

MEETING MINUTES

Riley-Purgatory-Bluff Creek Watershed District

October 1, 2014, Board of Managers Monthly Meeting

PRESENT:

Managers: Mary Bisek, Vice President

Jill Crafton, Treasurer

Perry Forster, President

Ken Wencil, Secretary

Leslie Yetka

Staff: Michelle Jordan, RPBCWD

Louis Smith, Attorney (Smith Partners)

Scott Sobiech, Engineer (Barr Engineering Company)

Recorder: Amy Herbert

Other attendees: Bob Adomnaitis, Eden Prairie; SWMLC

Andrew Allen, Chanhassen

John Bushey, Lake Riley ó Eden Prairie

Richard J. Chadwick, Chanhassen

Bill Copping, Bloomington

Greg Fletcher, LLCA; SWMLC

Anne Florenzano, Eden Prairie

Greg Halvarson, Eden Prairie

Julie Koch, Chanhassen

Larry A. Koch, Chanhassen

Sharon McCotter, CAC

Dennis Seeger, CAC

Bob Shurson, Eden Prairie

Laurie Susla, LLCA; CAC

1. Call to Order

President Forster called the RPBCWD Board of Managers' Wednesday, October 1, 2014, Board of Managers Monthly Meeting and Public Hearing to order at 7:03 p.m. in the Council Chambers at Eden Prairie City Center 8080 Mitchell Road, Eden Prairie, MN 55344.

2. Approval of the Agenda

President Forster announced that Administrator Bleser would not be at tonight's meeting, and he requested to amend the agenda to withdraw item 12 ó Administrator Review. Manager Crafton moved to approve the agenda as amended. Manager Wencil seconded the motion. Upon a vote, the motion carried 5-0.

3. Reading and Approval of Minutes

a. August 27, 2014, RPBCWD Rules Open House and Q&A

Attorney Smith commented that the August 27th open house was not a meeting of the RPBCWD Board of Managers and said that only one manager attended. He stated that the meeting notes are a summary of the open house and are part of the rulemaking record. Attorney Smith recommended that the Board not take action on the summary notes since they are not meeting minutes of the Board. He recommended that the

Board instead consider the summary notes as part of the District's rule making record. The Board consented.

b. September 3, 2014, RPBCWD Meeting and Public Hearing

Attorney Smith recommended:

- deleting the second paragraph on page 8;
- adding "or wetland" to the first sentence in the third paragraph on page 8 to read "it would trigger a buffer on the creek or wetland."
- Revising the first sentence, fourth paragraph on page 8 to replace the word "timeframe" with "effective date of the rules once adopted."
- Revising the second and third sentences, fourth paragraph on page 8 to read, "He said that the timeframe the Board originally discussed has passed but asked if the Board is comfortable with a timeframe that would include the rules being adopted with an effective date that would be quite soon and a three-month grace period where property owners who have projects underway" "
- Revising the fifth paragraph on page 8 to read, "Administrator Bleser said staff would like to write a press release to distribute to the District's official publications and post on the website as a more general response to comments."
- Revising the third sentence, sixth paragraph on page 8 to add the words, "of comments and responses," so that the sentence reads, "and also provides an ongoing document that would provide reference to the rules and then to leave the matrix of comments and responses in the record."

President Forster requested a revision on page 10. He said that Secretary Ken Wencl was not in attendance at that meeting so the minutes should indicate that Leslie Yetka, Secretary Pro Tem submitted the minutes.

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

c. September 22, 2014, RPBCWD Special Meeting and Public Hearing

Attorney Smith requested the revision of the third sentence on page 8 to remove the words, "statute is ambiguous," and insert, "there is need for more discussion." The revised sentence would read, "He said that there is need for more discussion about what happens when the District updates its plan and how quickly it triggers an obligation by the City to update its standards."

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

4. Hearing and Discussion of Matters of General Public Interest

President Forster announced that the Board would not be taking action tonight on the proposed rules. No matters were raised.

5. Citizen Advisory Committee

CAC Chair Dennis Seeger reported that the CAC has met twice since the Board's last monthly meeting. He said that the CAC met on September 4th to review and revise the CAC's Bylaws and refine its Operations, Use, and Expectations document. He reported on the discussion topics at the CAC's September 15th meeting.

