

MEETING MINUTES

Riley-Purgatory-Bluff Creek Watershed District

September 4, 2013, Board of Managers Monthly Meeting and Public Hearing

PRESENT:

Managers: Mary Bisek, Vice President
Jill Crafton, Treasurer
Perry Forster, President
Ken Wencl, Secretary
Leslie Yetka

Administrator: Claire Bleser

Staff: Scott Sobiech, Engineer (Barr Engineering Company)
Louis Smith, Attorney (Smith Partners)

Recorder: Amy Herbert

Other attendees: Cat Blinstrup, Aquatic Restoration Tom Lindquist, CAC & Duck Lake Estates
Homeowners Association
William Blinstrup, Aquatic Restoration Bill Satterness, CAC
Mary Davy, No-Stress Gardening and Landscapes Sharon McCotter, CAC
Donna Herman, No-Stress Gardening and Landscapes Scott Sather, Lake Lucy President
Sheri Karnowski, Sanctuary Salonspa Dennis Seeger, CAC
Ron Kleve, LLCA Bob Shurson, CAC and Mitchell Lake

1. Call to Order

President Forster called the RPBCWD Board of Managers on Wednesday, September 4, 2013, meeting and public hearing to order at 7:00 p.m. in the Council Chambers at Eden Prairie City Center, 8080 Mitchell Road, Eden Prairie, MN 55344.

2. Oath of Office

Attorney Smith administered the oath of office to Leslie Yetka, Manager of the Riley Purgatory Bluff Creek Watershed District.

3. Approval of the Agenda

Manager Crafton requested the addition to the agenda a Board Action on an MPCA (Minnesota Pollution Control Agency) permit. President Forster recommended adding it as item 14H. President Forster requested the addition to the Managers' Discussion a brief discussion of the Southwest Light Rail Transit (SWLRT). Manager Yetka noted

that the agenda lists item 5 as the 2013 Budget and Levies Public Hearing, but it should be listed as the 2014 Budget and Levies Public Hearing. The Board agreed to the correction. Manager Crafton moved to approve the agenda as amended. Manager Wencl seconded the motion. Upon a vote, the motion carried 5-0.

4. Reading and Approval of Minutes

- a. President Forster asked if there were any clarifications or changes requested to the minutes of the Board's August 8, 2013, Budget Workshop and Regular Meeting. Manager Crafton described some spelling and grammar errors and requested that they be corrected. CAC Advisor Bill Satterness asked the purpose of recording in the meeting minutes under the attendees list the CAC members' affiliations other than their designation as a CAC member. He said that he is concerned about implied bias. There was discussion, and the Board decided that the CAC would discuss the matter and would bring a recommendation back to the Board regarding how to handle the recording in the minutes of the designations of CAC members. Manager Crafton moved to accept as amended the minutes of the RPBCWD's August 8, 2013, Budget Workshop and Regular Meeting. Manager Wencl seconded the motion. Upon a vote, the motion carried 5-0.

5. 2014 Budget and Levies Public Hearing

a. Presentation

Administrator Bleser provided handouts in addition to the information in the packet and summarized the changes in the proposed 2014 budget compared to the 2013 budget. She said that the proposed total 2014 levy would be an increase of \$450,000 over the total 2013 levy. Administrator Bleser explained that most of that increase would be from the Basic Water Management Fund and then \$200,000 of the increase would be from the Plan Implementation Fund. She pointed out that under the Survey and Data Acquisition Levy no funds will be taken out for next year because the District is only allowed to levy for it every five years, and so this is where the Board will see a reduction for 2014 over 2013.

Administrator Bleser used a PowerPoint presentation to provide further details on the proposed 2014 budget and levies. She described the 2014 projects and identified those that are ongoing and those that are new for 2014. She reported that staff recommends that the District not continue undertaking the Lake Lucy winter fish kill project. Administrator Bleser spoke about the proposed 2014 budget for education compared to the 2013 education budget.

b. Public Comments

There were no public comments.

c. Manager's Discussion and Adoption of 2014 Budget and Levies

President Forster read aloud the Resolution to Adopt the 2014 Budget. Manager Crafton moved to adopt the resolution. Manager Yetka seconded the motion. By call of roll, the motion carried 5-0.

