

MEETING MINUTES

Riley-Purgatory-Bluff Creek Watershed District

September 2, 2015, Board of Managers Public Hearing and Monthly Meeting

PRESENT:

Managers: Mary Bisek, Vice President

Richard Chadwick

Jill Crafton, Treasurer

Perry Forster, President

Leslie Yetka, Secretary

Staff: Claire Bleser, RPBCWD Administrator

Michelle Jordan, RPBCWD Water Quality & Outreach Coordinator

Scott Sobiech, Engineer (Barr Engineering Company)

Louis Smith, Attorney (Smith Partners)

Other attendees: Bob Adomiaitis, CAC, LRIA

Larry Koch, Chanhassen Resident

Jim Bracke, Red Rock Lake Assoc.

Sharon McCotter, CAC

Alan Catchpool, CEI Engineering Assoc.

Dave Modrow, City of Eden Prairie

Brandon Champeau, United Properties

Dorothy Pederson, CAC, Silver Creek

Gayle Degler, Chanhassen Resident

Liz Stout, City of Minnetonka

Zac Essig, EVS Inc.

Leslie Stovring, City of Eden Prairie

Laurie Hable, CAC

Laurie Susla, CAC, LLCA

Lin Hornelawd, Creamery Commercial

1. Call to Order

President Forster called the Wednesday, September 2, 2015, Board of Managers Public Hearing and Monthly Meeting to order at 7:08 p.m. at the RPBCWD District Office at 14500 Martin Drive, Suite 1500, Eden Prairie, MN 55344. He reported that at 5:30 p.m. this evening the Board met in a closed session. President Forster explained that the purpose of the closed session was to review the job performance over the past year of Administrator Bleser. He summarized that the consensus is that Administrator Bleser has exceeded the requirements of the position and that an adjustment has been made to her salary. President Forster explained that regarding the salary adjustment, the Board took into consideration the survey done by the Minnesota Association of Watershed Districts regarding salaries. He said that Administrator Bleser's salary has been adjusted upward by 6%.

2. Approval of the Agenda

President Forster announced that the Oath of Office for reappointing Manager Crafton to a three-year term needs to be added to the agenda following the approval of the agenda. He said that Hennepin County has reappointed Manager Crafton for another three-year term. President Forster stated that an item needs to be added to the agenda

as 6A – Discussion of the Bluff Creek Business Park. President Forster noted that under agenda item 14, an item D needs to be added as an informational item about the Cost-Share Program. He announced that Consent Agenda item 13aiv. 2015-036 Saville West Subdivision will be pulled off the consent for discussion and added to the agenda. Attorney Smith pointed out that item 6-Eden Prairie Local Surface Water Management Plan- is an action item, not an information item as listed on the agenda. Manager Crafton moved to approve the agenda as amended. Manager Yetka seconded the motion. Upon a vote, the motion carried 5-0.

3. Oath of Office: Manager Crafton

Attorney Smith conducted the Oath of Office to instate Manager Crafton as a RPBCWD manager for another three-year term.

4. Public Hearing: 2016 Budget and Levy

President Forster introduced Administrator Bleser to talk about RPBCWD's proposed 2016 budget and levy. Administrator Bleser described the watershed, its size, its watersheds, and the cities located in the watershed. She displayed a PowerPoint slide regarding the District's 10-year plan in action. Administrator Bleser summarized the District's programs and projects. She reviewed the District's 2015 budget and levy, noting that the 2015 levy was close to \$2.4 million dollars. Administrator Bleser presented the District's proposed 2016 budget and levy. She announced that the proposed levy is approximately \$2.5 million dollars, which is an increase of about \$100,000 over 2015. Administrator Bleser said that the taxable market value in the District increased 7% over last year.

Administrator Bleser went through the proposed 2016 budget in detail. She said that the proposed 2016 Education and Outreach budget has increased to \$114,000 compared to the 2015 budget of \$65,000. She explained that the District is planning to contract with a public relations firm in 2016 and that this increase in public relations is one reason for the Education and Outreach budget increase. Administrator Bleser went through the projects, studies, and programs budgets, talking about the work and budgets for Aquatic Invasive Species (AIS), Data Collection, District-wide Floodplain Evaluation, Low Impact Development (LID), the Watershed Management Plan refresh, Total Maximum Daily Load study (TMDL), Creek Restoration Action Strategies (CRAS), studies, and water quality projects.

