

**MEETING MINUTES**

**Riley-Purgatory-Bluff Creek Watershed District**

**June 5, 2013, Board of Managers Regular Meeting**

**PRESENT:**

- Managers:** Mary Bisek  
Mike Casanova, Vice President  
Jill Crafton, Treasurer  
Perry Forster, President  
Ken Wencil, Secretary
- Administrator:** Claire Bleser
- Staff:** Jason Carroll, Engineer (CH2M HILL)      Tim Thoreen, Engineer (CH2M HILL)  
Louis Smith, Attorney (Smith Partners)
- Recorder:** Amy Herbert
- Other attendees:** Kris Langlie, CAC and Liesch Assoc.      Bob Shurson, CAC  
Bill Satterness, CAC      Liz Stout, City of Minnetonka  
Dennis Seeger, CAC

**1. Call to Order**

President Forster called the meeting to order at 5:07 p.m. on Wednesday, June 5, 2013, in the Heritage Room at Eden Prairie City Center, 8080 Mitchell Road, Eden Prairie, MN 55344.

**2. Approval of the Agenda**

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

**3. Interview for Future District Engineer**

**a. Wenck Associates**

Chris Meehan of Wenck Associates introduced himself and the other Wenck staff participating in the interview: Joe Bischoff, Ed Matthiesen, and Kent Torve. Mr. Meehan provided a 15-minute presentation, accompanied by PowerPoint slides, addressing Wenck’s watershed experience, toolbox of solutions, and collaborative work process. He described the Wenck staff that would be working as the District’s engineering team and highlighted qualifications of the team members.

Mr. Meehan described Wenck’s approach of adaptive management, the steps involved, and how Wenck would apply the approach to the District’s initiatives and goals. He spoke about Wenck’s collaborative work process and said that Wenck identifies how it can leverage the strengths and resources of all of the

partners involved.

President Forster opened the floor for a 15-minute question and answer period, and the Wenck staff fielded questions from the Board. When the question and answer time was up, President Forster thanked Wenck for coming.

**b. Barr Engineering Company**

Scott Sobiech of Barr Engineering Company introduced himself and the other Barr Engineering staff participating in the interview: Ray Wuolo, Tom MacDonald, Kurt Leuthold, and Janna Kieffer. Mr. Sobiech said that Barr Engineering would like this interview time to be an open dialog between Barr Engineering and the District and said that questions are welcome as they arise. He described Barr Engineering's proposed staffing structure for its work as the District's Engineer and summarized the responsibilities that staff would undertake. Mr. Sobiech described the project structure of Barr Engineering's work and explained how the expertise of Barr Engineering's 700 scientists and engineers would be resources for the District.

Mr. MacDonald discussed Barr Engineering's approach of looking at problems from a watershed perspective. Mr. Wuolo described his expertise in hydrogeology. Ms. Kieffer described her experience with hydrology and hydraulic modeling and stormwater planning and rulemaking. Mr. Leuthold described his experience with green infrastructure and low-impact development. The Board asked questions, which were fielded by the Barr Engineering staff members. When the 15-minute presentation and 15-minute question and answer time was up, President Forster thanked Barr Engineering for coming.

**c. Houston Engineering Inc.**

Nancy Stowe of Houston Engineering Inc. introduced herself and the other Houston Engineering staff participating in the interview: Mark Deutschman and Larry Kramka. Ms. Stowe described how Houston Engineering would work with the District and explained Houston Engineering's approach in doing business with the District. She talked about the company's watershed work and experience. Ms. Stowe told the Board that Houston's tailored approach to working with clients is to: do exceptional technical work, understand the client's needs, develop steps to ensure the client's success, and engage on the client's behalf. She provided details on each of the steps of that approach and described how Houston Engineering would listen to and would collaborate with the District, would be accountable to the District and transparent in how business is transacted, and would engage the public and stakeholders.

President Forster opened the floor for a 15-minute question and answer period. Houston Engineering staff answered the Board's questions. When the period was up, President Forster thanked Houston Engineering for coming.

#### 4. Managers' Discussion for Professional Services

*[Engineer Thoreen arrived.]*

The Board members provided their opinions on the important factors to consider as part of this deliberation process. Each member provided input and the Board asked the Administrator for input. After Board discussion, Manager Crafton moved that the Board select Barr Engineering Company as the District's Engineer. Manager Wencl seconded the motion. Upon a roll call vote, the motion carried 5-0.

	Ay	Nay
Bisek	X	
Casanova	X	
Crafton	X	
Forster	X	
Wencl	X	

President Forster called for a short break.

### 5. Reading and Approval of Minutes

President Forster resumed the meeting. Manager Bisek moved to accept as submitted the minutes of the April 3, 2013, regular board meeting. Manager Wencl seconded the motion. Upon a vote, the motion carried 5-0.

