

MEETING MINUTES

Riley-Purgatory-Bluff Creek Watershed District

May 3, 2016, Board of Managers Monthly Meeting

PRESENT:

Managers: Mary Bisek, Secretary
Richard Chadwick
Jill Crafton, Treasurer
Perry Forster, President
Leslie Yetka, Vice President

Staff: Claire Bleser, District Administrator
Michelle Jordan, District Technician and Compliance Officer
Louis Smith, Attorney (Smith Partners)
Scott Sobiech, Engineer (Barr Engineering Company)

Other attendees: Kathy Aamot, TPI Hospitality Don Hanson, Chaska
Paul Bulger, CAC Kevin Hanson, Cities Edge Architects
Joshua Baynes, Weather Safe Inc. Eric Kaul, Ramaker/CEA
Steve Christopher, BWSR Larry Koch, CAC
Tom Dietrich, City of Minnetonka Dorothy Pedersen, CAC
Laurie Hable, CAC Rod Rue, City of Eden Prairie
John Hafner, Cities Edge Architects David Vogel

1. Call to Order

President Forster called the Tuesday, May 3, 2016, Board of Managers Monthly Meeting to order at 5:03 p.m. at the Chanhassen American Legion at 290 Lake Drive E, Chanhassen, MN 55317.

2. Approval of the Agenda

President Forster added to the agenda action item 8D - United Healthcare Declaration.

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

3. Hearing and Discussion of Matters of General Public Interest

No matters were raised.

4. Reading and Approval of Minutes

a. April 6, 2016, RPBCWD Board of Managers Monthly Meeting

Manager Bisek requested an edit on page 1, section 2, second paragraph to clarify the first and second

sentences. Manager Crafton requested an edit on page 2, section 4, item b to correctly reflect that Manager Chadwick seconded the motion.

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

5. Consent Agenda

President Forster read aloud the Consent Agenda items:

a. Accept Engineer's Report; b. Accept Staff Report; c. Approve Cost-Share funding to: i. 8110 West Park Hills Drive, Bloomington (\$3,000); ii. 6001 Timberglade Drive, Bloomington (\$3,000); iii. 9117 Lake Riley Boulevard, Chanhassen (\$3,000); iv. 121 Choctaw Circle, Chanhassen (\$3,000); v. 8007 Island Road, Eden Prairie (\$3,000); vi. 6697 Boyd Avenue, Eden Prairie (\$3,000); d. Approve to go to public hearing on June 1st for City of Bloomington cost-share application for installing an iron-enhanced sand filter, and the City of Eden Prairie cost-share application for water conservation landscaping; e. Approve HDR Information Technology contract; f. Approve purchase of field AED and office AED devices; g. Approve permits with staff recommendations: i. 2015-050 Arbor Glen 3rd permit review timeline extension; ii. 2015-061 Ingram Property 6th 2nd permit review timeline extension; iii. 2016-009 Status Court Storm Sewer Outfall Repair.

Manager Crafton moved to accept the Consent Agenda as read. Manager Yetka seconded the motion. Upon a vote, the motion carried 5-0.

6. Citizen Advisory Committee (CAC)

Dorothy Pedersen reported that the Committee continues its work on the welcome kit and plans to have more details for the Board at its next meeting. She said the Committee decided that for 2016 it will focus its efforts on the District's 10-year plan, finances, and education. Manager Chadwick stated that he attended the meeting and that at one time during the meeting there was a lot of noise coming from the tenants next to the District office and the CAC requested that he bring the noise issue to the attention to the Board. There was a short discussion about the noise issue. Administrator Bleser requested one edit to the CAC's minutes.

7. Treasurer's Report

Manager Crafton said that she was prepared to address concerns raised at last month's meeting but the Board agreed to postpone her comments until next month's meeting since the person who raised the concerns was not in attendance tonight. She announced that the Treasurer's Report has been reviewed through the Board's internal controls and protocols.

Manager Crafton moved to approve paying the bills. Manager Bisek seconded the motion. Upon a vote, the motion carried 5-0.