Administrator Bleser brought up the berm-failure project on City of Eden Prairie property. She said this project is not set in stone yet and although she has budgeted \$225,000 for it, the project cost could be greater. Administrator Bleser reported that the City of Eden Prairie has communicated that it will provide \$20,000 toward the project. She reminded the Board that at a Board meeting in 2014, the City of Eden Prairie raised the idea of the District cost-sharing on this project but at that time no costs were known. Administrator Bleser said discussion with the City needs to continue regarding whether the City would take on maintenance of the project. She recommended that the District keep this project in the budget and look at it again in December when the Board takes another look at its budget and some of the details of this project have been ironed out.

Administrator Bleser opened the floor for questions. President Forster remarked that Administrator Bleser stated that the District's taxable market value increased 7% over last year, and he noted that the proposed 2016 budget is a 4% increase. President Forster asked for a breakdown of the estimated levy payment by Carver County and Hennepin County for the proposed 2016 budget. Administrator Bleser said that the estimate is that Carver County is about 24% of that taxable market value, so approximately \$600,000 and Hennepin County is 76%, or \$1.9 million dollars.

President Forster stated that this is a public hearing on the District's proposed 2016 budget, and he called for comments.

Mr. Jim Bracke of Red Rock Lake asked about the berm project in the City of Eden Prairie and asked if Administrator Bleser thinks that the details could be worked out with the City. Administrator Bleser said that she thinks there is still information to be gathered. Mr. Bracke said it surprises him that since the project is a flood control project and is located on City property the City of Eden Prairie isn't offering to take on more responsibility. Administrator Bleser provided history of the project, explaining that the City petitioned the District to do the project and the District did the project but to-date no agreement has been found that states the District is responsible for maintaining the berm.

Mr. Gayle Degler of the Carver County Board of Commissioners asked if this project was in the District's budget in prior years. Administrator Bleser responded no. Mr. Degler said that if in December the District Board decides not to pursue this project then would the funds that are budgeted for the project get used for other projects. Administrator Bleser responded yes. Mr. Degler commented that the County will pass its preliminary budget on September 15th and after that time the Board can lower the budget but cannot increase it.

Mr. Adomiatis of the CAC and LRIA asked for a more detailed breakdown of the proposed 2016 Education and Outreach budget. Administrator Bleser provided that breakdown, stating that the proposed budget for communication and education materials such as displays, website maintenance, brochures, printing, copying, and postage is \$24,000, which is the same amount as in the 2015 budget. She said that for 2016 the District proposes adding to its Community Education Program some AIS outreach at a budget of \$5,000 and signage with a budget of \$8,000. She described the other components of the proposed 2016 Community Education Program, including storm drain markers, Project NEMO, Website development and social media, public education workshops and outreach, and water quality reports. Administrator Bleser explained that this year the District proposes budgeting \$30,000 for the Master Water Stewards program, which is an increase of \$25,000 over last year's budget for the Master Water Stewards program. She said that public relations is a new education and outreach item for 2016 PR and has a proposed budget of \$15,000.

Mr. Larry Koch of 471 Bighorn Drive in Chanhassen asked for a breakdown of the money proposed to be spent on invasive species. Administrator Bleser responded that the District has a grant with the University of Minnesota, which is \$75,000, AIS inspections at \$50,000, the Rice Marsh Lake aeration program at \$15,000, Mitchell Lake plant management at \$15,000, Red Rock Lake plant management at \$15,000, Curly leaf pondweed treatment at Lake Riley and Lake Susan at \$20,000, Lake Riley Eurasian Watermilfoil treatment at \$10,000, Plant restoration with the University of Minnesota at \$75,000, and the AIS outreach portion of the Education and Outreach budget at \$5,000.

Mr. Koch requested that the Board consider budgeting more than \$50,000 for AIS inspections, which is the amount the District has budgeted for at least the past two years. He asked how much money is allocated for which lakes under the proposed 2016 studies budget. Administrator Bleser said that the Minnesota Pollution Control Agency (MPCA) is providing a grant to the District for the TMDL work, and the District is budgeting to supplement the grant funds with \$30,000 in order to include more of a public process. She talked about the CRAS program and its proposed budget of \$25,000. She described the Purgatory Creek Use Attainability Analysis (UAA) and the lakes that will be addressed as part of it and said the budget for this UAA is \$50,000. Mr. Koch asked if there will be any lakes remaining that are not part of an updated UAA once the Purgatory Creek UAA is completed. Administrator Bleser said Hyland Lake remains, but she noted that it will be partially addressed by the TMDL. She added that there is a small lake in Eden Prairie as well that has not been included in an updated UAA.