President Forster asked the CAC if it approved of the minutes of its May 21, 2013, meeting as included in the meeting packet. The CAC members in attendance indicated yes.

### 6. Correspondence

Administrator Bleser said that on page 12 of the *Lake Minnetonka Guide* is the District's and Minnehaha Creek Watershed District's partnership advertisement about aquatic invasive species prevention. Administrator Bleser reported that the District received a letter from the Blue Thumb asking for funding for 2014. She said that she would include the letter in the District's packet next month.

### 7. Citizen Advisory Committee

CAC Advisor Bill Satterness announced that CAC has changed its regular meeting time to 6:30 p.m. from here on out.

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

CAC Advisor Bob Shurson raised his concern about the possibility of weed harvesting not taking place on Mitchell Lake this season. Administrator Bleser said that the process is in progress and the permits were issued to the City of Eden Prairie today. She said that the weed harvesting will occur at Mitchell Lake and Red Rock Lake.

### 9. Treasurer's Report

Manager Crafton said that the report is in the meeting packet. She stated that the report now includes the payroll costs that were part of the District's monthly payments but may not have been reflected in the accounts payable section of the report. President Forster said that those costs are reflected on pages 2 and 5 of the report. Manager Crafton moved to accept the Treasurer's Report as submitted. Manager Bisek seconded the motion. Upon a vote, the motion carried 5-0.

Manager Crafton moved to approve payment of the District's bills. Manager Bisek seconded the motion. Upon a vote, the motion carried 5-0.

## 10. Engineer's Report

Engineer Carroll said that the Engineer's Report is in the meeting packet and noted that the Lake Lucy report is not included. He handed out the draft Lake Lucy report and said that anyone having comments on the draft should please get them to him. Manager Wencil asked if there was any fish kill from the past winter. Engineer Carroll said there was fish kill at Duck Lake. Manager Wencil asked about the Riley Purgatory Recreation Area. Administrator Bleser said that there is a pool area there that didn't freeze all the way and a lot of the carp congregated there. She said that the University of Minnesota continues to learn more about the system and continues to develop solutions regarding the carp breeding grounds of the Rec Area.

Engineer Carroll said that the interns are trained on the monitoring and data management and have been out on their own doing the monitoring. He said that the modeling is progressing very well and they are halfway through the flow monitoring period. He said that once the flow monitoring is complete in the end of June, the data will be calibrated in July, and it will all be complete by August.

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

## 11. Attorney's Report

Attorney Smith said that the main items in the report will be addressed as part of the rulemaking item slated for later in the meeting agenda. He presented his recommendation for the District's protocol for e-mail correspondence. He said that to address Open Meeting Law concerns, the District should avoid serial communications. He said that the District can do so by the Administrator sending out e-mails to the group by inserting their e-mail addresses into the BCC [Blind Carbon Copy] address line and then noting in the body of the e-mail that the managers have been blind copied.

## 12. Administrator's Report

### a. Curly-leaf Pondweed Update

Administrator Bleser said that the lake-wide herbicide treatment on Lake Susan and on Lake Riley has been fulfilled. She said that she is processing the paperwork to submit to the Minnesota Department of Natural Resources (DNR) to get the District's grant funds. She reported that the District got 99% of the signatures of the Lake Riley residents and said that the one non-signature was a non-response. She said that the Lake Riley Association played a key role in getting those signatures. There was a short discussion of the treatment of the two lakes.

### b. Cost-share Program Update

Administrator Bleser reported that 12 individuals came to the information session about the Cost-share program. She said that the program is getting a lot of interest and said that there was an article about the program published in the *Sun* newspaper. She said that the Carver County technical specialist has been doing site visits during the last couple of weeks and the District has received a program application. Administrator Bleser responded to Board questions.

### c. Stormwater Ponds

Administrator Bleser explained that the District's water quality assistants are looking at the pond data gathered in 2010 and 2012 and are mapping out what information the District has and knows in terms of total phosphorous. She said that they are noticing there are three tiers, and she said that she is concerned

about the top tier where the data averages one milligram per liter and higher of phosphorous, which are very high levels. She said that these levels may indicate sources of phosphorous into the District's water system. Administrator Bleser had the water quality assistants look at the past UAAs (Use Attainability Analysis) and locate ponds that were identified through modeling as possible sources of phosphorous. Administrator Bleser reported that she has met with Wenck and with Barr Engineering about the UAA updates. She asked them where they thought it would be beneficial to collect additional information in those subwatersheds, leading to the development of a list of ponds that the District should sample if possible. She said that this process is a good way for the District to determine sources of phosphorous and determine if a particular stormwater pond is a source of pollution. She said that now she is working with staff to figure out how many ponds they can sample.