He announced that the CAC passed three motions:

- The CAC requests that the RPBCWD Administrator provide an agenda topic calendar for the 2015 Board of Managers meetings. Mr. Seeger stated that the CAC would like to have its agendas concurrent with the agenda topics that will be discussed by the Board.
- The CAC recommends that the managers meet with the CAC semi-annually to discuss ongoing projects and upcoming key items. Mr. Seeger said a suggestion is that these meetings take place prior to the regular manager meetings.
- The CAC recommends biannual state-of-the-watershed tours for the CAC with the tour schedule being set in January of the tour years. He said that the tour would enable the CAC members to become familiar with the entire watershed and to follow the progress of the various projects.

President Forster thanked Mr. Seeger for the update.

6. Treasurer's Report

Engineer Sobiech noted that an amended Treasurer's Reports will be issued. He explained that a couple of minor revisions needed to be made to separate out some of the items. President Forster said that the revisions won't change the numbers but will clarify information in the report.

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

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

7. Engineer's Report

Engineer Sobiech provided a brief summary of the items in the Engineer's Report. He noted that an emergency replacement will be done on the culvert at Mitchell Road, and talked about a recent meeting about this project with the City of Eden Prairie, Hennepin County, and Bent Creek Golf Course, who is the property owner on the upstream side.

Manager Bisek asked about the item regarding the damage to equipment at the Purgatory Creek monitoring station due to flooding. She wanted to know if there is anything the District can do to prevent the damage from occurring again. Engineer Sobiech responded. There was a short discussion.

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

8. Administrator's Report

President Forster summarized the Administrator's Report in the meeting packet. Manager Yetka moved to accept the Administrator's Report as presented. Manager Crafton seconded the motion. Upon a vote, the motion carried 5-0.

President Forster noted that he recently read, "The Big Thirst," by author Charles Fishman and recommended it.

9. Board Action

a. Rules

Engineer Sobiech reported that District staff has continued to meet with City of Eden Prairie staff to discuss their concerns and ideas for potential revisions to the rules. He pointed out that the meeting packet includes a draft letter to the City of Eden Prairie to allow the District to work with the City of Eden Prairie to develop a banking program for Best Management Practices. Engineer Sobiech provided an example of how the banking program theoretically could work. He pointed out that the draft letter specifically discusses the Town Center in Eden Prairie. He explained that the City has recently communicated that it has other areas it is considering and requested that the letter be more general regarding the areas.

President Forster commented that at the previous meeting of the Eden Prairie City Council, the Mayor encouraged the City Council and the RPBCWD Board of Managers to get together to continue addressing these issues. President Forster said that the Board needs to take action to direct staff to send the letter to the City of Eden Prairie. He noted that he made some minor revisions to the letter presented in the packet and would get those revisions to Engineer Sobiech.

Manager Bisek remarked that she hopes the rules continue to have safe guards to ensure stormwater treatment is done throughout the entire construction process and not allow phases to be done without stormwater treatment protections in place. Engineer Sobiech agreed and said that stormwater volume reduction and pollution reduction measures should be implemented prior to any construction.

Manager Yetka asked for more details about stormwater banking. Engineer Sobiech provided more information.

Manager Yetka moved to approve sending the letter to the City of Eden Prairie incorporating the revisions mentioned tonight. Manager Crafton seconded the motion. Upon a vote, the motion carried 5-0.

b. 2015 AIS Inspections

President Forster reported that the City of Chanhassen is inquiring if the District is planning to fund the AIS inspections in 2015 in the amount of \$25,000. President Forster said that at this point those funds are in the District's budget for 2015 so the answer would be yes. Engineer Sobiech suggested that the District should touch base with the City of Eden Prairie to see if it is still interested in the AIS inspection funding from the District for 2015.

Manager Crafton moved to direct Administrator Bleser to talk with the City of Chanhassen and the City of Eden Prairie to discuss the District's 2015 budget for AIS inspections. Manager Wencl seconded the motion. Upon a vote, the motion carried 5-0.

c. University of Minnesota Grant – No Cost Extension

Engineer Sobiech reported that Administrator Bleser has been in discussions with the University of Minnesota on extending the program into 2015 at no additional cost to the District. He described the details that Administrator Bleser is working out with the University.

President Forster added that the reason the work would be extended at no cost to the District is that for a couple of years the University didn't accomplish all that it budgeted to do so there is a significant amount of money remaining. He said that this money will be used to do the work in 2015. He commented that it has recently been discovered that once the project is over the District will own another truck as well as an electro-boat.

d. Microscope Purchase

President Forster stated that there is a bid in the packet for this proposed purchase of a microscope in the amount of \$3,624.00. He said that he is fine with the purchase of the microscope but would like Administrator Bleser to see if she could find one at a better price. Manager Bisek moved to approve the authorization of the expenditure for the microscope up to the amount of \$3,700 and to encourage the Administrator to seek at least three price quotes. Manager Crafton seconded the motion. Upon a vote, the motion carried 5-0.

