forster addressed Mr. Yockers' question by describing the District's method of working upstream to downstream in the watershed. He talked about an ongoing project in Lake Lucy and a possible future project. President Forster talked about the projects at Lake Susan, including the spent lime treatment project. He described the projects going on at Rice Marsh Lake. Administrator Bleser provided more information about the District's upstream to downstream approach in the watershed and how the District has been addressing those areas identified as loaders to the lakes and addressing the erosion along the creeks, which also contributes loading to the lakes. There was a brief discussion of the 10-year plan refresh and areas that have been identified through recent studies as areas that could be addressed in future projects.

Manager Crafton moved to close the public hearing. Manager Chadwick seconded the motion. Upon a vote, the motion carried 4-0 [Manager Bisek absent from vote].

Manager Crafton move to approve Resolution 16-02. Manager Chadwick seconded the motion. By call of roll the motion carried 4-0 [Manager Bisek absent from vote].

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

President Forster commented that the spelling of his name on the resolution is incorrect. Manager Chadwick noted that he is serving as Secretary Pro Tem in Manager Bisek's absence so his name would replace Manager Bisek in the signature area of the resolution.

## 8. Reading and Approval of Minutes

### a. January 6, 2016, RPBCWD Board of Managers Monthly Meeting

Manager Crafton noted that on page 7 under item 12a ii the word "is" should be inserted so that the sentence reads "to ensure it is put in place correctly." She also pointed out that on page 12 under item 13b the word "following" should be replaced with "followed."

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

## 9. Hearing and Discussion of Matters of General Public Interest

Laurie Susla of 7008 Dakota Drive in Chanhassen thanked staff member Michelle Jordan for the updates to the District's website and noted how easy it is now to find information on the site. Ms. Susla asked for an update on noise issue in the District's office. Administrator Bleser said she has been told that within the next two weeks the contractor will be working on the dance studio. She said that when completed, the sound from the dance studio should be dampened, but it won't be sound proof. President Forster reported that staff is still looking into information about the podium and projector.

## 10. Citizen Advisory Committee (CAC)

President Forster said that the Board has in front of it the CAC's draft amendments. He asked for more detail on the CAC's request asking the managers to provide the CAC with the criteria and guidelines that watershed staff and engineers use to prioritize lake projects. CAC President Dorothy Pedersen said that the CAC looked at CRAS and the guidelines it used to evaluate creeks and wondered if the District has a set of guidelines to evaluate lakes.

Administrator Bleser responded that the District's 10-year plan guides the District on what projects it can implement. She described how the CRAS was developed to identify and classify the reaches of the creeks but does not identify what is contributing to the creeks' status. She said that a lake version of the CRAS would mean that staff would walk all the way around all of the lakes' shores and determine if the shoreline is healthy or unhealthy.

Administrator Bleser talked about Use Attainability Analysis and described how the UAA is a tool completely different from the CRAS. She explained that UAAs look at each lakeshed and consider what is contributing to the unhealthiness of the waterbodies, including considering internal and external loading. Administrator Bleser talked further about the analysis that goes into the UAAs, including the process of prioritizing issues and evaluating all of the studies done and determining a course of action. She talked about the 10-year plan and the refresh of that plan. Administrator Bleser said that at the CAC's February meeting, an item of discussion will be how this 10-year plan process works. She said that by the end of the process, there will be issues, priorities, and projects identified.

She said she is not sure if the CAC is looking for a lakes version of the CRAS, which could be done and would give the District a good idea of the health of the District's lake shorelines. Or, she asked, is the CAC looking for

that other step where the District reviews the science collected and identifies the best solutions, which is part of the 10-year plan refresh process. Administrator Bleser described the justification process for including projects in the 10-year plan that includes the collecting of information that is the backbone for determining why a project needs to be done. Ms. Pedersen said that it sounds like there are many criteria involved and so the District doesn't have a definitive set of criteria that it is following. Administrator Bleser reiterated that District's upstream to downstream methodology and that it has been following a process to collect the science to determine where projects should be implemented.