Manager	Ay	Nay
Bisek	X	
Crafton	X	

Forster	X	
Wencl	X	
Yetka	X	

President Forster read aloud the Resolution to Adopt 2014 General Fund Levy. Manager Yetka moved to adopt the resolution. Manager Bisek seconded the motion. By call of roll, the motion carried 5-0.

Manager	Ay	Nay
Bisek	X	
Crafton	X	
Forster	X	
Wencl	X	
Yetka	X	

President Forster read aloud the Resolution to Adopt 2014 Maintenance and Repair Fund Levy. Manager Crafton moved to adopt the resolution. Manager Bisek seconded the motion. By call of roll, the motion carried 5-0.

Manager	Ay	Nay
Bisek	X	
Crafton	X	
Forster	X	
Wencl	X	
Yetka	X	

President Forster read aloud the Resolution to Adopt 2014 Metropolitan Surface Water Management Act Levy. Manager Crafton moved to adopt the resolution. Manager Wencl seconded the motion.

Attorney Smith commented that later in this meeting's agenda, the Board will be asked to approve the proposed major plan amendment to add CIP (Capital Improvement Program) projects to the District's

Plan. He said that this levy assumes that the District will proceed with that process and will add those projects. Attorney Smith noted that if the Board decides not to go forward with some of those projects, the Board will have the opportunity to reduce the levy and notify the County before the end of December. He said that this levy sets a maximum levy.

By call of roll, the motion carried 5-0.

Manager	Ay	Nay
Bisek	X	
Crafton	X	
Forster	X	
Wencl	X	
Yetka	X	

President Forster read aloud the Resolution to Adopt 2014 Tort Liability Insurance. Manager Crafton moved to adopt the resolution. Manager Wencl seconded the motion. By call of roll, the motion carried 5-0.

Manager	Ay	Nay
Bisek	X	
Crafton	X	
Forster	X	
Wencl	X	
Yetka	X	

President Forster read aloud the Resolution to Adopt 2014 Basic Water Management Levy. Manager Crafton moved to adopt the resolution. Manager Bisek seconded the motion. President Forster said that the monies being levied by this resolution assumes that the City of Minnetonka will be doing a project. Administrator Bleser added that the City of Minnetonka voted to approve the project. By call of roll, the motion carried 5-0.

Manager	Ay	Nay
----------------	-----------	------------

Bisek	X	
Crafton	X	
Forster	X	
Wencl	X	
Yetka	X	

6. Cost-Share Public Hearing

a. Presentations

Administrator Bleser explained that the District's cost-share program requires a public hearing for projects that cost more than \$10,000 and the cost-share projects being presented tonight fit that criteria.

Project 1: City of Eden Prairie

Administrator Bleser described the first project, which is a creek restoration in the lower part of Riley Creek. She said that the total project cost is \$132,000 and the grant request is for \$20,000. Administrator Bleser said that staff recommendation is \$20,000. She provided more details on the project. Manager Yetka asked if the estimated reductions are known for the project. Administrator Bleser said that the information could be requested from the City. Manager Yetka said that she would like that information and in the future she would like that information to be on hand.

Project 2: Edendale Residence, Inc.

Administrator Bleser said that this grant would be from the Community Partners grant from the Clean Water Legacy grant funds awarded to the District. She described the project. Manager Yetka asked if the District requires maintenance agreements. Administrator Bleser said yes, the cost-share grant program does require them and she described the requirements. She reported that the total cost of that project is estimated to be \$38,579 and the grant request is for \$20,000. Administrator Bleser said that the CAC reviewed the application and recommended granting \$20,000, and she said that staff also recommends granting \$20,000.

