1. MEETING MINUTES
Riley-Purgatory-Bluff Creek Watershed District
April 3, 2019, RPBCWD Public Hearings and Board of Managers Monthly Meeting

PRESENT:
Managers: Jill Crafton, Treasurer
Larry Koch
Dorothy Pedersen, Vice President
Dick Ward, President
David Ziegler, Secretary

Staff: Zach Dickhausen, RPBCWD Water Resources Technician
Terry Jeffery, Watershed Planning Manager
Michelle Jordan, Communication and Project Manager
Joshua Maxwell, Water Resources Coordinator
Louis Smith, Attorney, Smith Partners
Scott Sobiech, Engineer, Barr Engineering Company

Other attendees: Lawrence Bushnell, Eden Prairie Resident
Andy Brotzler, City of Chanhassen
Rod Fisher, Eden Prairie Resident
Sara Flagstad, City of Chanhassen
Greg Hawks, Chan. Env. Comm.
Elizabeth Henley, Smith Partners
Denny Kopfman, CAC
Mary Krause, City of Eden Prairie
Sarah Lloyd, Bolton & Menk, Inc.
Bryan Maloney, LRIA; Chanhassen Res.

Call to Order
Manager Ward called to order the Wednesday, April 3, 2019, Board of Managers Monthly Meeting at 7:00 p.m. at
the District Office, 18681 Lake Drive East, Chanhassen, MN 55317.

Approval of the Agenda
Manager Koch requested removing from the Consent Agenda all items except item 11h – Approve Permit #2019-
008 for the Construction of a Pavilion at Staring Lake in Eden Prairie, with Engineer Recommendations. As a
matter of order, these items were removed from the Consent Agenda. President Ward added them in the same
sequence to the Agenda’s Action Items.
Manager Koch commented that in his review of the minutes he didn’t see that the Board ordered any public
hearing except for the Hyland Lake Alum Project. He moved to remove the other three public hearings from the
agenda: Agenda items 4, 5, and 6. The motion failed due to lack of a second.

Manager Koch moved to table Agenda item 12e – Organizational Changes and set a Board workshop to handle
the item or make it part of the Board’s next monthly meeting, so the Administrator could take part in the
discussion. The motion failed due to lack of a second.

Manager Koch moved to add as Agenda item 12k – AIS Funding for Lotus Lake and City of Eden Prairie.
Manager Ziegler seconded the motion. Managers discussed the motion. Manager Koch made a new motion to add
to the next monthly meeting agenda a discussion of AIS funding and to include a discussion of AIS funding for
Lotus Lake and Eden Prairie. Manager Ziegler seconded the motion. Upon a vote, the motion carried 5-0.

Attorney Smith stated that he understands that Manager Koch’s second motion supersedes his first motion and no
other action by the Board is required on Manager Koch’s original motion.

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

3. Public Hearing: Hyland Lake Alum Project

President Ward opened the public hearing on the Hyland Lake Alum Project. Ms. Anne Wilkinson of Wenck
presented on the project plan for the Hyland Lake Alum Project, including timeline, cost estimates, and next steps.
She responded to managers’ questions including a question about the rising cost of alum. Manager Koch brought
up the subject of the cost of this project per pound of phosphorous removed. President Ward called for public
comments. Upon hearing none, Manager Pederson moved to close the public hearing on the Hyland Lake Alum
Project. Manager Ziegler seconded the motion. Upon a vote, the motion carried 5-0.

4. Public Hearing: Chanhassen Cost-Share Vacuum Truck

Ms. Jordan introduced Ms. Sara Flagstad from the City of Chanhassen’s Public Works and City Engineering
team. Ms. Flagstad explained the reasons the City of Chanhassen would like to purchase a Regenerative Air
Sweeper in 2019. She talked about the benefits of this type of sweeper compared to a traditional sweeper in terms
of water quality benefits. She noted that this new sweeper is just part of the City’s larger effort to improve water
quality. She described the City’s planned use for the sweeper. Ms. Flagstad stated that the City of Chanhassen is
requesting a $30,000 cost-share grant from the District to help fund the purchase of the Regenerative Air
Sweeper, which has a total cost of $237,990. She said that reporting will happen on an annual basis as part of the
City’s public works and engineering annual report and the results and metrics will be shared with the District. Ms.
Flagstad added that the City would include an article in the City’s communication The Chanhassen Connection
about the partnership between the City and the District to purchase the new sweeper. She responded to questions.