**d. Data Collection and Monitoring**

Administrator Bleser said that staff members Lindsey Albright and Jeff Anderson have been out sampling lakes and will be out sampling creeks. The Board discussed ways that the staff can be identified as part of the Riley Purgatory Bluff Creek Watershed District. The Board authorized Administrator Bleser to move forward with ordering and purchasing the identification items discussed.

**e. Rulemaking**

Administrator Bleser noted that the minutes of the Rulemaking meeting is in the meeting packet. She said that further discussion on this item will be handled as a Board Action agenda item. Administrator Bleser responded to Board questions about the cost-share program and also about the status of the fish barrier between Staring Lake and the Purgatory Creek Recreation Area. Administrator Bleser said that the fish barrier was put in just north of the Outdoor Center and on the south side of Staring Lake Parkway. She said that unfortunately with the high waters there was scouring at the bottom of the fish barrier and the carp made their way into the Purgatory Creek Recreation Area. She said that Dr. Sorenson proposed two scenarios: keep the carp in the Rec Area and capture them when they do their run, or remove the barrier and let the carp go back to Staring and capture them on their second run to the Rec Area. Administrator Bleser said that Dr. Sorenson is inclined to recommend the second scenario as opposed to letting the carp stay in the Rec Area.

There was further discussion of the fish barrier, its design, and its location. Administrator Bleser said that the District and the City of Eden Prairie need to work on developing the fish barrier, work on its design, and look at an alternative area for placement of the barrier.

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

## 13. Board Action

**a. Bylaws**

Administrator Bleser stated that in the last Board packet, the Bylaws were presented. She recommended adoption of these Bylaws and explained that they would supersede the District's current bylaws. Attorney Smith said that his understanding is that the new Bylaws have been prepared to repeal and replace the previous bylaws. He stated that the new Bylaws were in the District's last meeting packet, so the District has met its requirement of providing 30-days' notice. Manager Crafton moved that the District repeal its previous bylaws and replace them with the new Bylaws. Manager Bisek seconded the motion. Upon a vote, the motion carried 5-0.

**b. Purgatory Recreation Area Plan**

Administrator Bleser reminded the Board that as discussed at a previous meeting, it was discovered that both the City of Eden Prairie and the District have not fulfilled the requirements of their permits for the Area. She said that one of the requirements was creating a management plan of the Rec Area. She said that the DNR has asked the City and the District to develop the plan by year-end. Administrator Bleser explained that the DNR communicated that it is willing to help with the development of the plan.

Administrator Bleser said that the City of Eden Prairie asked if the District would be interested in sharing the cost of the plan development. She stated that in April when she notified the Board of this information, a cost estimate for the plan development was not available. She said the cost information is now available from the City and is included in the meeting packet. Administrator Bleser said that the proposal details a cost of \$6,400 to the District for the first phase of the project and a cost of \$5,000 for the second phase. She said that the plan development approach is multi-stakeholder. She explained that due to the type of permit, the District and City are required to hold a public meeting with the landowners around the Rec Area as part of stakeholder involvement. Administrator Bleser recommended the District approve conducting phase 1 in partnership with the City of Eden Prairie and then evaluate action about phase 2.

Manager Casanova presented information on the matter from a May 22, 2013, e-mail from Jack Gleason of the DNR. Manager Casanova reported that the DNR said that the plan for moving those boards in and out of the weir needs to be done by October. Manager Casanova requested that when the District is notified by anyone of any violations of any law at all, whether that communication is directed to the Administrator, that the letter or communication be distributed to all Board members directly. CAC Advisor Bill Satterness asked about the City of Eden Prairie's proposed share of the cost. Administrator Bleser said that the cost share between the City of Eden Prairie and District would be 50-50. Mr. Satterness asked if by approving the cost share on the plan development the District is setting a precedent that the District will share the costs 50-50 of potential projects coming out of that plan. President Forster said absolutely not.

Manager Crafton moved that the District approve moving forward with phase 1 at a cost of \$6,400. Manager Bisek made a friendly amendment to say that if a plan from 2000 is found to be applicable, that it be the basis of the new plan in phase 1 and that by approving the funding of phase 1 the District in no ways binds itself to future cost share for the end product of this project. Manager Crafton agreed with the amendment and retracted her motion.

Manager Bisek moved that the District approve moving forward with phase 1 at a cost of \$6,400 and if a plan from 2000 is found to be applicable, that it be the basis of the new plan in phase 1 and that by approving the funding of phase 1 the District in no ways binds itself to future cost share for the end product of this project. Manager Crafton seconded the motion. Upon a vote, the motion carried 5-0.

