

## MEETING MINUTES

### Riley-Purgatory-Bluff Creek Watershed District

#### February 6, 2013, Board of Managers Regular Meeting

#### PRESENT:

Managers: Mike Casanova, Vice President  
Jill Crafton, Treasurer  
Ken Wencil, Secretary

Administrator: Claire Bleser

Staff: Jason Carroll, Engineer (CH2M HILL)  
Louis Smith, Attorney (Smith Partners)

Recorder: Amy Herbert

Other attendees: Sharon McCotter, CAC and Lake Lucy Homeowners Association  
Leslie Stovring, City of Eden Prairie, Environmental Coordinator  
Bill Satterness, CAC  
Laurie Susla, CAC  
Frank Spahn, CAC  
Shawn Tracy, HDR, Inc.  
Liz Stout, City of Minnetonka

#### 1. Call to Order

Vice President Casanova said that he would be chairing the meeting tonight since President Forster would not be attending. Vice President Casanova called the meeting to order at 7:00 p.m. on Wednesday, February 6, 2013, at Eden Prairie City Center, 8080 Mitchell Road, Eden Prairie, MN 55344.

#### 2. Review and Approval of the Agenda

Vice President Casanova recommended some changes in the order of the agenda and said that Task Order 4, which is a carryover of CH2M HILL contract work from 2012 that will be completed in 2013, is being added to the agenda under the Engineer's Report. He moved to amend the agenda as stated. Motion died due to lack of a second. Vice President called for a motion to approve the agenda as presented in the packet with the addition of Task Order 4 to be discussed by Administrator Bleser. Manager Wencil moved to approve the agenda. Manager Crafton seconded the motion. Upon a vote, the motion carried 3-0 [Managers Casanova, Crafton, and Wencil].

#### 3. 2013 Organizational Actions

##### a. Appointment of the Citizen Advisory Committee

Manager Wencil moved that the Board appoint the Riley Purgatory Bluff Creek Watershed District's Citizen Advisory Committee as listed in the meeting packet [Tom Lindquist, Steve Donen, Kris Langlie, Sharon McCotter, Laurie Susla, Jim Bracke, Jim Boettcher, and Dennis Seeger]. Manager Crafton seconded the motion. Administrator Bleser added the name Bob Shurson to the list of CAC appointees.

The Board approved the amendment. Upon a vote, the motion carried 3-0 [Managers Casanova, Crafton, and Wencil]. Administrator Bleser said that the CAC meeting will be held on February 20<sup>th</sup>.

#### 4. Reading and Approval of Minutes

Vice President Casanova requested a revision to the minutes of the December 17, 2012, RPBCWD Special Meeting. He requested that the references on page 5 of the minutes to "Use and Attainability Analysis" be corrected to read "Use Attainability Analysis." Manager Crafton moved to accept the meeting minutes as amended. Manager Wencil seconded the motion. Upon a vote, the motion carried 3-0 [Managers Casanova, Crafton, and Wencil].

Manager Wencil moved to accept the minutes of the January 2, 2013, Regular Meeting. Manager Crafton seconded the motion. Upon a vote, the motion carried 3-0 [Managers Casanova, Crafton, and Wencil].

#### 5. Purgatory Recreation Area – Presentation from Leslie Stovring

Leslie Stovring, Environmental Coordinator for the City of Eden Prairie, said that she is here to provide an overview of the Staring Lake Watershed and in particular of Purgatory Creek Park. She discussed the history of the area starting with the 1930s and running through to the present. Ms. Stovring described how the area was farmed and the creek was ditched in the 1930s. She said that in the early 1970s, land around Staring Lake started being acquired for park land. She said that the City of Eden Prairie began working with the Riley Purgatory Bluff Creek Watershed District (RPBCWD) in the early 1980s with the Purgatory Creek Recreation Area. Ms. Stovring said that now the area's primary use is for flood storage. She said that up until about 20 years ago northern pike and bass were common fish in Staring Lake.

Ms. Stovring described five project phases, starting with the construction of the outlet control structure. She said that with the outlet's boards in place, the normal water elevation was established at 819 feet. She said that the base of the outlet structure with all of the boards removed is at 815.62 feet. She stated that the boards were removed in the past and are not in the outlet structure. She said that the top of the control structure if all of the boards were in there is 824.5 feet. Ms. Stovring mentioned the construction of the 2.5-mile trail, construction of the bridge, excavation of the open water area within the active park and she mentioned that the fish population there includes northern pike and bass. Ms. Stovring went on talk about the City's current status with the area. She said that the City started the Phase I Stormwater Inventory Project in the Staring Lake Watershed in 2010 and that it took two years to complete the inventory of that watershed. She described the methods the City used in its inventory including the modeling. She said that the modeling enabled the City to develop a prioritization scheme and identify which ponds were critical in the treatment train in the watershed. Ms. Stovring described the next areas that the City will evaluate and said that the information will be helpful for the TMDL (Total Maximum Daily Load) coming up in 2014.