Ms. Pedersen said that she is hearing that for the new 10-year plan, the District will have more facts in order to determine priorities. Administrator Bleser said yes, there will be facts available to help determine what is needed for the waterbodies. Administrator Bleser said that all input collected as part of the 10-year plan refresh will be part of identifying issues and then there will be a prioritization of the issues, which also is part of the 10-year plan process. Ms. Susla said that the CAC is concerned that without a ranking, choosing projects becomes a matter of opinion. Ms. Susla asked how issues between lakes are compared. President Forster said that Administrator Bleser is coming to the CAC's meeting in two weeks and she can take more time to answer questions at that meeting.

Mr. Adomitis mentioned that based on the information Administrator Bleser provided tonight and on the 10-year plan refresh GANTT chart shared at the last CAC meeting, he is confident that at the end of the 10-year plan refresh process, the District will have a 10-year plan that will include projects that have been identified and have been vetted enough that they make sense and are the right projects.

## 11. Treasurer's Report

Administrator Bleser announced that there is a modification to the cost of the Lake Susan Water Quality Improvement project and Lake Susan Water Quality Improvement Phase 2 project listed on pages 4 and 5 of the Treasurer's Report. She said that listed under the Lake Susan Improvement project, a total year-to-date is listed as \$58,869.78 and the Phase 2 project year-to-date is listed at \$0, which is not correct. Administrator Bleser said that out of the \$58,869.78 listed under the Lake Susan Water Quality Improvement Project, \$9,331.68 should be allocated to Lake Susan Improvement Phase 2. She said this information also needs to be reflected on page 5 of the Treasurer's Report, where the Lake Susan Improvement project YTD costs of \$58,869.78 should be reduced by \$9,331.68 and the Lake Susan Water Quality Improvement Phase 2 costs should be increased by \$9,331.68.

Manager Crafton moved to approve the Treasurer's Report as amended. Manager Yetka seconded the motion. Mr. Koch asked when there will be a discussion of the actual expenditures as compared to budget so deviations from budget can be reviewed. Administrator Bleser said that the Board and staff have been focusing on the Treasurer's Report and incorporating the feedback from the Treasurer's Report workshop that was held prior to the January board meeting. She said that there hasn't been a direction by the Board about the Budget. Upon a vote, the motion carried 4-0 [Manager Bisek absent from vote].

Manager Crafton talked about the updates to the Treasurer's Report. President Forster said that he has some comments to provide to Manager Crafton about the updates. Manager Chadwick said that he would like the Board and staff to develop or locate written guidelines or standards that the Board has given to the accountant regarding the preparation of the Treasurer's Report because he still has questions about the way it is put together. He also said that he doesn't understand how the modified accrual basis is used in the report. There was a brief discussion.

Administrator Bleser presented the proposed changes to the Treasurer's Report and asked for feedback.

President Forster asked that people look at this proposed revised Treasurer's Report and provide feedback to

Administrator Bleser in the next few weeks. Administrator Bleser replied that it would be helpful for her to receive any comments by mid-February.

Manager Crafton moved to approve paying the bills. Manager Yetka seconded the motion. Upon a vote, the motion carried 4-0 [Manager Bisek absent from vote].

## 12. Update from Legal Counsel

Attorney Smith reminded the Board that it requested updates on two matters: The Post Development that was the subject of a contested permit and the CH2M Hill matter.

Regarding the Post Brothers Dev elopement, Attorney Smith has no significant news on that matter. He said that he has contacted the Attorney through the League of Minnesota Cities and the attorney would like to come to the District's March meeting and provide the Board in a closed-session briefing an update about where the case stands and the District's options.

Regarding the CH2M Hill matter, Attorney Smith reminded the Board that previously it had authorized action on two occasions to draft and send letters to CH2M Hill about multiple serious errors in the model, which made it necessary for the District to have the model redone at a cost to the District of approximately \$50,000. Attorney Smith stated that the second letter included multiple pages of very specific details about the errors. He reported that the District received no response to the letters. Attorney Smith suggested the Board think about options and discuss them at the Board's next meeting. He said the options include the District dropping the matter, writing another letter, or, with some notice, drafting a complaint and sending it to CH2M Hill showing that the District plans to sue them. Attorney Smith provided more details about these options. Manager Crafton asked if the District sent a letter to the professional certifying organization. Attorney Smith said that this would be an option. President Forster said that he looks forward to discussion this issue at the Board's next meeting.

