

MEETING MINUTES

Riley-Purgatory-Bluff Creek Watershed District

March 6, 2013, Board of Managers Regular Meeting

PRESENT:

Managers: Mary Bisek
Jill Crafton, Treasurer
Perry Forster, President
Ken Wencil, Secretary

Administrator: Claire Bleser

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

Recorder: Amy Herbert

Other attendees: Steve Doner, CAC and Lotus Lake Conservation Alliance (LLCA) Bill Satterness, CAC
Kris Langlie, CAC Dennis Seeger, CAC
Tom Lindquist, CAC Laurie Susla, CAC
Sharon McCotter, CAC and Lake Lucy Homeowners Association

1. Call to Order

President Forster called the meeting to order at 7:04 p.m. on Wednesday, March 6, 2013, at Eden Prairie City Center, 8080 Mitchell Road, Eden Prairie, MN 55344.

2. Review and Approval of the Agenda

Manager Bisek asked the Board to add under Manager's Discussion a discussion of future topics for meeting agendas. Manager Bisek moved to approve the agenda with that addition. Manager Crafton seconded the motion. Upon a vote, the motion carried 4-0 [Manager Casanova absent from vote].

3. 2013 Organizational Actions

a. Appointment of two additional Citizen Advisors to the Citizen Advisory Committee

Administrator Bleser requested that the Board appoint Frank Spahn and Bill Satterness to the Purgatory Bluff Creek Watershed District's Citizen Advisory Committee. Manager Crafton moved to appoint Frank Spahn and Bill Satterness be added to the Citizen Advisory Committee. Manager Wencil seconded the motion. Upon a vote, the motion carried 4-0 [Manager Casanova absent from vote].

4. Reading and Approval of Minutes

President Forster said that he would abstain from voting on the approval of the meeting minutes of the Board's February 6, 2013, meeting because he was not at that meeting. Manager Crafton moved to accept the meeting minutes as submitted. Manager Wencil seconded the motion. No vote was taken and President Forster announced that the minutes were accepted as submitted.

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. Citizen Advisory Committee

Administrator Bleser said that at its most recent meeting the Citizen Advisory Committee (CAC) discussed the cost-share program. She said she hopes that at the next meeting the CAC selects a Chair and a Recorder.

6. Hearing and Discussion of Matters of General Public Interest

President Forster opened the meeting to matters of general public interest and relayed the procedure for this part of the meeting.

CAC Advisor Laurie Susla reported that the Lotus Lake Conservation Alliance went before the Chanhassen Parks and Recreation Board at its last meeting and asked the Park and Rec Commission to officially re-examine the Aquatic Invasive Species (AIS) issue, which the Parks and Rec Board last reviewed two years ago in a rather cursory manner. She said that the Board agreed to have it on the agenda three weeks from now. Ms. Susla said that the LLCA has been hashing through plans trying to come up with a compromise that would make everyone happy. She explained that the LLCA believes that every boat must be inspected. Ms. Susla described the LLCA's idea of having a centralized inspection station at Lotus Lake and she provided information on how the LLCA reached such a determination. She summarized the potential funding sources of the centralized inspection station: \$25,000 budgeted by the RPBCWD for AIS, \$10,000 budgeted by the City of Chanhassen for AIS, and \$8,000 from the LLCA for an inspection station. She said that with this budget, the three Chanhassen lakes -Lotus, Ann, and Susan would be inspected 16 hours a day, for 5.5 months from Fishing Opener to October. Ms. Susla asked the RPBCWD Board to have its Administrator work with the LLCA to create and submit to the City of Chanhassen a letter of support of the LLCA's plan in concept and a request to work with the City to move forward.

There was discussion about the time of day that boaters came in and were inspected in Chanhassen last year, the cost of a centralized inspection station, the need for a city ordinance and signs, the need for the plan to be developed, and the precedent set by Carver County regarding a centralized boat inspection station.

President Forster said that it sounds like that the action needed is for the Administrator work with the LLCA and the City of Chanhassen on the development of a plan for a centralized, multi-lake inspection station and to bring the plan to the RPBCWD Board of Managers. Manager Wencil said that he supports the proposal by the LLCA representatives and asked that the plan be put into details and submitted to the District. Administrator Bleser summarized that the District is indicating that it is in support of her working with the LLCA and the City of Chanhassen and other parties as necessary to develop a centralized multi-lake station and bringing a plan to the

District. Ms. Susla reiterated that the LLCA is going to be meeting with the Park and Rec Commission in three weeks and requested a letter of support from the RPBCWD in time for the meeting.