Ms. Stovring described the City's findings of its stormwater inventory of the Staring Lake Watershed. She said that there are 237 basins in that watershed, 171 of those receive public drainage, and there are 25 subwatersheds. She said that 83% of the stormwater comes through Purgatory Creek Park, 10% comes from McCoy Lake, 2% is direct drainage that is treated, and 5% is direct drainage that is not treated. Ms. Stovring said that 90% of the phosphorous is from drainage areas and 10% is from internal loading. She said that the City identified 22 basins

as high priority, meaning that there were issues with them such as they were filling up and the City needs to keep a close eye on them. Ms. Stovring said that there were 19 basins identified as potential projects for clean-out or expansion but most of them were slated as potential expansion projects and not many were identified as needing a clean-out at this time.

Ms. Stovring stated that in order to meet the state standards in the lake, the City would need to remove 2,829 pounds of phosphorous per year. She said that 1,169 pounds of phosphorous come from Minnetonka, 770 pounds come from the Purgatory Creek chain in Eden Prairie, 461 pounds are from internal loading, 173 pounds are direct loading, and 256 pounds are from McCoy Lake, which also includes Round, Mitchell, Red Rock, and Duck lakes. Ms. Stovring summarized that all the subwatersheds including those outside of Eden Prairie would need to reduce their phosphorous load by 50% and internal loading would need to be reduced by 74% just to meet state standards. She said that if the 19 critical projects were done, less than 3% of the required phosphorous removal would be attained and at a cost of approximately \$1.2 million, which calculates out to a cost of \$33,000 per pound of phosphorous removed. Ms. Stovring said that the City of Eden Prairie is in a conundrum since removing phosphorous by traditional means of stormwater treatment is definitely not going to accomplish the goals. She said that Wenck recommends that the City keeps up with its inspections. Ms. Stovring explained that the inventory cycles are about 12 years apart, the City does visual spot checks every five years as required by permit, and the City will schedule ponding areas for clean out and expansion as budget allows. She said a key is the lake itself.

Ms. Stovring said that currently the City is working on two pond expansions: one is the Boulder Point Townhome Association pond at the intersection of Twin Lakes Crossing and Staring Lake Boulevard, and one is the Mitchell Villas Townhome Association pond on Anderson Lakes Parkway and just east of Mitchell Road. She said that the City also is working on an iron-enhanced sand filtration bench that is a stormwater retention pond on the northeast corner of Staring Lake. Ms. Stovring announced that last month City staff removed the beaver dam near the outlet structure on Staring Lake. She said that the City's intent, and the intent when the Purgatory Creek Park was established, was that it would be an aviary or a migration stop and the City's main concern is making sure that there is enough open water to support the aviary and to prevent cattails from becoming the dominant species in there.

Ms. Stovring answered questions from the group. Vice President Casanova asked about the procedure that the City follows to put in the boards at the outlet to ensure the greatest amount of flood storage during a storm event. Ms. Stovring said that the City doesn't know who removed the boards. She said that based on information from Peter Sorenson, the City plans to keep the marsh water elevation where it is at but the City needs to meet with the Department of Natural Resources (DNR) to make sure that it is ok with that elevation because the NWEL is about three feet above where the water level is right now. Manager Wencl asked if the side waterways should be screened so that they are not contributing phosphorous from rain events. Ms. Stovring said that the City has the water flows mapped out and it shows that a lot of the water comes off the Mn/DOT highway and into the main pond. There was a discussion about the technology of screens and iron filings.

Manager Wencl commented that the phosphorous needs to be controlled but the carp population needs to be controlled, too. Ms. Stovring agreed and said that is the reason behind the drawdown, which has resulted in approximately 70% of the lake being frozen.

Citizen Advisory Committee (CAC) Member Bill Satterness asked if there is another 100- year flood event and all of the boards have been removed from the weir would there be a great risk of severe floods in that area and downstream. Ms. Stovring said that Staring Lake would be at risk of flooding of the trees, the outdoor center, and

the observatory. Mr. Satterness asked if the City is responsible to protect against flooding or if not, who is responsible for the prevention of floods. Ms. Stovring said that issue is one of the things that the City needs to sort out by sitting down with the DNR, the University of Minnesota (UMN) and talking about how all of this is going to work and what needs to be done next. Ms. Stovring noted that the City thinks that the boards have been gone for at least five years.

