

MEETING MINUTES

Riley-Purgatory-Bluff Creek Watershed District

November 6, 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: Bill Satterness, CAC

1. Call to Order

President Forster called the RPBCWD Board of Managers Wednesday, November 6, 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. Approval of the Agenda

President Forster requested that the Board add to the agenda an item under Managers Discussion to Elect Delegates and Alternates to the MAWD (Minnesota Association of Watershed Districts) Convention. The Board agreed to the addition. Manager Yetka moved to approve the agenda as amended. Manager Crafton seconded the motion. Upon a vote, the motion carried 5-0.

3. Public Hearing – Minor Plan Amendments

Administrator Bleser reminded the Board that on August 8th the Board approved moving forward with two Minor Plan Amendments. She reported that on August 19th the proposed Plan Amendments were distributed to the Plan Reviewers, which began the 45-day comment period that then ended on October 4th. Administrator Bleser summarized the proposed Plan Amendments and informed the Board that the District received five comment letters. She reported that the comments were from Mn/DOT (Minnesota Department of Transportation), BWSR (Minnesota Board of Water and Soil Resources), MDA (Minnesota Department of Agriculture), Met Council (Metropolitan Council), and the MPCA (Minnesota Pollution Control Agency). She explained that all of the comments focused on the District's second proposed Amendment, which is about the District's regulatory program. Administrator Bleser pointed out that a matrix of all of the comments, 13 in all, is included in the

meeting packet. She provided more details on the specific comments and described the minor modifications that District staff made to the proposed Plan Amendments based on the comments received.

President Forster invited members of the public to comment. There were no comments raised. Administrator Bleser said that staff is requesting that the Board take action to approve staff providing the Plan Reviewers with the District's response to the comments and with the proposed revised Minor Plan Amendment. She said that at its December meeting, the Board could take action to approve by resolution the Minor Plan Amendments. Manager Crafton moved to approve staff sending the District's response to comments and revised proposed Minor Plan Amendment to the Plan Reviewers and to bring the two proposed Minor Plan Amendments in front of the Board for action at the December meeting. Manager Bisek seconded the motion. Upon a vote, the motion carried 5-0.

4. Reading and Approval of Minutes

President Forster asked if there were any clarifications or changes requested to the minutes of the Board's Monthly Meeting and Public Hearing of October 2, 2013. Manager Bisek requested a change to page 4 to clarify that information about bee hives was provided at the Evening with the Watershed. Manager Crafton asked for a grammatical revision on page 2 under the Treasurer's Report to revise "is being used" to "are being used." She also asked that a period be added to the end of the second to the last sentence in section 11 c on page 7.

Manager Crafton moved to accept as amended the minutes of the RPBCWD's October 2, 2013, Budget Workshop and Regular Meeting. Manager Yetka seconded the motion. Upon a vote, the motion carried 5-0.

5. Correspondence

President Forster noted that the District received a thank-you message from a staff member at Minnetonka High School for the lab supplies that the District donated to the school.

6. Citizen Advisory Committee

Administrator Bleser announced that the District Managers received the CAC meeting minutes and the minutes have been posted on the District's website. CAC Advisor Bill Satterness commented that the meeting minutes are self-explanatory and that the CAC did not take any action at the meeting.

7. Hearing and Discussion of Matters of General Public Interest

There were no matters raised.

8. Treasurer's Report

President Forster highlighted that the District's loan with KleinBank is down to \$20,000 outstanding and will be completely paid off by the end of 2013 or in early 2014. Manager Crafton said that there was a meeting with the Certified Public Accountant that the District works with to begin discussions about improving the financial reports to make them easier to read. President Forster added that he would like the reports to be as close to real time as possible to make planning easier. Manager Crafton moved to accept the Treasurer's report as presented in the packet. Manager Bisek seconded the motion. Upon a vote, the motion carried 5-0.

Manager Crafton announced that two payments have been added: one to the Minnesota DNR in the amount of

\$250 and one to Braun Intertec for \$2,152. Manager Crafton moved to pay the District's bills. Manager Yetka seconded the motion. Upon a vote, the motion carried 5-0.

9. Engineer's Report

Manager Crafton asked Engineer Sobiech to elaborate on a few of the items in the General Services section of the Engineer's Report. Engineer Sobiech and Administrator Bleser provided additional information on the items brought up by Manager Crafton. Manager Crafton moved to accept the Engineer's Report. Manager Wencil seconded the motion. Upon a vote, the motion carried 5-0.