Manager Bisek moved that the RPBCWD provide a letter of support of plan development. Manager Crafton seconded the motion. The motion carried 4-0 [Manager Casanova absent from vote.] Ms. Susla thanked the Board.

7. Treasurer's Report

Manager Crafton said that the report is in the meeting packet and moved to accept the Treasurer's Report as submitted. Manager Wencil seconded the motion. Upon a vote, the motion carried 4-0 [Managers Casanova absent from vote]. Manager Crafton moved to pay the bills. Manager Bisek seconded the motion. Upon a vote, the motion carried 4-0 [Managers Casanova absent from vote].

8. Engineer's Report

Engineer Carroll reported that CH2M HILL has posted the files for the UAAs for access by the firms updating the UAAs. He said that the modeling is progressing well. He said that last Friday he and a student were out monitoring and commented that they saw two swans on Rice Marsh. Engineer Carroll provided a quick update on dissolved oxygen (DO) results and reminded the Board that DO has been monitored over the winter on lakes Lucy, Ann, Rice Marsh, Duck, and Highland. Manger Wencil asked for information on how much phosphorous is flowing out of the wetland southwest of Lake Susan and into the lake. Engineer Carroll described the data captured and the information that the model could provide in a few weeks. President Forster asked Engineer Carroll and Administrator Bleser to pull out the information from the reports and for Administrator Bleser to send it to Manager Wencil. Manager Wencil said that he would like the same information about the flow out of the holding pond northwest of Lake Susan. Engineer Carroll confirmed that data was collected on that as well.

President Forster described his dissatisfaction with CH2M HILL and how it is handling the work at Lake Lucy. He provided examples and specified what he wants changed. President Forster also stated that CH2M HILL needs to have the Purgatory modeling wrapped up by August 1st. Engineer Carroll responded to the comments. There was discussion of concerns, including Manager Crafton's concern about the low frequency of sampling. Engineer Carroll said that CH2M HILL will do bi-weekly sampling from this point forward. Manager Bisek raised her concern about the turbulence being raised by the aerator and asked if sediment being stirred up by the turbulence would affect the data. Engineer Carroll said that yes, it could but that the monitoring objectives are still being met.

Manager Crafton moved to approve the Engineer's Report as submitted. Manager Wencil seconded the motion. Upon a vote, the motion carried 4-0 [Managers Casanova absent from vote].

9. Attorney's Report

Attorney Smith provided an update on the legislation that Hennepin County Commissioner Jeff Johnson was introducing about reorganizing water organizations in the County. He said that according to County Commissioner Jan Callison there has been no further County Board discussion on the proposal and no action has been taken. Manager Crafton moved to approve the Attorney's report as submitted. Manager Wencil seconded the motion. Upon a vote, the motion carried 4-0 [Managers Casanova absent from vote].

10. Administrator's Report

Administrator Bleser reported that she met with Mike Wanous of the Carver County Soil and Water Conservation District. She said that they talked about the District possibly using some of the County technicians for District site assessments. She said that they talked about the fees associated with the service as a rate of \$55 per hour.

Administrator Bleser reported that Mr. Wanous was interested in a partnership pending the County's new hire of an urban BMP (Best Management Practice) specialist. She said that she will touch base with Mr. Wanous in April to follow up. Manager Crafton stated her support of the partnership.

Administrator Bleser reported on the seven student volunteers from the University of Minnesota and their activities, including monitoring with Engineer Carroll, cataloging photos of the District, creating two 3-dimensional models of a watershed, and developing a historical timeline of the District and developing fact sheets.

Administrator Bleser stated that 100% of the Lake Susan residents signed off on having early treatment of curlyleaf pondweed and 70% of Lake Riley residents signed off.