10. Manager's Discussion

a. RPBCWD Open House

President Forster reported that Administrator Bleser has recommended that the District hold an open house in its new location. There was discussion and agreement with the idea. Manager Bisek suggested that the open house is timed so that the District's mobile decontamination station can be on display at the open house.

b. Clean Water Fund Grants - Update

President Forster stated that the District was not awarded Clean Water Fund grants out of the previous funding round. He said that Administrator Bleser is doing follow ups to gather more information about why the District did not receive grant funding. Engineer Sobiech stated that the deadline for the most recent round of Clean Water Fund grants was last Friday and the District submitted three applications. He said that the applications were for the Lower Riley Creek streambank stabilization, an accelerated analysis for Chanhassen Town Center, and looking at how to improve the efficiencies of the stormwater pond near Target in Chanhassen.

c. Plant Management Plans – Update

President Forster said that the plant management plans for Lake Lucy, Mitchell Lake, and Red Rock Lake will be presented on Wednesday, October 22 starting at 6 p.m.

d. 2015 Work Plan

President Forster stated that Administrator Bleser has a work plan and is developing work plans with staff members Josh and Michelle. He said that the Board will see the work plans in the next month or so.

e. Special Meeting – Rules

President Forster said that Administrator Bleser is considering a special meeting on either October 13th or 15th. Attorney Smith requested that the Board move the special meeting back from those dates by at least a week to allow for time to prepare all of the materials. There was discussion. President Forster recommended asking Administrator Bleser to work out the date.

Larry Koch at 471 Bighorn Drive asked why there is an urgency to hold the special meeting in the middle of October and why the discussion couldn't be on the agenda at a regularly scheduled meeting. He said that he doesn't see any reason to rush this and encouraged that the Board not address the rules prior to its next regularly scheduled meeting. Mr. Koch said that he feels that this group is holding too many special meetings especially since the District's plan states that one of the District's goals is for cooperation and interaction from the public. He encouraged the Board to follow its policy set forth in its plan to encourage participation and as a result not have the plan meeting any earlier than the District's next regularly scheduled meeting.

Richard Chadwick of 9530 Foxford Road on Lake Riley said that he represents the community of Lake Riley Woods. He said that Lake Riley Woods has a community beach lot. Mr. Chadwick stated that at the

District's Rules Open House, the attorney announced that the proposed rules were amended so that single family residential lots as classified by the City may be exempt from certain requirements of the proposed rules.

Mr. Chadwick explained that he checked with the City of Chanhassen and found out that Lake Riley Woods is not listed under the City's classification of single family residential lots but is in fact listed as rural residential lots. He said that it is his understanding that there are a number of residential communities in Chanhassen and in Eden Prairie that are classified as rural residential lots. He wanted to point this out so that the rural residential lots are also included in the rules definitions and in the rules exemptions along with single family residential lots. Mr. Chadwick said he was advised by the City of Chanhassen that the Lake Riley Woods beach lot is classified as an outlot and not as a single family residential lot. He said that the City said that there are 20 other similarly classified outlots in the City of Chanhassen. Mr. Chadwick requested that outlots be exempt from the District's proposed rules and said that if the outlets are not exempt it would severely limit the use of those outlots by their communities.

President Forster thanked Mr. Chadwick for his comments and asked for the name of Mr. Chadwick's contact at the City of Chanhassen so that the District could follow up.

11. Upcoming Events

- **Special Board Meeting**, TBD
- **Winter Roads Workshop**, Tuesday, October 21, 2014, Minnetonka Community Center
- **Winter Parking Lot and Sidewalk Workshop**, Thursday, October 23, 2014, RPBCWD Office
- **Citizen Advisory Committee Meeting**, Monday, October 20, 6:30 p.m., RPBCWD Office
- **Board Meeting**, Wednesday, November 5, 2014, 7:00 p.m.
- **Board Meeting and Evening with the Watershed**, Tuesday, December 2, 2014

12. Adjournment

Manager Wencil moved to adjourn the meeting. Manager Crafton seconded the motion. Upon a vote, the motion carried 4-0 [Manager Wencil absent from the vote]. The meeting adjourned at 7:59 p.m.

Respectfully submitted,

Ken Wencil, Secretary