10. Administrator's Report

a. Lotus Lake Sign

Administrator Bleser updated the Board on the Lotus Lake sign that was part of the restoration project on Carver Beach in Chanhassen. She said that the sign has been finalized, has gone out to the printing company, and should be posted before the end of the year.

b. Data Collection Update

Administrator Bleser provided an update on the data collection work and announced that in the course of that work, District staff uncovered an area near the Bearpath Golf Course where aeration lawn plugs were being dumped near Riley Creek. She said that District staff communicated the findings with Bearpath management and the City of Eden Prairie and action was taken. Administrator Bleser said that the data collection reports will be distributed as soon as they are printed. She also provided an update on the staff's findings from their stream assessment along Purgatory Creek including discovering a dock on the creek as well as several footbridges. Administrator Bleser said that this information will be documented in the report.

c. Sanctuary Spa

Administrator Bleser announced that the project at the Sanctuary Spa has been completed.

d. Website Update

Administrator Bleser provided an update about the District's website. She described what work has been completed and the next steps, such as continuing to work on content.

e. AIS

Administrator Bleser updated the Board on the status of the AIS (Aquatic Invasive Species) online survey. She provided highlights from the AIS Workshop as well as a summary of what will be incorporated into the AIS plan.

f. Southwest Light Rail Transit

President Forster provided an update on the Southwest Light Rail Transit (SWLRT). CAC Advisor Bill Satterness asked if the Board has taken a stand. He said that Administrator Bleser has attended many meetings and has made comments, and he is wondering if the Board has agreed on what its position will be. He said that the question could be how damage could be mitigated if the SWLRT ever did go to Mitchell as opposed to the standpoint that the SWLRT should never go to Mitchell. President Forster said that in his opinion, until a route is finalized, he isn't ready to pull the trigger on saying that the District doesn't want this. He said that more information is needed. Administrator Bleser reminded the Board that

this summer the District sent a letter to the corridor management team about the District's concerns about the proposed alignment of the SWLRT route going from the Southwest Station to the Mitchell Station.

g. Red Rock Lake Delisting

President Forster pointed out that the Administrator's Report includes information on the District's initiating the delisting of Red Rock Lake. He reiterated that when the lake is delisted, the District will not ignore it because getting the lake off the list is one thing but making sure it doesn't get back on the list is the other part. He said that delisting does not suggest that the District will not continue its vigilance.

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

11. Board Action

a. District Insurance

Manager Crafton moved to approve the insurance policy through the League of Minnesota Cities Insurance Trust (LMCIT). Manager Yetka seconded the motion. Manager Wencil asked what benefit the District receives from its membership through the League of Minnesota Cities. Administrator Bleser responded that through the District's membership, the District can participate in the LMCIT insurance policies. She described in more detail the cost of the membership and the cost of the insurance policy. Upon a vote, the motion carried 5-0.

Attorney Smith said that the Board needs to take separate action to waive or not waive the statutory monetary limits on tort liability. He described reasons that the District might elect not to waive the limits and said that last year the District took action to not waive the statutory limits. Manager Bisek moved that the Board not waive the statutory limits on liability. Manager Yetka seconded the motion. Upon a vote, the motion carried 5-0.

b. Annual Communication

There was a short discussion of the calendar, which is the District's annual communication this year. Administrator Bleser discussed distribution of the calendar and said that it will be ready for the Evening with the Watershed. The Board agreed that 1,500 calendars should be printed. Manager Yetka moved to approve Resolution 13-17 "Annual Communication" resolving that the Board approve the publication of the Annual Communication in a calendar format and as a brochure not to exceed \$5,000. Manager Crafton seconded the motion. Upon a vote, the motion carried 5-0.

c. Rice Marsh Lake Aeration

Administrator Bleser said that Aquatic Restoration has come back with a purchasing price of \$12,985 for the aeration unit. She said that Aquatic Restoration also came back with a service contract of \$6,083, and she described what is proposed in the service contract. Administrator Bleser described some confusion between the owner and his son regarding the proposed inspections. She noted that currently the diffusers are not marked appropriately on Rice Marsh Lake and said that she has asked Aquatic Restoration to fix the problems with the buoys and to get the diffusers properly marked. She said that she would like the District to move forward with the purchase agreement in order to make the aeration unit fully the District's. She said that she has asked the company for a cost estimate for the company to conduct the

start-up and then train one of the District staff on the inspections so that the District could do that work itself, but she has not received a response. Managers Wencl and Crafton spoke in favor of purchasing the aeration unit and for proceeding with trying to secure a cost estimate for the District staff to be trained on inspecting the aerator in order for the District to be able to take over that work. President Forster recommended that the District write the agreement. Administrator Bleser said that the District wrote the agreement as presented. There was discussion of the resolution, the cost, and the possibility of paying Aquatic Restoration on an hourly basis to provide the training.