Mr. Bill Satterness, Eden Prairie Resident, brought up the Board’s decision-making process about participating in
the cost of the Vacuum Truck. He went through a hypothetical scenario as an example of a cost-benefit analysis
and said he would like the Board to think in this manner going forward for making decisions.

Ms. Jordan talked about the District’s Cost-Share Grant program and the process the District, including the CAC,
recently concluded regarding updating its Cost-Share Program.
President Ward called for additional public comments. Upon hearing none, Manager Ziegler moved to close the public hearing on the Chanhassen Cost-Share Vacuum Truck. Manager Pedersen seconded the motion. Upon a vote, the motion carried 4-0 [Manager Koch abstained from the vote.]

5. Public Hearing: Duck Lake Partnership Project

President Ward opened the public hearing on the Duck Lake Partnership Project. Ms. Jordan presented on the project. She provided background on the Duck Lake Subwatershed and the identification in the District’s 10-Year Plan of the subwatershed as a candidate for a protection project. Ms. Jordan summarized the District’s Task Order 25, which analyzed what kinds of projects could be done in the subwatershed and identified four types of BMPs that would be effective. She went into detail about the District’s process to engage residents to participate in the identified BMPs. Ms. Jordan listed project cost estimates and projected water quality benefits. She responded to questions. President Ward called for public comments.

Mr. Rod Fisher, Eden Prairie Resident, said he lives on the south side of Duck Lake and reported that this project has generated a lot of energy with residents about water quality around Duck Lake.

Mr. Bill Satterness, Eden Prairie Resident, commented that rain gardens are nice, but his data shows that they prevent 13.7 pounds of phosphorous from entering the waterbody at a cost of $200,000. He talked about the kind of cost-benefit analysis and questions he would like the Board and District to raise and answer.

Manager Koch raised the topic of the project’s cost per pound of phosphorous removed and his concerns on whether the District is using the public’s money for the greatest good and parity. The managers discussed project benefits.

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


President Ward opened the public hearing. Mr. Jeffery summarized the project and talked about the properties proposed to be acquired for this project. He displayed a PowerPoint table “Property Acquisition and Site Preparation Cost Estimate” and went through the estimated project costs, detailed per property. There was brief discussion about the District’s interest in owning property. President Ward called for public comments. Upon hearing none, Manager Ziegler moved to close the public hearing. Manager Pedersen seconded the motion. Upon a vote, the motion carried 5-0.


Mr. Jeffery noted that this item was discussed last month, and staff said it would bring the financial assurance schedule in front of the Board at this meeting. He said that he did not have the opportunity to review the schedule with Administrator Bleser and so he did not include it as part of the item in front of the Board tonight. He said the action in front of the Board tonight is adopting a resolution that, in essence, will exempt single family residential home properties from the District’s chloride management requirements. Manager Ziegler moved to adopt Resolution 2019-009 Adopting Policy on Application of Chloride-Management Plan Requirements to Residential Subdivisions. Manager Crafton seconded the motion. Upon a roll call vote, the motion carried 4-1.
8. Matters of General Public Interest

President Ward explained the procedure for raising matters of general public interest and opened the floor.

Ms. JoAann Syverson, Chanhassen Resident, raised her concerns about effects of wake surfing on Lotus Lake, its shoreline, and the effects, broadly, of wake surfing on lakes in the watershed. She provided examples of ordinances she believes should be set in place and asked for the District’s endorsement of her efforts with the DNR to encourage the DNR to take action to set wake surfing ordinances.

Mr. Bill Satterness of 8597 Red Oak Drive, Eden Prairie, introduced himself as a member and Director of Friends of Red Rock Lake. He handed out a document “Aquatic Invasive Species – Recommendations – March 2019” and went through his recommendations and his request for District action.

Ms. Laurie Susla of 7008 Dakota Avenue, Chanhassen, commented that more AIS funding equals more inspections, which equals safer lakes. She spoke in favor of the District increase funding for AIS.

Manager Koch stated that he responded in an email to express his own views to Mr. Satterness and handed out a copy of his April 3, 2019, email to become part of the District record.