Manager Bisek raised a question about the WOMP (Watershed Outlet Monitoring Program) equipment and asked Engineer Carroll about the condition of the equipment. Engineer Carroll reminded the Board of its decision in 2010 to discontinue the WOMP monitoring and described the condition of the equipment due to its lack of use and upkeep since that time. There was discussion of the WOMP data and what the District gets out of having such data. Administrator Bleser said that some of the data up through 2010 is being used by CH2M HILL for the Purgatory Creek model. She described the other uses of the data, including developing a hydrology and hydraulic model. Manager Wencl commented that the District gets all kinds of data but then doesn't put the spade into the ground to get things done. Administrator Bleser described how data will be used in the updating of the UAAs and the action plans that will come from the updated UAAs.

Administrator Bleser introduced her draft Code of Conduct for the CAC members and that was included in the meeting packet. She asked if the Board had any comments on the draft. CAC Advisor Bill Satterness provided comments. President Forster directed Administrator Bleser to take the draft to the CAC and to revise based on comments and bring the Code of Conduct back to the Board at its April meeting.

Administrator Bleser announced some upcoming events.

Manager Wencl asked about the AIS education and outreach grant listed under number 7 of the Administrator's Report. Administrator Bleser described how the grant program would work.

Manager Wencl reported on a day-long seminar about water issues that he attended last week at Normandale Community College and on a meeting he attended at the City of Chanhassen with a group of water resources professionals and leader. He commented that he thinks the District needs to go into a new mode about how to handle phosphorous and it should move ahead with sand and iron filings to catch the phosphorous from entering the lakes. President Forster commented that he has been interested in having the RPBCWD, Nine Mile Creek Watershed District, and Minnehaha Creek Watershed District pool together money and find a way to insert ads in to the local media to get messages out in a broader sense. He said that the District also needs to look at groups such as scout groups and other organizations and recruit them to get involved.

CAC Advisor Sharon McCotter said that the City of Chanhassen currently is forming a committee to address how the City can connect those people who want to volunteer with volunteer activities. She said that other cities may have something like it already in place and these avenues could be tapped into by the District as a way of finding volunteers.

There was further discussion of the sand and iron filings technology.

Manager Crafton moved to accept the Administrator's Report. Manager Bisek seconded the motion. Upon a vote, the motion carried 4-0 [Managers Casanova absent from vote].

11. Manager's Discussion

a. Repair and Maintenance Fund -Eden Prairie

Administrator Bleser reminded the Board that in December the City of Eden Prairie requested that the District participate in a project to replace a culvert in the Homeward Hills Road area. She stated that the estimated total cost of the project is \$550,000. She said that if the District provided \$25,000 out of its Repair and Maintenance Fund to the City of Eden Prairie for the project, the District's balance in its Repair and Maintenance Fund would decrease to approximately \$67,000, including the incoming \$15,000 for 2013.

Manager Crafton said that she would like the amount to come down to \$20,000 so that the District can look for opportunities to help other cities. Manager Crafton moved to approve setting an amount of \$20,000 to provide to Eden Prairie for its culvert repair at Homeward Hills Road. Manager Bisek seconded the motion. Upon a vote, the motion carried 4-0 [Managers Casanova absent from vote].

b. Cost-Share Program

Attorney Smith said that the meeting packet contains a memo providing an overview of the program and the documents in the meeting packet for this agenda item. He said that one of the documents is a proposed amendment to the District's watershed plan because it would be helpful to clarify how the cost share program fits with the Low impact Development Program in the existing Plan. Attorney Smith said it would be a minor plan amendment.

Attorney Smith described that through cost-share grants the District is funding capital construction in small doses. He said that it isn't appropriate to go through a plan amendment with each cost share grant, so the proposed amendment is to organize the cost-share program in a programmatic way and similar to how the Minnesota Board of Water and Soil Resources has accepted cost-share programs in other watershed plans. Attorney Smith described how the guidelines were developed for how funds will be appropriated for the three different cost-share programs and said that Administrator Bleser could provide more information on their development and the CAC's role in the development. He said that grant agreement templates have been prepared so that someone who receives cost-share money has a legally binding obligation to spend the funds for the appropriate purposes and understands the maintenance obligations. He described that there are different levels of refinements in the agreements depending on whether the recipient is a city, lake association, or individual homeowner. He said that if the Board is prepared to move forward then it would be in order to have a motion that would accept the plan amendment, direct staff to commence the plan amendment process and gather public comment on the amendment, and adopt the guidelines for the cost-share programs, and approve the grant agreement templates.