Project 3: Sanctuary Salonspa

Administrator Bleser introduced Mary Davy of No-Stress Gardening and Landscapes and Sheri Karnowski of Sanctuary Salonspa to present the project and cost-share grant request. Ms. Davy and Ms. Karnowski provided a detailed presentation, and Ms. Davy noted that Administrator Bleser has a full copy of the plans in hard copy and electronic. Administrator Bleser reported that the primary grant request was for \$19,940 and for the additional component of the project an additional amount of \$7,536 was requested, for a total request to the District of \$27,476. She said that staff recommends granting \$20,000 from the District's cost-share funds, \$2,500 from the District's data collection funds to fund the installation of meters, and \$1,562.50 from the District's communication fund to go toward signage. She noted that this funding amount for the signage would be a 50-50 split of that cost. Administrator Bleser summarized that the total recommended funding for this project is \$24,062.50. Manager Wencl asked

about the total estimated cost of the project. Administrator Bleser responded \$58,107 for phase 1 of the project, which is this year's part of the project. Manager Wencil asked where the other part of the funding would come from. Ms. Davy said that a good chunk will come from the property owner and other funding would come from the partners on the project including herself, her business partner, Kestrel Design Group, and the irrigation contractor. Manager Yetka asked several questions. She noted that she wants to make sure that the cost share funds are going toward projects that improve water. Manager Yetka expressed that she gets concerned when she sees as part of the cost-share grant request information about plantings around the decking, patio, and the retaining wall. Ms. Davy addressed the questions. Manager Bisek asked if the native plants proposed to be used in the project will contribute to infiltration. Ms. Davy responded yes. There was a short discussion of the maintenance of the project. Manager Wencil asked if the District's engineer reviewed the property and the project. Administrator Bleser explained that it was reviewed by the Carver County Soil and Water Conservation District (SWCD) urban technician that has been involved with the District's cost-share grant program.

b. Public Comments

There were no public comments.

c. Manager's Discussion and Adoption of Cost-Share Projects

President Forster asked if there was a motion to approve the cost-share grant to the City of Eden Prairie in the recommended amount of \$20,000 for its work on Lower Riley Creek. Manager Crafton moved to approve the \$20,000 grant. Manager Yetka seconded the motion. Upon a vote, the motion carried 5-0.

President Forster asked if there was a motion to approve the cost-share grant to the Edendale Residence, Inc. in the recommended amount of \$20,000. Administrator Bleser reminded the Board of the details of this project. Manager Crafton moved to approve the \$20,000 cost-share grant. Manager Yetka seconded the motion. Upon a vote, the motion carried 5-0.

President Forster noted that these proposed cost-share grant projects have passed through the District's Citizen Advisory Committee (CAC) before coming in front of the Board. Administrator Bleser said that projects that are not government or commercial cost shares pass through the CAC. He asked if there is a motion to approve the cost-share grant to the Sanctuary Salonspa in the amount of \$24,062.50, with \$20,000 coming from the District's cost-share funds, \$2,500 coming from the data collection fund, and \$1,562.50 coming from the communication fund for a 50-50 split on signage. Administrator Bleser added that the City of Eden Prairie has communicated that it may be interested in participating in the signage cost, which may result a three-way split of the signage cost between the District, City of Eden Prairie, and the Sanctuary Salonspa.

Manager Crafton moved to approve the cost-share grant in the amount of \$24,062.50. Manager Bisek seconded the motion. Manager Yetka asked that it be noted that the contribution to the project by the Carver County SWCD technical consultant Seth Bossert is actually on behalf of the District and that clarification should be made wherever appropriate in the project documentation. Manager Bisek shared her appreciation for Administrator Bleser's work in reviewing funding sources for this project and for not making a recommendation that the Board approve a cost-share grant funding amount over the \$20,000 maximum that the District set in the cost-share grant program. Upon a vote, the motion carried 5-0.

7. Correspondence

a. Lotus Lake Conservation Alliance

President Forster said that the District received a letter from the Lotus Lake Conservation Alliance (LLCA) encouraging the District to look at what it could do on Aquatic Invasive Species (AIS) for the rest of this year. Administrator Bleser said that the Board is being requested to take action on this issue later in the agenda under item 14a ó AIS inspection request.

8. Citizen Advisory Committee

CAC Advisor Bill Satterness reported that the CAC's meeting minutes are in the meeting packet, and he thanked President Forster for attending the most recent CAC meeting and providing input on the proposed 2014 budget and levies. He stated that the final CAC action item as reflected in the CAC minutes is the recommendation that the RPBCWD take the recommendations from the AIS subcommittee into account when developing the District's AIS plan. Mr. Satterness explained that Laurie Susla will send the final recommendations out electronically, and he asked that the document be appended to the packet for the next meeting so that it is on record that the CAC wants something to be done. Administrator Bleser responded that Ms. Susla contacted her and will be sending to Administrator Bleser the final recommendations, which will be incorporated into the board packet. Administrator Bleser added that the recommendations were looked at when staff developed the Request for Proposals (RFP) for the AIS plan.