9. Approval of Minutes

a. March 1, 2019, RPBCWD Board of Managers Monthly Meeting

Manager Ziegler moved to accept the minutes as presented. Manager Crafton seconded the motion. Manager Koch commented that he did not see any action by the Board to direct the public hearings on the Chanhassen Cost-Share Vacuum Truck, Duck Lake Partnership Project, and Purchase Properties for Wetland Restoration at Pioneer Trail. Upon a vote, the motion carried 4-1 [Manager Koch voted against the motion.]

10. Citizen Advisory Committee (CAC)

Ms. Lori Tritz, CAC Chair, reported on the CAC’s most recent meeting and its discussions about Prince’s former property, the District’s cost-share program, and the status of the CAC’s subcommittees’ charters.

11. Consent Agenda
President Ward noted there is one item on the Consent Agenda: 11h – Approve Permit 2019-008 for the construction of a pavilion at Staring Lake in Eden Prairie with engineer recommendation.

Manager Koch moved to approve Permit 2019-008 based on staff’s review and comments and with the resolution included in the minutes, verbatim: “Resolved that the application for Permit 2019-008 is approved, subject to the conditions and stipulations set forth in the Recommendations section of the attached report; Resolved that on determination by the RPBCWD administrator that the conditions of approval have been affirmatively resolved, the RPBCWD president or administrator is authorized and directed to sign and deliver Permit 2019-008 to the applicant on behalf of RPBCWD.” Manager Ziegler seconded the motion. Upon a vote, the motion carried 5-0.

12. Action Items

a. Accept February Treasurer’s Report

Treasurer Crafton communicated that the report has been reviewed in accordance with the District’s internal controls and procedures. She moved to accept the Treasurer’s Report. Manager Ziegler seconded the motion. Manager Koch asked a series of questions about the report. Staff responded. Upon a vote, the motion carried 5-0.

b. Approve Paying of Bills

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

c. Consider Approval of Variance Requests Associated with Permit Application 2019-004 Duck Lake Road

Engineer Sobiech gave an overview of the project. He continued by giving a detailed review of the six variances requests from the applicant and the Engineer’s review of the variance requests. Manager Ziegler asked if the reviews should take into consideration that the MNDNR has not approved the lake changes. Attorney Smith stated he agrees with the District Engineer’s action to review the application based on current conditions. Attorney Smith noted that if the DNR goes through proceedings and change happens, it would require the application to be revised and submitted.

Mr. Tim Olson and Ms. Sarah Lloyd of Bolton & Menk, Inc. were present at the meeting and responded to managers’ questions.

The Board had a lengthy discussion. Manager Koch moved to lay this agenda item and the next agenda item over until the Board’s next monthly meeting in order for staff to gather more information on pollution and water quality and wetland impacts. Manager Ziegler seconded the motion.

Ms. Lloyd talked about the timing of the permitting process. Ms. Pedersen asked about the District’s jurisdiction in terms of permitting for this project. Attorney Smith explained what is within the District’s jurisdiction and stated that the Board can grant or deny variances and permits based on the District’s rules. Upon a vote, the motion carried 5-0.

d. Consider Approval of Permit Application 2019-004 for the Reconstruction of Duck Lake Road in Eden Prairie with Staff Recommendations

[Item held over until the District’s May Monthly Board meeting. See 11c.]

e. Organizational Changes:

Approve Job Description Changes for Community Outreach Coordinator to Communication and...
Project Manager and Commensurate Compensation Adjustment; Approve Job Description Change for Office and Outreach Assistant to Education and Outreach Coordinator; Approve Job Description Change for Permit and Project Manager to Watershed Planning Manager

Manager Pedersen summarized the process undertaken to review these jobs and job descriptions. There was discussion about the process and comments about what sources and level of expertise were used in the process. Manager Koch moved to lay this item over until it can be discussed either in a workshop or at the Board’s next monthly meeting so Administrator Bleser can be present. He said he did not have enough information. The motion failed due to the lack of a second.

Manager Pedersen moved to adopt the organizational changes and salary adjustments as laid out in the Thursday, March 21, 2019, memo included in the meeting packet. Manager Crafton seconded the motion. Manager Ziegler asked if the AIS issue could be handled separately from this organizational change. He explained that it seems that District needs someone to help with communications about AIS such as communicating with lake associations and agencies. The Board indicated this topic could be handled separately. Manager Pedersen moved to close the debate. Manager Crafton seconded the motion. Upon a vote, the motion carried 4-1 [Manager Koch voted against the motion]. President Ward called the question on the original motion. Upon a vote, the original motion carried 4-1 [Manager Koch voted against the motion].

f. Adopt Resolution 2019-010 to Support Application to Host a Member of Minnesota GreenCorps, a Program of the Minnesota Pollution Control Agency, for the 2019-2020 Program Year

Ms. Jordan described the Minnesota GreenCorps program, the host application process, and projects within the watershed that could be carried out by Minnesota GreenCorps.