There was discussion of the freeze out and the number of carp that may have been frozen out. Ms. Stovring had maps of the area on display and pointed out features on the maps. Manager Wencil asked what Wencil and Blue Waters have recommended to the City for a course of action. Ms. Stovring said that in its report, Wencil recommended the same thing that Peter Sorenson recommended, which was to get out the carp and then either do an alum treatment or install some sort of aeration system. She said that Steve McComas of Blue Water recommended the draw down because it would be beneficial to the fish and vegetation.

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

Mr. Satterness asked about the agenda for the Board's meeting next week. He asked if the Board anticipated making any changes to the 2013 budget that the Board previously approved. Administrator Bleser said that there will be some budget changes recommended at next week's meeting since items have come up since the budget's approval such as the Task Order being discussed tonight regarding finishing the Purgatory Creek modeling. Administrator Bleser said that she doesn't think any of the proposed budget changes are big changes. Manager Crafton said that in the time since the Board approved the budget, the District received a \$150,000 grant. There was further discussion of budget changes that would be discussed at the next meeting. Vice President Casanova asked Administrator Bleser to post on the District Website a table showing where the District expended its 2012 funds and how it plans to expend its 2013 funds. Mr. Satterness commented that it is appropriate for the District to refine the budget as things come in but he expressed concern that citizens need to be informed of the proposed changes if the changes could result in things not getting funded that citizens thought were going to be funded. Manager Wencil recommended that the CAC attend next week's meeting.

## 7. Treasurer's Report

Manager Crafton reported that two invoices came in late and weren't included in the list of current invoices: an invoice for long-term disability in the amount of \$2,176.66 and an invoice for short-term disability in the amount of \$1,412.99. She said that the District approved providing the long-term and short-term disability as part of the Administrator's package. Manager Casanova had a question for the Engineer about the Lake Lucy Project. Engineer Carroll answered his question. Manager Crafton moved to accept the Treasurer's Report. Manager Wencil seconded the motion. Upon a vote, the motion carried 3-0 [Managers Casanova, Crafton, and Wencil]. Manager Crafton moved to pay the bills. Vice President Casanova seconded the motion. Upon a vote, the motion carried 3-0 [Managers Casanova, Crafton, and Wencil].

## 8. Engineer's Report

[See discussion under agenda item 12.]

## 9. Attorney's Report

Attorney Smith provided an update on the Surety claim that the Relianz Insurance Company has owed the

District. He recommended that the District not take any action and instead wait for the distribution. Attorney Smith said that the District does not need to take any action unless it sees a need to do so and said that this item can be brought back in front of the Board again at a later date. Vice President Casanova asked Attorney Smith to check into the Insurance Guarantee Association.

Attorney Smith also reported that the District has received correspondence from a resident of Shorewood regarding responsibility of maintenance of a stormwater pond in the City of Shorewood. He said that the response is that the District doesn't have obligation to do the maintenance work, but he asked that before Smith Partners offers any further legal advice he would like the District to acknowledge that Smith Partners represents the neighboring Minnehaha Creek Watershed District and he would be more comfortable with the District acknowledging that and waiving any Conflict of Interest. He said that he doesn't perceive any conflict between the two Districts on this issue since both Districts are taking the same posture on this issue. Vice President Casanova suggested that any RPBCWD member approached by the resident refer him to the District Attorney. Manager Crafton moved to waive District concern about conflict of interest. Manager Wencil seconded the motion. Upon a vote, the motion carried 3-0 [Managers Casanova, Crafton, and Wencil].

Manager Casanova asked Attorney Smith if he had heard about the lawsuit filed by the Virginia Department of Transportation against the United States Environmental Protection Agency. Attorney Smith had not. Vice President Casanova asked him to update the Board if he does hear news about it.

## 10. Administrator's Report

Administrator Bleser reported on the proposed Task Order 4. She explained that it is updating the billing practices for the ongoing Task Orders by applying the new billing practices that the District and CH2M HILL have worked out in the new Standard Agreement. Manager Crafton moved to approve Task Order 4. Manager Wencil seconded the motion. Upon a vote, the motion carried 3-0 [Managers Casanova, Crafton, and Wencil].

Administrator Bleser reported on the proposed Task Order 3. She said that since 2008 CH2M HILL has been working to update the hydraulics and hydrology model of the District. She said that the original task order ordered only a section of Purgatory Creek and that the District budgeted \$75,000 for the work for 2013. Administrator Bleser said that she has worked with CH2M HILL to estimate the cost it would take to finish the entire model, calibrate it, and merge the three models together. She said that the cost of that work is not to exceed \$139,000. Manager Crafton moved to approve Task Order 3 at a cost not to exceed \$139,000. Manager Wencil seconded the motion. Upon a vote, the motion carried 3-0 [Managers Casanova, Crafton, and Wencil].