Mr. Koch asked about the funds budgeted for the fish passage project. Administrator Bleser clarified that those funds are allocated from a previous budget and if not used will go into reserve.

Mr. Degler asked for clarification on the funds budgeted for 2016 for AIS inspections. Administrator Bleser said that the budget is the same as it was for last year and those funds are for partnering with the City of Chanhassen and the City of Eden Prairie.

Ms. Susla of the CAC and the LLCA commented that she read on the agenda that there would be a budget discussion but tonight's discussion has been more of a levy discussion. She asked if there will be a time that the budget and the how the money will be spent will be discussed. Ms. Susla said that there was no information in the meeting packet about the budget; there's was only a handout provided at tonight's meeting. President Forster stated that there was a budget workshop preceding last month's meeting and there was a discussion of these items at that time. He said there will be another discussion at a future meeting. She said that she couldn't find the budget information online. Administrator Bleser said it was distributed at the meeting. Ms. Susla asked if the District would please post it online. Administrator Bleser responded yes.

President Forster reiterated that the Board will at a future meeting go through the projects one more time and say whether to go with the amounts budgeted or to lower those amounts. He said that now the Board needs to certify the levy for Carver and Hennepin counties.

Ms. Susla said that when there is a public hearing it is helpful to have the information beforehand.

President Forster called for additional comments. Upon hearing none, he closed the public hearing.

Attorney Smith stated that the District is required, on or before September 15, to adopt a budget for the year and also to certify the tax levies. He explained that regarding watershed law purposes, these actions tonight are final. Attorney Smith said that as a result of the recent act by the Legislature the District is required to announce tonight that at the Board's November meeting, which is the first Wednesday of November, the Board will hold a public informational meeting. He said the meeting will be another opportunity for the public to comment on the District's budget and proposed tax levies and the Board will be able, if it so wishes, to take further action to reduce those proposed budget levies but the Board may not increase them. Attorney Smith noted that the Board would not need to take any action if it does not wish to make any changes. He said that the District would need to certify that information to the Counties' auditors in December.

Attorney Smith reminded the Board that the budget it sets tonight does set the core and does identify the projects that the District is taxing to spend money on for the coming year. He explained that the large projects have additional legal process that the District goes through such as holding public hearings, reviewing designs, making sure that the projects are feasible, so there will be a public process for each of those projects. Attorney Smith asked if there are any questions about the process. Upon hearing none he continued by saying the Board has two actions it needs to take.

Attorney Smith stated that the first action is on the District's budget. He said that the budget handout identifies a total levy in the amount of \$2,531,500 and identifies that the anticipated revenue amount the District would receive from expected permit fees is \$15,000, but that anticipated revenue is not part of the District's levy.

Attorney Smith read aloud the resolution on which the Board needs to take action to adopt the District's annual budget for 2016 in which the amount to be raised by ad valorem tax levies to meet this budget is \$2,531,500. He said that the Board would be adopting the budget as it was distributed this evening. Manager Bisek clarified that the date on the resolution should be today's date, September 2, 2015.

Manager Crafton moved to adopt the resolution adopting the budget of \$2,531,500 with the proposed language presented by Legal Counsel. Manager Bisek seconded the motion. Manger Chadwick said that he will vote against the motion because he does not feel that the District should raise taxes above where the District was last year without showing progress or under certain unusual circumstances. By call of roll, the motion carried 4-1 (Manager Chadwick voted against the motion).

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

Attorney Smith explained that the second action in front of the Board is to adopt its levy resolution. He read aloud the resolution directing the Board’s secretary to certify to the county auditors of Hennepin and Carver counties in amounts bearing the same proportion to the total levy as the net tax capacity of the area of each county within the watershed bears to the net tax capacity of the entire watershed the sum in the amount of \$2,531,500 for the purpose of paying the cost of watershed management planning and implementation as provided in Minnesota state statutes 103B.241 and 103B.251.

President Forster provided a breakdown of the levy responsibility between the two counties, explaining that Carver County is 23.6556% and Hennepin County is 76.3404%. He stated that the actual dollar amount for Carver County is \$598,942.77 and for Hennepin County \$1,942,557.23.