9. Hearing and Discussion of Matters of General Public Interest

There were no matters raised.

10. Treasurer's Report

Manager Crafton reported that the District has been receiving its revenues and noted that with the Board's approval of the payment of checks this evening, the Board will be approving \$25,000 for loan repayment. Manager Crafton moved to accept the Treasurer's report. Manager Bisek seconded the motion. Upon a vote, the motion carried 5-0.

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

11. Engineer's Report

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

12. Attorney's Report

Attorney Smith said that he has nothing to report because the items that he will address are on the agenda.

13. Administrator's Report

a. Website

Administrator Bleser reported that the interim website is up, and she provided a brief update.

b. Minor Plan Amendment Update

Administrator Bleser stated that the Minor Plan Amendment has been distributed and the process is now in the comment period.

c. Rulemaking Update

Administrator Bleser said that staff decided to take what was scheduled to be the Rulemaking/ Technical Advisory Committee (TAC) meeting and delay it to this month so that the buffer rules and stormwater rules could be examined. She said that the next meeting will be on September 18th and added that Laurie Susla has offered to take the Rulemaking Committee's CAC representative spot vacated by Kris Langlie.

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

14. Board Action

a. AIS Inspection Request Lotus Lake

Administrator Bleser explained that on August 14th a letter was sent out by the Lotus Lake Conservation Alliance (LLCA) basically asking if the LLCA, the City of Chanhassen, and the RPBCWD would partner to extend the Aquatic Invasive Species (AIS) inspections for Lake Ann, Lake Susan, and Lotus Lake. She reported that the City of Chanhassen has offered to extend its AIS inspections on just Lotus Lake and at a cost to the District of \$2,058 for the month of September. Administrator Bleser said that the LLCA changed its proposal and looked at doing inspections at Lotus Lake on Fridays, Saturdays, and Sundays for October at a cost to the District of \$1,134. She summarized that the cost for the month of September would be a three-way split between the RPBCWD, the LLCA, and the City of Chanhassen, and the cost for the proposed weekend inspections in October would be a 50-50 split between the LLCA and the RPBCWD for a total cost to the District of \$3,192.

Administrator Bleser said that the District has \$15,000 dedicated to its AIS plan and some funds are available from the amount budgeted under publications to be used for publications against the spread of AIS, so the District does have funds available to cover the \$3,192. She said that she thinks this would be a great opportunity to partner with the LLCA and the City of Chanhassen. She noted that the District is working on its AIS plan and that by agreeing to fund the AIS inspections as just described does not commit the District to taking the same action next year, since by then the District will be following its AIS plan. Administrator Bleser introduced Ron Kleve of the LLCA and said that he could answer questions on behalf of the LLCA. There was discussion on how the Commission's agreement would be directly with the City of Chanhassen, and there was discussion of the level rating of the inspectors.

Manager Wencil said that last fall the Board never received any report on the inspections. He said that if the Board is going to approve this request, then it is entitled to have a report of the inspections. President Forster said that Manager Wencil's point is a good one and asked that Administrator Bleser draft a letter communicating to the appropriate bodies that the Board of Managers are requesting a full report on the inspections that took place this year.

Manager Crafton moved to approve the RPBCWD's participation in the continuation of the AIS inspections on Lotus Lake at a cost of \$3,192. Manager Wencil seconded the motion. Upon a vote, the motion carried 5-0.

b. AIS Plan

Administrator Bleser asked how the Board would like to proceed. President Forster said that he thinks the managers should review the proposals and provide feedback. He said that it would be good to get the proposals to the CAC and its AIS subcommittee for comments. Manager Wencil said that he would like to delay action for 30 days. Manager Yetka said that she recommends that the managers provide feedback to the Administrator and then the Administrator would make a selection based on that feedback.

