

MEETING MINUTES

Riley-Purgatory-Bluff Creek Watershed District

April 16, 2014, Board of Managers Workshop

PRESENT:

Managers: Mary Bisek, Vice President

Jill Crafton, Treasurer

Perry Forster, President

Leslie Yetka

Administrator: Claire Bleser

Staff: Scott Sobiech, Engineer (Barr Engineering Company)

Michael Welch, Attorney (Smith Partners)

Recorder: Amy Herbert

Other attendees: Steve Gullickser, LLCA

Liz Stout, City of Minnetonka

Mary Krause, City of Eden Prairie

Laurie Susla, LLCA, CAC

Leslie Stovring, City of Eden Prairie

Rod Rue, City of Eden Prairie

1. Call to Order

President Forster called the RPBCWD Board of Managers Wednesday, April 16, 2014, Board of Managers Workshop to order at 4:11 p.m. at Eden Prairie City Center, 8080 Mitchell Road, Eden Prairie, MN 55344. President Forster announced that Manager Wencil would not be attending tonight's meeting.

2. Approval of the Agenda

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

3. Hiring of Staff

Manager Bisek provided an update on the District's hiring process. She reported that the positions were posted for two weeks, and the District received 21 applications for the District Technician position and 13 for the Water Quality and Outreach Coordinator position. Manager Bisek stated that the District Technician salary will be \$37,000 with the position starting May 5th. She said that the Water Quality and Outreach Coordinator salary will be \$40,000 and the position will start part-time next week, moving to full time on May 5th. She described the process that the District went through to review and interview for the positions. She requested that the Board take action to approve signing two letters of hire to extend to the two selected candidates. Manager Bisek moved to authorize the Board to sign and extend the two letters of hire. Manager Crafton seconded the motion. Upon a vote, the motion carried 4-0 [Manager Wencil absent from vote].

4. Office Space

Administrator Bleser shared information on the office space that she is recommending to the Board. She described in details the costs for retrofitting the space, the rent, including the fact that the first year's rent will be \$0, and the base rent per square foot as well as the operating cost per square foot, which together would be approximately \$13 per square foot in cost to the District. Administrator Bleser provided comparisons of these projected costs to the District for this office space with the current office and warehouse costs as well as costs of other office space she investigated.

Administrator Bleser broke down the costs to the District in the amount of \$74,900 for the recommended office space:

- \$53,000 to retrofit the office space;
- \$10,000 for furnishings and office equipment;
- \$1,400 for Internet and phones; and,
- \$10,500 for operations (such as water, gas, electricity)

Administrator Bleser brought up the idea of a District-owned utility truck and estimated the cost of such a vehicle at \$24,000. She said that the costs of the office space and a utility truck can be funded from the District's budget, where \$50,000 is available in the Bluff Creek Fund and \$50,000 from Reserve Funds. She went into more detail about the funding of the Bluff Creek Project and the funds available for the office space.

Attorney Welch recommended that legal counsel review the draft lease once the District receives it. There was discussion on the action the Board would take tonight, additional discussion of the funding of the costs of the office space, and comments on the ancillary costs to the District of owning a vehicle.

Manager Crafton moved that legal counsel draft a letter of intent to the property management company. Manager Yetka seconded the motion. Attorney Welch said that the property management company has prepared a letter of intent for the District's review and signature. Administrator Bleser said that Attorney Louis Smith has reviewed the letter on behalf of the District. Manager Crafton amended her motion to authorize the Board's President to sign the letter of intent. Manger Yetka approved the amendment. Upon a vote, the motion to authorize the Board's President to sign the letter of intent carried 4-0 [Manager Wencl absent from vote].