Manager Crafton moved to accept the Treasurer's Report. Manager Yetka seconded the motion. Upon a vote, the motion carried 5-0.

President Forster described the proposed investment program and explained that the program is a way for the District's reserve funds to earn more interest. Manager Crafton moved to approve the investment program for the District's reserve funds. Manager Chadwick seconded the motion. Upon a vote, the motion carried 5-0.

8. Action Items

a. Variance Request Permit

i. 2016-003 9641 Meadowlark Lane Driveway

Administrator Bleser handed out additional information on this item. Engineer Sobiech described the permit application for the construction of a single-family home on an existing single-family home lot. He talked about the property, which has three wetlands and a creek. He noted the difference between the information handed out tonight compared to the information included in the meeting packet.

Engineer Sobiech said that the applicant is requesting a variance from some of the requirements of the waterbody crossing rule. He said the applicant proposes a 15-inch pipe and has provided documentation to show that there is not a significant benefit of larger pipes in terms of reducing upstream flood levels. Engineer Sobiech described alternatives evaluated. He recommended approval of the variance request related to the waterbody crossing with the condition that the applicant provide a draft indemnification against claims for the District for flood damage from upstream neighbors and also obtain written permission from the neighbor to pond the additional water a little deeper for the 100-year storm event.

Manager Chadwick moved to approve the variance and to approve the permit. Manager Crafton seconded the motion. Upon a vote, the motion carried 5-0.

ii. 2015-055 Hampton Inn Eden Prairie

Engineer Sobiech stated that the proposal is to build a five-story Hampton Inn off of the intersection of Technology Drive and Flying Cloud Road. He provided further details about the proposed project. He said that the wetland buffers proposed for the site do not meet the minimum in a couple of locations or the buffer average and the applicant has requested a variance.

Engineer Sobiech explained that the wetlands on the site were determined to be high value, which means the buffer requirements are a 60-foot average buffer width or 30-foot minimum buffer width. He addressed what the project proposes for each wetland. He noted that for Lake Idlewild the proposed average buffer width is a little shy of 45 feet. Engineer Sobiech described restrictions on the property such as an easement on the east side of the property and a sanitary sewer line. He talked about the project's proposed total phosphorous removal of greater than 78%, which exceeds the required 60% removal.

Engineer Sobiech recommended approval of the variance with the condition that the applicant provide additional information about the proposed trail including alternate materials for that trail.

Manager Crafton moved the variance as submitted based on the findings of the Engineer's Memorandum. Manager Bisek seconded the motion. Upon a vote, the motion carried 5-0.

Manager Bisek moved to approve the permit based on performance of the contingencies. Manager Crafton seconded the motion. Upon a vote, the motion carried 5-0.

b. Resolution Adopting Special Meeting Fee Schedule

Manager Bisek questioned whether the proposed fee is high enough or if \$850 would be more appropriate given the District's costs involved in special meetings. There was discussion. Manager Bisek moved to adopt the resolution as revised to set the special meeting fee at \$850 based on consideration of the

managers per diem plus staff costs based on what the District knows are its direct costs for holding special meetings. Manager Crafton seconded the motion. Upon a vote, the motion failed 2-3, with Managers Bisek and Crafton voting in favor and Managers Chadwick, Yetka, and Forster voting against.

President Forster moved to direct staff to bring documentation of the District's costs for holding special meetings to the next Board meeting. Manager Yetka seconded the motion. Upon a vote, the motion carried 5-0.

c. Legal Review of Current Lease Issue

President Forster noted that the meeting packet included the letter drafted by District Counsel to the landlord of the District office.

Manager Crafton moved to direct Counsel to send the letter to the landlord. Manager Bisek seconded the motion. There was discussion about the noise problem, and Administrator Bleser updated the group on recent communication with the landlord. She said that the landlord has communicated that he wants to meet with the District to discuss the issue.

Upon a vote, the motion carried 5-0.