Administrator Bleser noted that the deadline that was assigned to the AIS plan of December 31st will likely be pushed back to sometime in February if today the Board decides to defer making a decision to the proposals for 30 days, which means that the timelines that the managers will see in the proposals will change. President Forster requested that the work be done on a timeline so that the costs come from the District's 2013 budget. Administrator Bleser said that the District processes its 2013 invoices through to January 15, 2014. President Forster summarized that the managers and the CAC have 30 days to look at the proposals and provide comments to Administrator Bleser.

c. Major Plan Amendment

Administrator Bleser said that the Major Plan Amendment was distributed to the Board at its last meeting with the exception that there has been an addition to the Amendment: a fish barrier at Bluff Creek. She said that a section has been removed from the Amendment that was distributed because construction costs have not yet been identified for the middle- and long-term improvements for Lake Susan, which is required information for the Major Plan Amendment. She said that she removed those activities from the Plan Amendment and they could be added to a future one. There was discussion of projects identified in the Total Maximum Daily Load (TMDL) implementation plan and the need to identify projects that the District wants to pursue. Administrator Bleser said that she is having conversations with the City of Chanhassen about their future Capital Improvement Program (CIP) projects and ways that the City and the District can collaborate.

Manager Wencil moved to approve the Major Plan Amendment and to authorize staff to move forward with the Major Plan Amendment process. Manager Crafton seconded the motion. Upon a vote, the motion carried 5-0.

d. Rice Marsh Lake Aeration

Administrator Bleser explained that in the summer the District rescinded its task order with CH2M Hill for this project and now the staff recommendation is that the work remains in-house. She said this means that the District would deal directly with putting in the aeration and dealing with the appropriate permit with the Department of Natural Resources (DNR). Manager Wencil moved to authorize the Administrator to move forward with the aeration project on Rice Marsh Lake. Manager Crafton seconded the motion. President Forster asked who will be installing the aerator. Administrator Bleser said that the work will be contracted out but the contractor is still to be determined. Manager Wencil asked if she will be getting three bids on the work. Administrator Bleser said that she is in talks with one contractor, but she can find out if other firms are interested in submitting a bid. Upon a vote, the motion carried 5-0.

e. League of Minnesota

Administrator Bleser said that she is seeking approval to renew the District's membership with the

League of Minnesota Cities (LMC) and approval of the District's insurance policy through the LMC. She explained that there is an increase in cost over last year's cost due to the cost associated with adding coverage for the District's volunteers when they are volunteering with the RPBCWD. Attorney Smith said that board action is also needed on whether or not to waive the tort limits. He said that the typical recommendation is to not waive the tort limits. Manager Crafton moved to renew the District's membership and insurance policy through the LMC. Manager Yetka seconded the motion. Upon a vote, the motion carried 5-0.

Attorney Smith clarified that the cost of the LMC insurance that the Board just approved is not the cost of the full insurance renewal. Administrator Bleser explained that she had only received the LMC invoice for the workers compensation and the volunteer coverage, but she will contact the LMC and ask for the invoice for the continuing the rest of the District's coverage so that it gets paid at the Board's October meeting.

f. Extension of Hire for Water Quality Specialists

Administrator Bleser said that currently both of the District's water quality specialists are hired through October 31st to work up to 40 hours per week as temporary staff. She proposed that the District extend the contracts through April 15th and in March the District review if it would like to develop full-time positions for water quality specialists. Administrator Bleser gave an overview of what the contractors have been working on and what she sees them working on for the District. President Forster recommended that the District have the discussion about the full-time positions at the Board's February meeting. Manager Bisek asked that staff be aware of any requirements that may be triggered at a threshold number of hours worked by a seasonal worker. Manager Wencil moved to approve extending the contracts to April 15th. Manager Crafton seconded the motion.