Manager Ziegler moved to adopt Resolution 2019-010 to Support Application to Host a Member of Minnesota GreenCorps, a Program of the Minnesota Pollution Control Agency, for the 2019-2020 Program Year. Manager Pedersen seconded the motion. Manager Koch had questions for Ms. Jordan, and Ms. Jordan responded. Manager Koch moved to amend the motion in order to direct Legal Counsel to review the agreement. Manager Ziegler seconded the motion. Upon a vote, the motion to amend carried 5-0. Upon a roll call vote, the amended motion carried 5-0.

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g. **Adopt Resolution 2019-011 Ordering Hyland Lake Alum Treatment Project**

Manager Ziegler moved to adopt Resolution 2019-011 Ordering Hyland Lake Alum Treatment Project. Manager Pedersen seconded the motion. Upon a roll call vote, the motion carried 5-0.

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h. **Adopt Resolution 2019-012 Approving Chanhassen Cost-Share Grant for Purchase of Regenerative Air Vacuum Sweeper Truck**

Manager Ziegler moved to adopt Resolution 2019-012 Approving Chanhassen Cost-Share Grant for Purchase of Regenerative Air Vacuum Sweeper Truck. Manager Crafton seconded the motion. Upon a roll call vote, the motion carried 4-0. [Manager Koch abstained from the vote.]

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Manager Koch reiterated his comment that the Board did not order this public hearing. Attorney Smith explained that this public hearing and the others on this meeting’s agenda were noticed and such action meets the requirements of state statute.

i. **Adopt Resolution 2019-013 Ordering the Duck Lake Partnership Project**

Manager Ziegler moved to adopt Resolution 2019-013 Ordering the Duck Lake Partnership Project. Manager Pedersen seconded the motion. Manager Koch reiterated his position that the money could be better spent.

Upon a roll call vote, the motion carried 4-1.
j. **Adopt Resolution 2019-014 Ordering the Wetland Restoration and Flood Mitigation Project at 101 and the Acquisition of 730 and 750 Pioneer Trail**

Manager Ziegler moved to adopt Resolution 2019-014 Ordering the Wetland Restoration and Flood Mitigation Project at 101 and the Acquisition of 730 and 750 Pioneer Trail. Manager Crafton seconded the motion. Manager Koch asked for clarification on what this resolution authorizes. Attorney Smith and Mr. Jeffery responded to his question and noted that the DNR grant program works in terms of appraised value meaning there is no negotiating with the property owners.

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

k. **Accept March Staff Report**

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

l. **Accept March Engineer’s Report (with the attached Inspection Report)**

Manager Koch asked questions to Engineer Sobiech about the report. Engineer Sobiech responded. Manager Ziegler moved to accept the Engineer’s Report. Manager Koch seconded the motion. **Upon a vote, the motion carried 5-0.**
m. Authorize Administrator to Sign Off on Quote from Freshwater Scientific Services for Vegetation Surveys

Attorney Smith stated that the services agreement attached to this item in the meeting packet doesn’t meet all the District legal requirements and he recommends adding a condition to the agreement “with the advice of Counsel.” Manager Koch introduced the idea of a master services agreement and moved to approve the drafting of a contract between the District and Freshwater Scientific Services with substantive terms typically used by the District for a master services agreement for plant management services as set forth in the March 4th letter to the District from Freshwater Scientific Services. Manager Pedersen seconded the motion. Upon a vote, the motion carried 5-0.

n. Approve 2018 Annual Report

Manager Ziegler moved to approve the 2018 Annual Report. Manager Pedersen seconded the motion. Manager Koch offered suggestions for revisions, including making the zebra mussels section more prominent and making sure data is accurately reflected. Upon a vote, the motion carried 5-0.

o. Approve Permit 2018-074 for the Construction of a Ground Storage Reservoir by the City of Eden Prairie with Staff Recommendations

Manager Koch moved to adopt the proposed board action set forth on page one of the permit application review with the exception that instead of March 1, 2019, it read April 3, 2019, and reads as the following:

“Resolved that the application for Permit 2018-074 is approved, subject to the conditions and stipulations set forth in the Recommendations section of the attached report;
Resolved that on determination by the RPBCWD administrator that the conditions of approval have been affirmatively resolved, the RPBCWD president or administrator is authorized and directed to sign and deliver Permit 2018-074 to the applicant on behalf of RPBCWD.”