Manager Yetka move to approve the resolution to authorize the secretary to certify the levies as presented by Legal Counsel. Manager Crafton seconded the motion. By call of roll, the motion carried 4-1 (Manager Chadwick voted against the motion).

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

5. Eden Prairie Cost-Share Hearing: Purgatory Road Creek Stabilization Project

Administrator Bleser reminded the Board of the details of this project on lower Purgatory Creek. She said that the Board has seen a permit application for this project and at that time the Board asked why this project hadn't applied for a District cost-share grant for the project. She said that in front of the Board tonight is the cost-share grant application for the project. Administrator Bleser reported that the total budget for the project is \$127,500. She explained that the applicant's funding request is for \$25,000, but the Board will be considering funding \$20,000, which is the District's cost-share grant program's maximum funding amount. She went into further detail about the project and what the funds would support. Administrator Bleser responded to questions.

President Forster reminded the group that this is a public hearing, and he called for comments. Mr. Larry Koch of 471 Bighorn Drive, Chanhassen asked if this project is on public property. Administrator Bleser responded yes, it is on City property.

President Forster called for additional comments, and upon hearing none he closed the public hearing.

Manager Yetka moved to approve the cost-share grant for the Purgatory Road Creek Stabilization Project in the amount of \$20,000. Manager Crafton seconded the motion. Upon a vote, the motion carried 5-0.

6. Eden Prairie Local Surface Water Management Plan

President Forster announced that this agenda item is about a letter that the Board needs to consider approving and sending to the City of Eden Prairie regarding the City's Local Surface Water Management Plan (LSWMP). He introduced Leslie Stovring of the City of Eden Prairie, who did a presentation on the City's LSWMP. Ms. Stovring responded to questions.

Attorney Smith commented that as was made clear in the first part of Ms. Stovring's presentation, the City of Eden Prairie, like all the cities in the watershed, had a lot of obligations imposed on them in regarding water resources. He talked about the Minnesota Pollution Control Agency's storm water permitting process and how it places a lot of obligations on the cities. Attorney Smith mentioned the watershed planning process and how it runs through different state agencies and watershed districts. He said the challenge for watershed districts and cities is to figure out how these two systems can work together well. He noted that cooperative partnership has been the guide for success and is the key guide for how to approach the review of the City's plan.

Attorney Smith stated there is a legal set of requirements imposed on the watershed district and the City about how they work through this process. He explained that one of those requirements is that the watershed district act within 60 days of receiving the plan. Attorney Smith stated that there has been some discussion of extending time to continue work on this, but as of now there isn't an extension. He said that the Board will not meet again before that 60-day timeframe expires and for that reason it is Legal Counsel's recommendation that the Board take action tonight to let the City know based on the plan that has been presented where things stand from the District's perspective. Attorney Smith explained that this is the reason the Board has a draft staff-prepared letter in front of it. He stated that the letter will provide the City with notice of where the District's review of the plan that has been presented stands.

Attorney Smith went into detail about the draft letter and its points. He described how the letter offers two options on how to proceed: 1. Take the position in the current plan that the City does not intend to exercise a regulatory role, but if at some point it does intend to do so, the City will amend its plan and go through the plan amendment process with the District; or, 2. Issue an extension of time where the City and District continue to work this out.

Attorney Smith highlighted one of the comments on the back page of the letter regarding if the City does want to take on the exclusive regulatory role, then a lot of these standards needs to be revised to be more regulatory, objectively measured kinds of standards.

President Forster stated that the letter is written with the option of trying to gain cooperation and working together with a common goal in mind.

Manager Crafton moved to send the letter to the City of Eden Prairie. Manager Yetka seconded the motion. Upon a vote, the motion carried 5-0.

7. Bluff Creek Business Park

Administrator Bleser said that this item is informational only. She said that being presented is an early-stage concept of what a developer is proposing adjacent to Bluff Creek. Administrator Bleser explained that this topic will be discussed in more detail in the future. She reminded the Board that Bluff Creek was evaluated as part of the CRAS and has been identified as a severe erosion site. She described the location of the proposed concept and said that the project might be an opportunity to look at creek restoration of Bluff Creek in that area.

Administrator Bleser introduced Zac Essig of EVS Inc. and Brandon Champeau of United Properties to present the development concept. Mr. Essig presented the concept and responded to questions. There was discussion about porous pavers and maintenance of them, whether reconfiguration of the concept is possible so that the project doesn't encroach on the 100-year floodplain, and whether there are slope stability concerns.