Attorney Smith commented that it would be helpful to the District if the motion included a Not-to-Exceed amount. There was discussion on the NTE amount and it was determined that the NTE amount should be a salary of \$30,000. President Forster directed staff to come back with the exact costs, including salary and payroll/ taxes, at the October meeting. Manager Bisek made a friendly amendment to the motion on the table to include the NTE amount of \$30,000 in salary plus the associated taxes and payroll costs and for Administrator Bleser to report on the exact costs at the October meeting. Manager Wencil requested a report on the monitoring and things that are being done by the contractors, what they found, and how the District will use that information. Upon a vote, the motion carried 5-0.

g. Vice President Manager Position

Attorney Smith explained that the District's Bylaws require that the Board have a Vice President. Manager Wencil nominated Manager Bisek as Vice President. Manager Crafton seconded the motion. Upon a vote, the motion carried 5-0.

h. Ballast Water Rules

Manager Crafton handed out comments that she drafted, described the need for federal regulation of ballast water, described some history of the issue including the U.S. Coast Guard's rules and the U.S. Environmental Protection Agency (EPA) rules, and noted that some of these rules are not strong enough. She provided more details on the issue and explained that she recommends that the District be a stakeholder and that the District submit comments to the Pollution Control Agency (PCA) about their permitting. She said that she believes that the District should ask the PCA not to give away any authority and to ask that the permit stay intact. Manager Crafton requested that the managers read through her draft

comments, submit comments to her, and then she would submit the draft to Attorney Smith so that the letter could be finalized and submitted by the September 11th deadline.

Attorney Smith said that if the Board agrees, he can work with Manager Crafton and the Administrator on the comments. Manager Yetka moved that staff draft the letter and submit the comments by September 11th. Manager Crafton seconded the motion. Upon a vote, the motion carried 5-0.

15. Manager's Discussion

a. Administrator Review

Manager Bisek said that she and Manager Wencil are prepared to move forward with handing out tonight to the managers the review forms that she and Manager Wencil created. She said that the results from the reviews would be considered in a closed administrative session at the October board meeting. There was a discussion of the forms, the Administrator's workplan, and the process for the managers to follow. Manager Bisek said that the managers were each provided with an addressed and stamped envelope and asked that the forms be completed and returned by September 18th.

b. Southwest Transit Light Rail Transit (SWLRT)

President Forster reminded the Board that on August 18th he signed a letter that went out to a large number of people connected with the Metropolitan Council and the SWLRT. He said that the letter received attention very quickly, which has led to the District getting invited to participate at the table and to be a partner in the process. President Forster provided information on the possible SWLRT routes through Eden Prairie, and Administrator Bleser displayed a PowerPoint slide showing the possible routes and provided more details. There was discussion of the routes and possible impacts to the Riley Purgatory Creek Watershed. President Forster said that the District needs to make its position known pretty quickly. Administrator Bleser said that District staff is currently reviewing the alignments and will provide feedback to the Metropolitan Council.

c. Upcoming Board Agenda

CAC Advisor Bill Satterness asked to clarify from the minutes of the August 8th meeting that the topic that will be added to a future agenda is what the District thinks should be done with Red Rock Lake and not the broad policy issue as stated in the August meeting minutes. There was discussion on what was said at the August meeting. Manager Wencil recommended that the future discussion focus on the specifics and that the Board find time on its next agenda to hear from the people from Red Rock Lake. The Board consented.

16. Upcoming Events

- **Clean Water Summit** – Thursday, September 12, 2013, 8:30 a.m. to 5:00 p.m., Minnesota Landscape Arboretum
- **Citizen Advisory Committee** – Monday, September 16, 2013, 6:30 p.m., Atrium III, Eden Prairie City Hall
- **Monthly Board of Managers Meeting**– Wednesday, October 2, 2013, 7:00 p.m., Council Chambers,

Eden Prairie City Hall

- **Minnetonka Open House**, Tuesday, October 8, 2013, 5:00 p.m. ó 7:30 p.m., Minnetonka Community Center
- **Minnesota Water Resources Conference**, Tuesday-Wednesday, October 15-16, 2013, 8:00 a.m. ó 4:30 p.m., Saint Paul River Center
- **Citizen Advisory Committee**, Monday, October 21, 2013, 6:30 p.m., Atrium III, Eden Prairie City Center

17. Adjournment

Manager Crafton moved to adjourn the meeting. Manager Bisek seconded the motion. Upon a vote, the motion carried 5-0.The meeting adjourned at 9:50 p.m.

Respectfully submitted,

Ken Wencil, Secretary