## 13. Engineer's Report

President Forster asked about a permit application for a project on Sunnybrook Road. Engineer Sobiech replied that it is an application from the City of Eden Prairie for a city pond maintenance project. Manager Yetka asked for more information on the item in the report discussing an opportunity for including BWSR's one watershed-one plan concept into the District's 10-year plan update. Administrator Bleser said that the District's three creeks drain into the Minnesota River, and she reported on the discussion with the Lower Minnesota River watershed, BWSR, and Barr Engineering regarding communication and possible planning between the two watersheds. She said the discussion centered on whether there could be something the RPBCWD could include in its plan that connects it to the Lower Minnesota River watershed and that the Lower Minnesota River watershed could include in its plan as well.

Manager Crafton moved to approve Legal Counsel's report as given and the Engineer's Report as submitted. Manager Yetka seconded the motion. Upon a vote, the motion carried 4-0 [Manager Bisek absent from vote].

## 14. Staff Report

Administrator Bleser announced that staff has handed out the draft Lakes and Creeks report, which is a component of the annual report, and if there are comments, to please share them with the staff so the annual report can be finalized. She said that Josh Maxwell and Michelle Jordan will be presenting on the 2015 Water Quality and AIS Monitoring Report and on the changes that have been made to the fact sheets.

Mr. Maxwell talked about the 2015 lake monitoring and AIS monitoring and discussed the results and the AIS treatments. Ms. Jordan described the changes to the factsheets, such as implementing the new branding colors and updating the maps and graphs.

### 15. Future RPBCWD Meetings

Administrator Bleser talked about the dates of the April and July Board meetings and the May Board meeting and Evening with the Watershed. The Board confirmed that there will be a quorum at the Wednesday, April 6<sup>th</sup> meeting. The Board agreed to change the May Board meeting and Evening with the Watershed date from May 5<sup>th</sup> to May 3<sup>rd</sup> due to space constraints at the Chanhassen American Legion on May 5<sup>th</sup>. The Board agreed to move the July 6<sup>th</sup> meeting to Wednesday, June 29<sup>th</sup>.

### 16. Board Action

**a. Consent Items: i. 2015-048: Pagel II; ii. 2015-050: Arbor Glen – Permit Extension; iii. 2015-062: MnDOT SP 1002-100 TH5 – Permit Extension**

Manager Crafton moved to approve consent items i., ii, and iii. Manager Yetka seconded the motion. Upon a vote, the motion carried 4-0 [Manager Bisek absent from vote].

**b. 100-Year Floodplain Profiles: Resolution 2016-03**

Administrator Bleser said that in front of the Board tonight is a resolution to change to Atlas 14 for determining the 100-year floodplain. Manager Yetka moved to adopt Resolution 2016-03 Adopting Updated Hydrologic and Hydraulic Model and Flood Elevations. Manager Crafton seconded the motion. By call of roll the motion carried 4-0 [Manager Bisek absent from vote].

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

### 17. Managers' Discussion

**a. Plan Amendment - Local Surface Water Management Plan**

Administrator Bleser provided an update on the status of the City of Eden Prairie's Local Surface Water Management Plan (LSWMP) and noted that the District likely will receive a revised LSWMP in the next few weeks. Attorney Smith provided information about recent watershed management plan law and how for the District it raises an issue with permit regulation. He stated that if the District wants to preserve its regulatory capacity, the District will need to amend its plan sooner than the plan

refresh. Attorney Smith said that he could bring information about this back to the Board at its next meeting. The Board directed Legal Counsel to bring the information to the next Board meeting.

**b. Metro MAWD Meeting**

President Forster provided a short update about the recent Metro MAWD meeting that he and Manager Crafton attended.

**c. Upcoming Meetings**

Administrator Bleser announced that the next CAC meeting is on Monday, February 15 and the next Board meeting is at 7 p.m. on Wednesday, March 2.

## 18. Upcoming Events

- CAC Meeting, Monday, February 15, 2016, 6:30 p.m., District Office
- Board Meeting, Wednesday, March 2, 2016, 7:00 p.m., RPBCWD District Office

## 19. Adjourn

Manager Chadwick moved to adjourn the meeting. Manager Crafton seconded the motion. Upon a vote, the motion carried 4-0 [Manager Bisek absent from vote]. The meeting adjourned at 9:41 p.m.

Respectfully submitted,

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Richard Chadwick, Secretary Pro Tem