Attorney Smith asked if the Board wants Counsel involved in the meeting with the landlord. The Board indicated yes.

d. United Healthcare Declaration

Attorney Smith explained that the issue is one of the parcels is owned by another organization and it will take time for maintenance declarations to be recorded. He said that in the meantime United Healthcare has stepped forward to assume those responsibilities and to be responsible for the ultimate resolution. Attorney Smith recommended that the Board take action to approve United Health Services to file a declaration, and he read the language he recommended for the motion.

Manager Crafton moved and Manager Yetka seconded to approve the request from the Applicant to modify Permit 2015-060 to allow United Health Services (UHS) to file a declaration for Lot 2, Block 1 (the AGNL parcel) committing UHS to perform all maintenance obligations necessary to comply with Permit 2015-060 and the RPBCWD rules until such time that AGNL secures all necessary approvals to record its declaration, with the further condition that the final maintenance declaration from AGNL must be provided to the RPBCWD administrator for approval prior to recordation by May 31, 2017. Upon a vote, the motion carried 5-0.

9. Discussion Items

a. CAC/Board Communication Process

Administrator Bleser summarized the draft CAC/Board Communication Process and its development. She asked for Board input on the proposed communication process framework and noted that the Board had previously raised the topic of managers attending the CAC meetings either on a rotating basis or otherwise appointing a manager. There was discussion. Manager Yetka commented that she is in favor of trying out the process as drafted and of having managers attend the CAC meetings on a rotating basis as observers.

Mr. Koch asked for Board input regarding how the CAC should handle proposing something to the Board and requesting Board action. There was a long discussion about this process. Administrator Bleser said that staff will bring back to the CAC and to the next Board meeting the draft communication process with modifications discussed tonight.

b. Eden Prairie Stormwater Capture & Reuse Cost-Share Application

Administrator Bleser reported that the District received two cost-share applications from the City of Eden Prairie. She noted that the District knows for sure that one of the projects is moving forward and the Board took action earlier to approve that cost share. Administrator Bleser stated that one is contingent on funding from the Metropolitan Council through a stormwater grant. She explained that the District is working with the City of Eden Prairie and the consultant on the grant application for a water reuse system. She said that staff isn't moving this project forward to the public hearing yet and instead is waiting to take this step until the District knows whether the project will be funded. Administrator Bleser said that this item is information only.

c. Eden Prairie Local Surface Water Management Plan Update

Administrator Bleser stated that the District received the City of Eden Prairie's Local Surface Water Management Plan later than the City's other watershed districts because the plan had been emailed to the wrong email address for the District. She reported that the District is reviewing the plan and is asking the City for an extension of two days for the review. Administrator Bleser said District will recommend a few changes and staff will work with City staff on these recommended changes.

d. Bluff Creek Update

Administrator Bleser reported that staff is waiting on the City of Chanhassen and Carver County for an update of their work with the property owner.

e. MAWD Summer Tour

President Forster announced the MAWD summer June 22-24 in Winona. Administrator Bleser requested that interested managers contact her about the registration.

f. Upcoming Meeting

No updates were raised about upcoming meetings.

10. Upcoming Events

- Public Forum on Bluff Creek Watershed, May 11, 6:30 p.m. ó 8:30 p.m., Chanhassen Recreation Center, 2310 Coulter Boulevard, Chanhassen MN 55317
- CAC Meeting, May 16, 6:30 p.m., District Office
- Public Forum on Riley Creek Watershed, May 18, 6:00 p.m. ó 8:00 p.m., Chanhassen Public Library, 7711 Kerber Boulevard, Chanhassen, MN 55317
- Public Forum on Purgatory Creek Watershed, May 24, 6:30 p.m. ó 8:30 p.m., Eden Prairie Community Center, 16700 Valley View Road, Eden Prairie, MN 55436
- Regular Board Meeting, Wednesday, June 6, 7:00 p.m., District Office
- MAWD Summer Tour, June 22-24, Winona
- Regular Board Meeting, Wednesday, June 29, 7:00 p.m., District Office

11. Adjourn

Manager Crafton moved to adjourn the meeting to the Evening with the Watershed. Manager Chadwick seconded the motion. The meeting adjourned at 6:32.

Respectfully submitted,

Mary Bisek, Secretary