There was further discussion of the modeling task. Administrator Bleser provided information about the grant awarded to the District. She said that the Minnesota Board of Water and Soil Resources (BWSR) notified the District that it was the recipient of a Fiscal Year 2013 Clean Water Fund Competitive Grant-Community Partners Conservation Program in the amount of \$150,000. She said that the District match to the grant will be \$37,500. Administrator Bleser said that the grant and match, totaling \$187,500, will fund a community grant cost-share program to help non-profits within the watershed to implement Best Management Practices (BMPs).

Administrator Bleser said that as part of this grant agreement, BWSR needs documentation that the Board officially has accepted the grant. She said that she would like the Board to pass a motion to accept the Clean Water Fund Grant for the Community Partners Conservation Program in the amount of \$150,000 with the District match of \$37,500. Manager Wencil asked where the \$37,500 will come from the District's 2013 budget. Administrator Bleser said she thinks it would come from the 509 fund. She said that right now District staff is

developing the criteria for its small-grant application and that she thinks the application process will happen in late spring.

Manager Crafton moved to accept Fiscal Year 2013 Clean Water Fund Competitive Grant-Community Partners Conservation Program in the amount of \$150,000 with the District match of \$37,500. Manager Wencil seconded the motion. Upon a vote, the motion carried 3-0 [Managers Casanova, Crafton, and Wencil].

Vice President Casanova asked Administrator Bleser if she has met with the cities regarding Aquatic Invasive Species (AIS). Administrator Bleser said that she has spoken with the cities individually but not combined and that a combined meeting with Eden Prairie and Chanhassen will be happening in the future.

## 11. Manager's Discussion

### a. Request from Eden Prairie for District Assistance with Repair and Maintenance at Homer Hills

Manager Wencil moved to hold this item over until next month since two managers were missing from this meeting. Manager Crafton seconded the motion. Upon a vote, the motion carried 3-0 [Managers Casanova, Crafton, and Wencil].

### b. Use Attainability Analysis

Vice President Casanova requested that Administrator Bleser send copies of the Lake Lucy and Lake Ann Use Attainability Analysis to the managers. Administrator Bleser said that they are online on the District's Website under the category of Official Reports. Vice President Casanova said he would like the managers to look at the UAA because he is not confident that the managers know what UAAs do. He said that he wants it to be very clear regarding what UAAs will provide to the District. Administrator Bleser said that the request for proposals that went out specified that the work would comprise updating the UAAs and adding a management plan to reach the goal of bringing the lake water quality in those systems to meet state standards. She said that the work would not only be composed of redoing those UAAs but also will include developing a plan of action. There was discussion on UAAs. Vice President Casanova said that the managers should be looking at additional benefits it can receive from updating these UAAs.

### c. Meetings

The managers reported on meetings and presentations they have recently attended.

Vice President Casanova said that he would like to receive the Board meeting packet a week prior to the meeting or at least by the weekend before the meeting.

### d. Report by Liz Stout, Engineer, City of Minnetonka

Ms. Stout described the project undertaken in the City of Minnetonka to restore 300 linear feet of Purgatory Creek just downstream of the intersection at Scenic Heights Drive. She described how the slopes were sloped back to a more natural channel and then live stakings of native dogwoods and willows were put in, which will stabilize the banks. She said that the construction costs were \$46,000 and the engineering costs were \$6,000, so this was a very cost effective project. She said that the City will keep its eye on this site for the next couple of years and the City may use it as a pilot project for moving downstream with other sections of creek restoration. Ms. Stout said that the City received very positive feedback from the residents about the project.

## 12. Engineer's Report

Engineer Carroll reported that CH2M HILL provided Administrator Bleser all of the files, which was 90 gigabytes of data. He noted that now for monitoring CH2M HILL is sending one staff along with one volunteer student.

Manager Crafton moved approval of the Administrator's Report, the Attorney's Report, and the Engineer's Report. Manager Wencil seconded the motion. Upon a vote, the motion carried 3-0 [Managers Casanova, Crafton, and Wencil].

### 13. Upcoming Events

- a. **RPBCWD Special Meeting** – Wednesday, February 13, 2013, Heritage Room, Eden Prairie City Center
- b. **RPBCWD Board Meeting** – Wednesday, March 6, 2013, 7:00 p.m., Heritage Room, Eden Prairie City Center

### 14. Adjournment

There being no further business, Manager Crafton moved to adjourn the meeting. Manager Wencil seconded the motion. Upon a vote, the motion carried 3-0 [Managers Casanova, Crafton, and Wencil].The meeting adjourned at 8:34 p.m.

Respectfully submitted,

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Ken Wencil, Secretary