Administrator Bleser asked the Board if it wants to only provide cost-share funds for native plants or for natives and cultivars. President Forster said that he doesn't like the double negative in the wording on page 2 of the guidelines. He said he would prefer it to read, "Cost share funding will be provided only for native plant material." Manager Bisek asked if some wording could be added about plant materials should come from reputable sources. CAC Advisor Bill Satterness commented that there may be cases where it would be

appropriate for the project to bring in gravel or some medium that are not plants. President Forster asked Administrator Bleser to take the comments received tonight and to work on the wording.

Administrator Bleser explained that the guidelines state that cost-share recipients report every year for five years. She said that the guidelines set maintenance requirements by having the duration of the recipients' maintenance of the BMP be determined by the expected life of the BMP.

Manager Crafton moved to approve the plan amendment and to direct staff to begin the amendment process. Manager Bisek seconded the motion. Upon a vote, the motion carried 4-0 [Managers Casanova absent from vote].

Manager Crafton moved to approve the guidelines of the cost-share program subject to technical correction. Manager Bisek seconded the motion. Manager Bisek suggested Administrator Bleser look at the list of BMPs in the cost-share program guidelines and see if any other BMPs could be added to the list. President Forster recommended adding a phrase to indicate that projects aren't exclusively limited to projects in the list. Upon a vote, the motion carried 4-0 [Managers Casanova absent from vote].

Manager Crafton moved to accept the grant agreements as presented. Manager Bisek seconded the motion. Upon a vote, the motion carried 4-0 [Managers Casanova absent from vote].

c. WOMP Station

Administrator Bleser said that the Metropolitan Council (Met Council) approached the District about taking over the WOMP station on Purgatory Creek at Pioneer Trail. She explained that in order for the Met Council to take it over, the WOMP station would need to be turnkey and ready to go prior to 2014, which is when the transfer would take place. She said that the Met Council would provide the District with \$5,000 per year starting in 2014 to help with the data collection. Administrator Bleser said that the Met Council would handle the data analysis and the data management for the WOMP station and would ensure that the WOMP station is maintained and working properly. She said that in order to make the WOMP station turnkey, the District would need to rebuild the station. Administrator Bleser said that the Met Council has offered to give the District a new shelter and the District would need to have the old shelter torn down and the new station put in. She said that Leigh Harrod of the Met Council recommended that the District work with Chris Bonick of Barr Engineering because he does a lot of the WOMP station work in the west metro area. Administrator Bleser said that the cost estimate he provided was \$30,000 for tearing down the old WOMP station, putting up the new one, making sure that all of the electronics are working, and getting a pulse radar and putting it into the culvert. She said that the monitoring cost to monitor at the WOMP station this year would be \$13,000.

President Forster wanted to know from which budget the funds would come for the described WOMP work. Administrator Bleser responded that it would come from the data and collection budget. She said that the District doesn't have enough in its Survey/ Data fund until the District receives money from the levy in June and in December. CAC Advisor asked if the District identified what the repair and maintenance fund is for. Administrator Bleser responded that it is for stormwater infrastructure but not necessarily monitoring structures. Attorney Smith said that he doesn't have the language in front of him but there is a special law adopted by this District and the Nine Mile Creek Watershed District to levy for repair and maintenance. He said that it is broad language and it may encompass this. He said that he can check.

President Forster said that if this WOMP work couldn't be funded elsewhere then it could come out of the 509 fund, so there is a place to fund the work.

Manager Crafton moved for the District to reinstate the WOMP station on Purgatory Creek. Manager Bisek seconded the motion. Upon a vote, the motion carried 4-0 [Managers Casanova absent from vote].

d. Rain Garden and Beyond Workshop

Administrator Bleser explained that Metro Blooms will be holding a workshop in Chanhassen and another workshop in Eden Prairie. She said that the Lower Minnesota Watershed District is providing \$1,457.50 toward the cost and said that each workshop costs \$2,915. Administrator Bleser said that the City of Eden Prairie has asked the District if it would like to contribute funding toward a workshop. Administrator Bleser said that the District has funds allocated for community education as part of its 2013 budget. President Forster asked if the funding amount being requested from the District is \$1,457.50. Administrator Bleser said yes, that amount would be the last quarter-match.

The managers asked questions about where the workshops would be held, how people are secured for attending the workshops and how many people would attend them, what topics are covered. Administrator Bleser responded to the questions. There was a discussion about the workshops.