**c. Stormwater Ponds**

Administrator Bleser said that this task order was submitted by CH2M HILL at a previous meeting and the District delayed the discussion to this meeting. Administrator Bleser outlined the task order and said that the work relies on utilizing the interns for the labor, so those labor costs are not part of the task order. Manager Crafton asked what the value is of this proposed work. Administrator Bleser said that the value of looking at the stormwater ponds is to try to identify culprits that may be sources of pollutants to the District's water resources. Administrator Bleser said that she has been thinking about whether the District could monitor ponds that have been identified by data in the UAAs as possible sources of phosphorous, which would be in addition to replicating the monitoring of the 61 ponds that have been monitored in the

past. She said that she sees the District’s direction with its stormwater work as adding on to its knowledge data base in terms of which ponds are sources of pollutants, going out in the field and taking samples, and identifying the location of possible sources of pollution.

Administrator Bleser said that her vision deviates from the task order in terms of the idea of modeling the Rapid Assessment Protocol. She explained that she thinks the District doesn’t have enough data to model yet. She said it would be valuable for the District to know if some of those stormwater ponds are big loaders to the District’s natural systems and with that knowledge the District could take the next step of discussing what the District could do to remediate those sources. She said that it is up to the Board if it wants to move forward with the proposed task order, but she said that she sees the cost as high given that the District is providing the staff for the work. There was lengthy discussion of the past stormwater pond sampling, the goals of gathering further data, the goals of the task order, and the time limitations on putting together another task order to bring in front of the Board.

Manager Crafton moved that the Board not approve Task Order No. 2 as detailed in the meeting packet and that the Board utilize current staff to do the stormwater pond sampling. Manager Wencil seconded the motion. Upon a vote, the motion carried 5-0.

**d. Minor Plan Amendment/ Rulemaking**

Attorney Smith explained that the purpose of the Minor Plan Amendment is consistent with proceeding with the District’s regulatory program and reinstating a permit program and will, in the front of this process, put the District’s stakeholder on notice that the District is changing its approach from the approach listed in its current Plan. He said that the proposed amendment was presented to the task force, who contributed to the current wording. Attorney Smith said that staff has prepared the Resolution Adopting Watershed Management Plan Regulatory Program Amendment, which is being handed out. He noted that the Board previously approved undertaking a Minor Plan Amendment for the cost share program and staff had recommended that both changes get included in the same Minor Plan Amendment process.

Manager Bisek recommended a change to the Proposed Regulatory Plan Amendment, section 7.1 “Vision” so that “restore, protect, and manage the water resources in the District” replaces the phrase “sustain the achieved conditions.” There was a discussion of the recommendation. Manager Bisek moved to strike the words “sustain achieved conditions” and to insert “improve, protect, and manage the water resources in the District.” Manager Crafton seconded the motion. Upon a vote, the motion carried 5-0.

Manager Crafton moved to adopt the Resolution Adopting Watershed Management Plan Regulatory Program Amendment, and she read the last two paragraphs of the resolution. Manager Wencil seconded the motion. Upon a roll call vote, the motion carried 5-0.

	Ay	Nay
Bisek	X	
Casanova	X	
Crafton	X	
Forster	X	
Wencil	X	

#### 14. Manager's Discussion

**a. Floodplain Rule**

Administrator Bleser said that the meeting packet includes the information on floodplain management drainage alterations as discussed as part of the rulemaking meeting. She said that she wanted to make the Board aware of what was discussed. Attorney Smith commented that the District is not acting on this issue tonight, and he and Administrator Bleser will keep the Board updated throughout the rulemaking process.

**b. Upcoming Board Agenda**

Administrator Bleser announced that the next Board meeting will be on Monday, June 24<sup>th</sup>. She said that Barr Engineering and Wenck will present on the UAA updates at that meeting. President Forster commented that he will be out of town in August on the date of the Board's regular meeting and requested that the meeting date be changed.

**c. Budget Workshop**

Administrator Bleser said that the Board needs to do a budget workshop and could do it in August. President Forster asked Administrator Bleser to look at the calendar and bring up the Board's meeting and workshop schedule again at the Board's June 24<sup>th</sup> meeting.

#### 15. Upcoming Events

- a. Native Plan Market Fair** – Wednesday, June 5, 2013, 3:00 p.m. - 7:00 p.m., Minnetonka City Hall
- b. Raingarden and Beyond Workshop** – Monday, June 17, 2013, 6:00 p.m. – 9:00 p.m., Eden Prairie Outdoor Center
- c. Board Meeting** – Monday, June 24, 2013, 7:00 p.m., Eden Prairie City Hall

#### 16. Adjournment

There being no further business, Manager Wencl moved to adjourn the meeting. Manager Crafton seconded the motion. Upon a vote, the motion carried 5-0.The meeting adjourned at 9:01 p.m.

Respectfully submitted,

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Ken Wencl, Secretary