Manager Chadwick moved to table this item until the Board can have input from the technical staff. Manager Crafton seconded the motion. Upon a vote, the motion carried 5-0.

8. Reading and Approval of Minutes

a. August 5, 2015, RPBCWD Board of Managers Monthly Meeting

President Forster, Manager Crafton, and Attorney Smith noted corrections and insertions to be made.

Manager Crafton moved to approve the minutes as amended and with the insertions noted by Legal Counsel. Manager Bisek seconded the motion. Upon a vote, the motion carried 5-0.

9. Hearing and Discussion of Matters of General Public Interest

Liz Stout, City Engineer for the City of Minnetonka and RPBCWD TAC member, announced that she has accepted a new position with the City of Minneapolis starting October 1. She offered comments of appreciation for the opportunity over the past 10 years to work closely with the RPBCWD Board.

Gayle Degler of the Carver County Board of Commissioners thanked the Board on behalf of Carver County for the District's participation in the County's Aquatic Invasive Species (AIS) inspection program. He said that the County looks forward to continuing to work together in the future.

Laurie Susla of the LLCA thanked the Board for its participation with the AIS inspection program. She spoke of an inspector preventing a jet ski that had weeds with zebra mussels attached from entering Lotus Lake. Ms. Susla said this experience highlights the importance of inspections and how they should not stop at Labor Day. She asked that as budget is considered for 2016, the District consider putting in more money so that the inspection program can run for a longer period of time. Ms. Susla said that the LLCA would love to see a greater financial commitment from the City of Chanhassen and the District.

10. Citizen Advisory Committee (CAC)

Ms. Pederson reported that staff developed for the CAC a lake information matrix. She said the CAC thinks this matrix would be helpful to the public. Ms. Pederson pointed out that the minutes from the CAC's August meeting reflect several motions. She said that one of the motions is that the Board adds into the plan as part of the plan refresh something similar to this lake information matrix. Ms. Pederson remarked that the CAC's secretary had the idea of having some sort of informational night for each lake or sub-district area, so that if anyone has questions about what is happening in their lake, they could come and ask. President Forster commented that perhaps there could be some sort of presentation made at the lake associations' annual meetings.

There was discussion about the matrix and the information included as well as how to work these ideas out in terms of staff time.

11. Treasurer's Report

Manager Crafton announced that the Treasurer's Report has been modified to include an expenditure of \$250 for an aeration permit and that this will increase expenses by \$250 and decrease net income by \$250.

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

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

12. Engineer's Report

Manager Crafton moved to accept the Engineer's Report as submitted. Manager Bisek seconded the motion. Upon a vote, the motion carried 5-0.

13. Administrator and Staff Report

Manager Yetka commented on the wording of one of the sentences in the report. Administrator Bleser said that she would revise the wording. There was a brief discussion about the District's upcoming Cycle the Creek event on October 10. Manager Crafton moved to accept the Administrator's report. Manager Bisek seconded the motion. Upon a vote, the motion carried 5-0.

Administrator Bleser took names of those managers interested in attending the September 15th Clean Water Summit at the Minnesota Landscape Arboretum.

Administrator Bleser asked if the Board still wanted to do volunteer coverage through the District's LMCIT insurance as the District has done for the past few years. The Board indicated yes.

Administrator Bleser pointed out that in the meeting packet there is an engagement letter from Redpath & Associates, which has been the District's auditor for the past few years. She said that the District has another requirement to report on now, which is the GASB-68, and the auditor is willing to take on that additional reporting. Administrator Bleser explained that with that additional reporting and the audit, the District still is within what it budgeted for this work 2016.

Manager Crafton moved to hire Redpath & Associates to perform the audit. Manager Yetka seconded the motion. Upon a vote, the motion carried 5-0.

14. Board Action

- a. **Consent Items: i. Consent Permit 2015-010 Children’s Learning Center, ii. Consent Permit 2015-020 – Dawn Valley Chapel, iii. Consent Permit 2015-035 – LaMettry’s Motorplex, v. Consent Permit 2015-041-Eden Prairie Center**

Manager Yetka moved to approve the Consent Item approving permits 2015-010, 2015-020, and 2015-035. Manager Crafton seconded the vote. Upon a vote, the motion carried 5-0.