Manager Crafton moved to approve Resolution 13-18 approving the purchase of the Rice Marsh Lake Aeration equipment and entering into a service agreement with Aquatic Restoration LLC for the 2013-2014 ice season. Manager Wencl seconded the motion. Upon a vote, the motion carried 5-0.

d. Phase 2: Purgatory Recreational Area

Administrator Bleser explained that this is Phase 2 of the work to enter into compliance with the Department of Natural Resources (DNR) permit for the recreational area in Staring Lake. She stated that Phase 1 was completed jointly with the City of Eden Prairie, and Phase 2 is to develop a management and operation plan for the Purgatory Creek Conservation Area. She said that Phase 2 is also a joint project with the City of Eden Prairie since both the District and the City are named on the permit. Manager Wencl asked about the cost of Phase 2. Administrator Bleser responded that the estimated cost of Phase 2 is \$10,000 and that cost will be shared with the City of Eden Prairie, so the estimated cost to the District is \$5,000. She said that she is proposing that those funds come from the Manager's Expense Fund.

Manager Crafton moved to approve Resolution 13-19 resolving that the Board approve entering into contract with Barr Engineering Company for Phase 2 not to exceed \$5,000. Manager Bisek seconded the motion. Upon a vote, the motion carried 5-0.

e. Purgatory Creek WOMP: Met Council Agreement

Administrator Bleser reminded the Board that earlier this year the District was approached by the Metropolitan Council, which offered that if the District provides the WOMP (Watershed Outlet Monitoring Program) station on Pioneer Creek at Pioneer Trail turnkey, the Met Council would take it over with the District collecting the samples and the Met Council providing a \$5,000 a year grant to the District to run the WOMP station. She said that the WOMP station is now operational, and the Met Council would like to enter into an agreement for 2014. She described the responsibilities of both parties. There was discussion on what it would cost to run the WOMP station.

Manager Bisek moved to approve Resolution 13-20 resolving that the Board approve entering into contract with the Metropolitan Council for the maintenance and operation of the WOMP station on Purgatory Creek at Pioneer Trail for the year 2014. Manager Crafton seconded the motion. Upon a vote, the motion carried 5-0.

f. MAWD Delegates

Manager Crafton moved to elect Manager Jill Crafton and Manager Ken Wencl as delegates and Manager Perry Forster and Manager Leslie Yetka as alternates to represent the Riley Purgatory Bluff Creek Watershed District at the annual MAWD Convention. Manager Yetka seconded the motion. Upon a vote, the motion carried 5-0.

12. Manager's Discussion

a. District Policies and Procedures

Manager Bisek provided a brief update on the meeting between Manager Crafton, Administrator Bleser, and herself regarding assembling District policies and procedures. She summarized the information that they have reviewed. Administrator Bleser said that the information will be provided to the Board in the December packet for Board action at the January meeting.

b. Upcoming Board Agenda

President Forster made note of the speakers lined up for the Evening with the Watershed.

13. Upcoming Events

- **Parking Lot and Sidewalk Workshop** – Thursday, November 7, 2013, 9:00 a.m. ó 3:00 p.m., Minnetonka Community Center
- **Winter Roads Maintenance Workshop** – Wednesday, November 20, 2013
- **Citizen Advisory Committee** – Monday, November 18, 2013, Eden Prairie City Center
- **Public Hearing and Regular Board Meeting** – Tuesday, December 3, 2013, Chanhassen American Legion, 6:00 p.m.
- **Evening with the Watershed** – Tuesday, December 3, Chanhassen American Legion, 7:00 p.m.
- **MAWD Annual Meeting** – December 5 ó 7, 2013, Alexandria, MN
- **Regular Board Meeting** – January 8, 2014, Eden Prairie City Center
- **Project WET Workshop** – February 13, 2014, Eden Prairie Water Treatment Plant

14. Adjournment

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

Respectfully submitted,

Ken Wencil, Secretary