Manager Crafton moved to approve funding in the amount of \$1,457.50 for the Rain garden and Beyond Workshop. Manager Bisek seconded the motion. Manager Wencil asked if the workshops should also convey information about tiling and the perforated pipes that could be placed underground to catch 100% of the rain coming off roofs. President Forster agreed and said that presenting alternatives to rain gardens needs to be incorporated into the workshop and said that Administrator Bleser needs to ensure that the workshop includes methods beyond just rain gardens. Upon a vote, the motion carried 4-0 [Managers Casanova absent from vote].

e. Annual Report

Administrator Bleser stated that the annual report is in draft form and the Board has received it. She asked the Board to review the report and provide her with comments by March 18th. She added that she is waiting for the audit to come in to the District.

f. Lake Lucy

President Forster said that the Board covered this issue earlier tonight [*see item 8 – Engineer’s Report*].

g. Rules and Regulations

Administrator Bleser said that she was asked by a city planner if a wetland could be moved, which made her consider the way that the District defers to its cities to implement its ordinances. She said that the District’s rules are a little dated compared to surrounding area watersheds. She said that she thinks that given the development and redevelopment that will be occurring in the District’s cities, the District would be missing an opportunity by not revising its rules and reinstating them. Administrator Bleser strongly encouraged the District to visit the idea of having rules and regulations and becoming more of a permitting authority.

Manager Bisek asked what is involved in reinstating rules. Attorney Smith said that it is somewhat complicated, but if the Board is agreeable, he and Administrator Bleser can work together to create a plan and bring it back at the next meeting. He said the key is that what they craft are rules that are technically well

justified and are integrated in a way that covers gaps with city ordinances so the cities understand the role that the watershed district is playing. Manager Bisek asked if the majority of watersheds have such rules. Attorney Smith said yes, it is unusual not to have rules.

Administrator Bleser described how a permit review process would work. Manager Wencil asked how the fees would be structured. Attorney Smith said the fee structure would get set up in the rules process and noted that the most the District could do is recover its costs. He said the District could generalize its costs or could track costs and those details would be worked out in the rules process.

Manager Crafton moved to invite Administrator Bleser and Attorney Smith to develop a work plan on rules and regulations and bring it back to the Board. Manager Wencil seconded the motion. Upon a vote, the motion carried 4-0 [Managers Casanova absent from vote].

h. Purgatory Park Recreation Area

President Forster deferred this item to a future meeting when Manager Casanova, absent from tonight's meeting, can participate in the discussion.

i. Policies and Procedures

Manager Bisek requested that the District develop policies and procedures, which could streamline District processes, and proposed that the District have a subcommittee of managers and the Administrator work to review what other watersheds have in place for policies and procedures and come back with a draft to bring back to the Board. Manager Crafton said she thinks this is a good idea. President Forster appointed Manager Bisek to the subcommittee. Manager Crafton volunteered to be part of the subcommittee.

Manager Crafton moved that the District have a subcommittee of two managers, Administrator Bleser, and possibly Attorney Smith put together draft rules and regulations for the District. Manager Bisek seconded the motion. Upon a vote, the motion carried 4-0 [Managers Casanova absent from vote]. President Forster asked when the draft could be presented to the Board. Manager Bisek asked if the subcommittee could work that out. President Forster agreed.

j. Website

Manager Crafton reported on information she received from Jim Haertel regarding new proposals coming from the Minnesota Board of Water and Soil Resources and the implications they would have for watershed districts. She said that one point he made is that is important that the District has a well-functioning Website and has its Plan on the site among other things. Manager Crafton recommended that the District does new Website development. President Forster recommended that Administrator Bleser put together a sketch of a plan and what it would take and cost to redesign the Website and bring back that information at the Board's April meeting.

12. Upcoming Events

- a. RPBCWD Board Meeting** – Wednesday, April 3, 2013, 7:00 p.m., Heritage Room, Eden Prairie City Center

- b. **CAC Meeting** – Wednesday, April 17, 2013, 7:00 p.m., Prairie Room, Eden Prairie City Center
- c. **Board Meeting and Evening with the Watershed** - Thursday, May 2, 2013, 7:00 p.m., Chanhassen American Legion
- d. **AIS Workshop** ó Wednesday, May 8, 2013, 6:00 p.m. ó 8:30 p.m.

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,

Ken Wencil, Secretary