- b. **Permit 2015-036 Saville West Subdivison**

Administrator Bleser explained this item was pulled off the Consent because this morning she had a meeting with the City of Minnetonka at which the City shared a concern with some of the treatment they are proposing. She said she would like the Board to take action to approve a 60-day extension. Engineer Sobiech added that it is a 60-day extension for review of the permit application, including the timeline. Manager Bisek moved to approve a 60-day extension for permit review for permit 2015-036. Manager Crafton seconded the motion. Upon a vote, the motion carried 5-0.

- c. **2015-011 Eden Prairie Ponds Variance Request**

Engineer Sobiech stated that the City of Eden Prairie is proposing to do sediment removal work in a couple of wetlands to help improve storm water drainage and to ease potential flooding. He displayed maps of the areas. Engineer Sobiech described the work proposed by the City. He explained that because the proposed work disturbs area within the floodplain, the project triggers the District’s buffering requirements around the wetlands. He said that from a floodplain perspective, the project removes sediment and there is no filling.

Engineer Sobiech stated that the City is requesting a variance from the buffering requirements for a couple of reasons: 1. Because of the signage requirements; 2. Because of the requirement in terms of the area that would need to be buffered.

Engineer Sobiech talked further about the project, displaying maps showing the wetland delineation, the areas under the City of Eden Prairie conservation easement, and the drainage and utility easement. He explained that the City is proposing no buffers around the pond that was constructed in the wetland. Engineer Sobiech stated that within the drainage and utility easements, the City is not proposing any buffer. He said that within the conservation easement, the City proposes to just utilize that conservation easement to fulfill the buffering requirements. Engineer Sobiech explained that the City of Eden Prairie is requesting a variance from having to provide buffering outside of the City’s conservation easements because, the City states, the City’s drainage and utility easements do not allow the City to do buffers on drainage and utility easements. He explained that the City is also requesting a variance from the signage requirement. He said that the City wants to utilize its existing signs that it uses for its conservation easement areas, which don’t meet all of the District’s requirements but contain some of them including the “don’t mow” message. Engineer Sobiech noted that the City’s signs do not include information about the reason for the buffer or District contact information.

Engineer Sobiech pointed out on a map two wetlands and noted that there are conservation easements around them but currently no signs because originally the easements did not allow signs. He said that the City has indicated it will work with the property owner to see if the City can install signs in those areas, but because the City’s signs don’t meet the signage requirements, the City is asking for a variance.

Attorney Smith commented that the District doesn’t want to set the precedent that the District is not going

to require buffers within drainage and utility easements within the watershed. He said that in these circumstances the City is making a pretty clear case that the purposes of the District's buffer requirement have been achieved and the square footage, and staff is recommending that if the Board grants the variance that the Board requires the City to document what the restriction is in the drainage and utility easements that does not allow the City to buffer.

Manager Bisek asked if there would be some benefit to having at least some signage by that pond. Engineer Sobiech said that from his perspective he thinks signage is always helpful to educate people.

Manager Bisek moved to approve granting the variance for the reasons cited by Legal Counsel, specifically that the purposes of the buffer requirement will be achieved, and the City will document the restrictions in the drainage and utility easement that impose hardship in achieving a buffer, and emphasizing that staff will work with the City on adding signage where possible. Manager Crafton seconded the motion. Engineer Sobiech read aloud the additional conditions staff recommends 1) Continued compliance with General Requirements, 2) Receipt of a written agreement with the RPBCWD documenting the buffer maintenance requirements in accordance with Rule D, Subsection 3.4, 3) Submission of documentation supporting the city's claim of limitation on its rights under the relevant drainage and utility easement precluding establishment or maintenance of buffer area and 4) Installation of buffer monumentation on conservation easements consistent with RPBCWD buffer rule and as approved by the administrator. . Manager Bisek made the friendly amendment to include those conditions. Manager Crafton agreed. Upon a vote, the motion carried 4-0 [Manager Chadwick abstained].

d. Lake Susan Spent Lime: Bid Award

President Forster said that the managers have received a memo from Barr Engineering about the results of the three bids received. He said that the recommendation is that the bid from Minger Construction be accepted. There was a short discussion on elements of the bid and the background of Minger Construction.