Manager Ziegler seconded the motion. Upon a vote, the motion carried 5-0.

p. Approve Permit 2019-003 for the Stable Path Single-Family Residential Development in Minnetonka with Engineer Recommendations

Manager Koch voiced his concerns about the nomenclature “permit fee.” Attorney Smith spoke to Manager Koch’s concerns and state statute. Manager Koch moved to adopt the proposed board action set forth on page 1 of the permit application review 2019-003 and the resolutions be set forth verbatim.

“Resolved that the application for Permit 2019-003 is approved, subject to the conditions and stipulations set forth in the Recommendations section of the attached report;
Resolved that on determination by the RPBCWD administrator that the conditions of approval have been affirmatively resolved, the RPBCWD president or administrator is authorized and directed to sign and deliver Permit 2019-003 to the applicant on behalf of RPBCWD.”

Manager Ziegler seconded the motion. Upon a vote, the motion carried 5-0.

q. Approve Permit 2019-007 for the Beverly Hills Single-Family Residential Development in Eden Prairie with Engineer Recommendations

Manager Koch moved to adopt the proposed board action set forth on page 1 of the permit application review for permit 2019-007 and the full resolution be set forth verbatim in the minutes.

“Resolved that the application for Permit 2019-007 is approved, subject to the conditions and stipulations set forth in the Recommendations section of the attached report;
Resolved that on determination by the RPBCWD administrator that the conditions of approval have been affirmatively resolved, the RPBCWD president or administrator is authorized and
13. Discussion Items

a. **Lennar Development Galpin Boulevard Update**
   Mr. Jeffery noted that nothing has changed since the District Board’s previous meeting.

b. **Upcoming Board Meeting**
   President Ward announced that the Board’s next monthly meeting will be held on May 1. He announced that the Board will be holding its Governance Retreat on April 23 from 1 p.m.- 4:30 p.m. at the Minnesota Landscape Arboretum. Manager Koch reminded staff it needs to notice the workshop as a special meeting.

c. **Update on St. Hubert’s Opportunity Project**
   Mr. Jeffery reported that Ms. Jordan has been working with St. Hubert Catholic School in Chanhassen. He said the school approached the District asking for input as the church plans to revamp its playground. Mr. Jeffery explained that Ms. Jordan met with St. Hubert staff on March 25 and talked through a project concept, and now the District will score that project to see how it fits within the District’s prioritization schedule. Ms. Jordan highlighted the next steps staff will take to review the project.

d. **Update on Internal Efforts to Improve Regulatory Program Watershed Development**
   Mr. Jeffery said staff hears the concerns voiced by stakeholders, and staff understands the need to minimize the possibility of having arbitrary or capricious rulings and also maximizing protection. He described the discussions staff has had and asked if the Board is comfortable with staff proceeding in this direction. President Ward asked staff to bring it in front of the Board at the next monthly meeting.

14. Upcoming Events

- First Friday Hike with the Watershed, April 5th, noon-1:00 p.m., Purgatory Creek Recreation Area, Eden Prairie
- Meet and Greet, April 10, 2019, 4:00 p.m.-6:30 p.m., District Office, 18681 Lake Drive East, Chanhassen
- Smart Salting for Parking Lots and Sidewalks Course, April 11th, 9:00 a.m.-2:00 p.m., District Office, 18681 Lake Drive East, Chanhassen
- Citizen Advisory Committee Meeting, April 15, 6:00 p.m.-8:00 p.m., District Office, 18681 Lake Drive East, Chanhassen
- Governance Workshop, Tuesday, April 23, 1:00 p.m.-4:30 p.m., University of Minnesota Landscape Arboretum
- RBCWMD Board of Managers Regular Board Meeting, Wednesday, May 1, 2019, 7:00 p.m., District Office, 18681 Lake Drive East, Chanhassen
15. Adjourn

Manager Pedersen moved to adjourn the meeting. Manager Ziegler seconded the motion. Upon a vote, the motion carried 5-0. The meeting adjourned at 10:39 p.m.

Respectfully submitted,

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David Ziegler, Secretary