5. Southwest Light Rail Transit (SWLRT)

Engineer Sobiech said that the Draft SWLRT Preliminary Alignment Review has been distributed to the Board members for review. He asked managers to let him know if they have any comments. He reported that based on recent discussions with the SWLRT, he feels confident that the route will go along the south alignment. He said that a resolution has been adopted selecting the south alignment, and now the project is in the early design process. President Forster said that the District needs to remain vigilant and continue working with the SWLRT on this project. Engineer Sobiech said that if the Board has no comments on the draft preliminary alignment review he will finalize it. Attorney Welch said that the letter from the engineer should emphasize that the project was reviewed against the draft rules and that the finalization of the rules may result in changes to the analysis.

6. Rules Workshop

President Forster explained that the managers have received all of the comments the District received on the proposed rules. Administrator Bleser described how the comments have been organized in the spreadsheet. She noted that there were a few rules that received more comments, including the proposed rules on floodplains, buffers, and stormwater. Attorney Welch informed the Board that there is no statutory requirement dictating how the District responds to comments. He outlined a possible process that would include:

- Staff providing to the Board at its May 17th meeting a specific scope of work outlining what staff thinks it will take to answer the questions according to the directions that the Board has given to staff;
- Staff in May doing outreach efforts to individuals, TAC members, Board members, commenters;
- The District holding in May another public informational meeting on the proposed rules; and,
- Staff bringing the final draft of the rules to the Board's June meeting for action of either adopting and setting an effective date or directing next steps.

Attorney Welch said that there were a number of comments that were based on a misunderstanding of how the rules work. He suggested that the Board hold a public informational session on the proposed rules. There was discussion of the process and ways to make the process efficient.

The Board reviewed the comments received. The Board first looked at and discussed the comments received on Rule B, the proposed floodplain rules.

Next the Board looked at the buffer rules, Rule D, and the triggers and discussed what the rules include and the vegetative requirements defined in the rules. There was consensus that the buffer rules include lakes, creeks, and wetland buffers. There were comments on how buffers positively impact water quality and on how aggressive the buffer rules should be.

Attorney Welch said he hears that the managers would like a pallet of options to look at regarding the buffer rules. The managers concurred. There were comments on the need for education about the buffer rules. Attorney Welch asked if the Board would like a public education event on the rules. The Board indicated yes. Manager Yetka recommended that the District individually contact the people who submitted comments to invite them to the public informational event.

Attorney Welch said that he is hearing direction from the Board to fix the language on vegetative requirements as written in the proposed rules and that the Board is not comfortable with allowing turf in the buffer.

There was discussion of the provisions in the proposed rules to allow trails and boardwalks.

Next the Board considered the comments on stormwater management, Rule J. Attorney Welch said that he is hearing that the managers want to see an option where there needs to be a slightly higher bar, like if there is a 10% increase in impervious surface then the requirement is triggered. There was discussion on what is the threshold in terms of at what point of increase in impervious surface is water quality impacted.

The managers considered the buffers and storm water treatment requirements that the proposed rules set for single family homes. Engineer Sobiech explained that if impervious surface is increased, not only would there be an increase in pollution, but also an increase in volume and rate. He added that with the stormwater rule drafted as it is, there is 75% total phosphorous removal, which would be a hard removal rate to reach through a buffer-only

method. There was a discussion of calculating performance goals. Manager Yetka voiced her concern about making sure that buffers remain intact on all regulated features.

Attorney Welch said that he thinks that this is a place to respond to the comments by changing the rule.

There was discussion of mill and overlay street reconstruction projects and their potential to disturb the underlying soil.

Next the Board discussed MIDs (Minimum Impact Design Standards). Engineer Sobiech explained some of the details of MIDS. Manager Crafton said that she is comfortable with MIDS and having it in the proposed rules. Attorney Welch announced that at the final rules presentation he will provide a recommendation about maintaining MIDS in the District's rules or not.

The Board finished its review of the received comments. Administrator Bleser stated that staff will bring to the Board's May meeting a timeline of next steps.

7. Adjournment

The meeting adjourned at 7:44 p.m.

Respectfully submitted,

Ken Wencil, Secretary