Manager Bisek moved to approve awarding the bid to Minger Construction Company Inc. in the amount of \$160,493. Manager Crafton seconded the motion. Upon a vote, the motion carried 5-0.

e. TMDL-MPCA

Administrator Bleser reported that staff had a discussion with the Minnesota Pollution Control Agency (MPCA). She stated that the scope of work is reduced to only Total Suspending Solids (TSS) for Lower Riley Creek and Lower Purgatory Creek. She explained she is requesting that the District pull money from its reserve funds to direct Barr Engineering to develop the work plan to deliver to the MPCA. Administrator Bleser stated that the work plan is required in order for the District to enter into the agreement with the MPCA regarding the cost share.

Manager Crafton moved that the District allocate \$5,000 from its reserve funds for Barr Engineering to develop a work plan to submit to the MPCA to move forward on the TMDL (Total Maximum Daily Load) project. Manager Yetka seconded the vote. President Forster asked for more information about the money that the District will be getting back. Administrator Bleser said that the District will get \$6,000 per creek and \$7,000 for each of the six lakes. Administrator Bleser reminded the Board that the MPCA is not requiring the public involvement and so the MPCA's reimbursement will not cover all of the project costs. Upon a vote, the motion carried 5-0.

f. Chaska Plan

Administrator Bleser updated the Board that that staff still is working with the City of Chaska on language included in the plan. She said that no action is required.

15. Manager’s Discussion

a. Major Plan Amendment

Administrator Bleser announced that staff delayed the presentation on the Lake Riley and Rice Marsh Lake UAA presentation to come in front of the Board along with the Wenck presentation at next month’s Board meeting.

She reported that she has been in communication with the property owner regarding the fish passage and Bluff Creek area streambank restoration project but that unfortunately her recent calls and communications to the property owner to gather more information have gone unanswered. Administrator Bleser reminded the Board that the District has state funding for this project. She said that she contacted the Minnesota Board of Water and Soil Resources (BWSR) to see if the District is limited in its use of these funds to only that section of the creek identified as part of this project. She reported that BWSR responded that as long as the project is in that area and meets similar water quality and project goals, the District can transfer the site of the project. Administrator Bleser noted that this change would require a plan amendment. She said that she just wanted to introduce this concept to the Board.

There was discussion about the difficulties accessing the fish passage project site. Administrator Bleser reminded the Board that the culvert is the property of the Hennepin County Regional Rail Authority, and she described the options staff has already explored in order to try to design a way to access the site.

Attorney Smith asked if the Board feels like it has given staff clear direction. Manager Yetka moved to direct staff to pursue other options. Manager Crafton seconded the motion. Upon a vote, the motion carried 5-0.

b. Permit Fee Structure

Administrator Bleser reported that she compiled documentation from other watersheds about their fee structure and she will provide this information to the Board. She said this item can be a discussion item at the Board’s next meeting.

c. Cost-Share Program

Michelle Jordan, RPBCWD Water Quality & Outreach Coordinator, introduced the idea of the District allowing in its cost-share program the potential to use native cultivars and non-native plants. She provided more information about her research on native cultivars, non-native plants, and pollinators as well as about the requirements set by other entities’ cost-share programs regarding plants. Ms. Jordan stated that she thinks this topic warrants Board discussion at some point. Ms. Pederson suggested that the Board send this topic to the CAC. There was discussion. President Forster directed the CAC to discuss this issue and provide a recommendation to the Board.

Ms. Jordan commented that some cost-share programs fund maintenance fees for one or two years, at least for single-family home projects. She suggested that the Board consider the idea of contracting the cost of maintenance for the first couple of years while cost-share project plantings are getting established. Administrator Bleser said that more discussion on the cost-share program will be part of a future Board meeting.

16. Upcoming Events

- Clean Water Summit, September 15, 2015, University of Minnesota Arboretum, all-day
- CAC Meeting, September 21, 2015, 6:30 p.m.
- Regular Board Meeting, October 7, 2015, 7:00 p.m.
- NEMO Workshop on the Water, July 22, 2015, 7:00 p.m.
- Cycle the Creek: Bluff Creek, October 10, 2015, 9:00 a.m. – 11:30 a.m.
- Winter Parking Lots and Sidewalk Workshop, October 20, 2015, NMCWD, 9:00 a.m.-2:00 p.m.
- Winter Roads Workshop, October 22, 2015, RPBCWD, 9:00 a.m. -2:00 p.m.

17. Adjourn

Manager Chadwick moved to adjourn the meeting. Manager Yetka seconded the motion. Upon a vote, the motion carried 5-0. The meeting adjourned at 10:52 p.m.

Respectfully submitted,

Leslie Yetka, Secretary