

MEETING MINUTES

Riley-Purgatory-Bluff Creek Watershed District

December 3, 2013, Board of Managers Monthly Meeting and Public Hearing

PRESENT:

Managers: Mary Bisek, Vice President

Jill Crafton, Treasurer

Perry Forster, President

Ken Wencil, Secretary

Leslie Yetka

Administrator: Claire Bleser

Staff: Scott Sobiech, Engineer (Barr Engineering Company)

Louis Smith, Attorney (Smith Partners)

Recorder: Amy Herbert

Other attendees: Lindsey Albright, RPBCWD

Ryan Haller, FORRL

Jeff Anderson, RPBCWD

Eric Lindberg, Friends of Red Rock Lake

Carol Aasen, Fisherman, Carver County Parks Commission

Dawn Pape, Lawn Chair Gardener

Jim Boettcher, RPBCWD - CAC

Cindy Satterness, Friends of Red Rock Lake

Jim Bracke, FORRL (Friends of Red Rock Lake)

Norm Setter

Brent Carron, Chanhassen Resident

Bob Shurson, CAC and Mitchell

Bob Kruempelstaedter, Chanhassen Resident

Liz Stout, City of Minnetonka

Kurt Lawton, Eden Prairie Conservation Commission

Marilynn Torkelson, Wild Ones: Native Plants, Natural Landscapes

Floyd Hagen, Red Rock Lake Homeowner

John Tyler, Eden Prairie Resident

1. Call to Order

President Forster called the RPBCWD Board of Managers Tuesday, December 3, 2013, Board of Managers Monthly Meeting and Public Hearing to order at 6:10 p.m. at the Chanhassen American Legion, 290 Lake Drive East, Chanhassen, MN 55317.

2. Approval of the Agenda

President Forster corrected the agenda to note that item 7 ó Treasurer's Report ó is an action item, not just an information item. Manager Crafton moved to approve the agenda as amended. Manager Wencil seconded the motion. Upon a vote, the motion carried 5-0.

3. Public Hearing – Major Plan Amendment

Administrator Bleser reported that the District received four comments during the public comment period for the District's proposed Major Plan Amendment. She said that all of the comments were favorable to the District doing the amendment for the capital improvement projects. Administrator Bleser described some of the capital projects including the Lacy Lucy Water Quality Improvement Project, the Lake Susan Water Quality Improvement Project, the Purgatory Creek Stabilization Project, and the Bluff Creek Water Quality Improvement Project. She said that comments were received from the Minnesota Pollution Control Agency (MPCA), BWSR (the Minnesota Board of Waters and Soil Resources), the Minnesota Department of Natural Resources (MN DNR), and the Metropolitan Council. Administrator Bleser added that copies of the comments are included in the meeting packet.

President Forster noted that the proposed cost of the Bluff Creek project has decreased since the first estimate in 2010. President Forster called for comments from the public on the Major Plan Amendment. Mr. Eric Lindberg asked if there would be reductions in other areas of the plan to support the projects just described. Administrator Bleser explained that there are no capital improvement projects identified in the District's plan.

Manager Wencil moved to close the public hearing. Manager Crafton seconded the motion. Upon a vote, the motion carried 5-0. Attorney Smith described the next steps and said that no further action is needed from the Board tonight and that at its next regular meeting there will be a resolution to adopt the Major Plan Amendment.

4. Correspondence

President Forster announced that he received today a letter from the Lotus Lake Conservation Alliance (LLCA) and he passed it on to Administrator Bleser. He commented that he thinks that Ms. Susla makes some good points in the letter that should be considered by the Board. Administrator Bleser said that she will include the letter in the Board's January meeting packet.

Administrator Bleser clarified that the managers have received some comments from Laurie Susla that were her own comments and not the comments of the CAC. Administrator Bleser also pointed out that the correspondence that the manager received from Bill Satterness were from the Friends of Red Rock Lake and were not comments from the CAC.

Administrator Bleser described a communication she received from Terry Jeffery stating that the City of Chanhassen is trying to get into anti-icing. She said he asked if there is any way that the District could participate in a cost share for the cost of retrofitting of their truck. She said that she did look at the cost-share grant program and the 2013 funds allocated to the program have not been fully expended. She said that the City could apply for a cost-share grant for funds to retrofit the truck. There was some discussion of the cost-share grant program guidelines and the necessity of making sure this proposed use of the cost-share grant funds qualify under the guidelines. Administrator Bleser said she could bring this in front of the Board at the January meeting. Manager Crafton asked about the cost. President Forster said that the District's proposed share of the cost is \$6,720. Manager Bisek asked if the District is setting a precedent by contributing to the purchase of equipment by the City of Chanhassen. President Forster said that the staff and Board will need to look into it.

5. Citizen Advisory Committee

President Forster stated that the minutes from the November 18, 2013, CAC meeting were in the packet. He said that no action is required.

6. Hearing and Discussion of Matters of General Public Interest

President Forster announced that anyone wishing to address the Board of Managers on an item not on the agenda may come forward at this time, and he will recognize the speakers one by one. He explained that speakers are requested to state their name and address for the record and comments will be limited to five minutes per speaker.

Mr. Eric Lindberg of 8731 Summit Drive, Eden Prairie 55347 thanked the Board for this opportunity to speak. He said that he has been a lakefront homeowner on Red Rock Lake since 1999 and is a founding member of the Friends of Red Rock Lake association (FORRL), an IRS-approved 503c non-profit organization. Mr. Lindberg stated that the topic of his comments is Red Rock Lake. He described how for the last 40 years Red Rock Lake has accumulated hundreds of pounds of excess nutrients with no meaningful mitigation. He stated that the nutrients were deposited by a storm water system which this District has endorsed and helped build. Mr. Lindberg continued by saying the nutrients upset the natural balance of plants and animals, stimulating the overgrowth of aquatic plants and algae. Further, he said, fishing and boating are impaired because the lake is choked by weeds, clogging props and water intakes on boats. Mr. Lindberg described the need to cancel a boating event this past summer due to the weeds. He said that for 40 years the Watershed District has collected taxes from landowners whose runoff drains into Red Rock Lake and for 40 years the Watershed has taken no remedial action to remediate Red Rock Lake from the damaging effects of this runoff.

Mr. Lindberg stated that in 2012 the District received two permits to harvest 36 acres of mixed weeds for the purpose of improving navigation. He said that due to budget limitations only 19.5 acres were harvested. He said that in 2013 the District changed its policy and against the objections of its Citizen Advisory Committee, the District asserted it no longer was concerned with recreational uses of water bodies. He said that further, without public discussion, the District recently stated it would no longer attempt to control invasive plants considered native, yet at the same time the District raised its taxing authority by 42%. Mr. Lindberg said that the District amended its 10-year plan and adopted a budget to spend previously allocated money on newly identified projects elsewhere in the watershed; projects previously not identified in the 10-year plan and at a detriment to projects identified in the 10-year plan. He said that the District does not have a formula to effectively evaluate the cons and benefits of projects, so it isn't possible to determine the possible merit of one project over another.

Mr. Lindberg spoke directly to the District's recent action of the watershed requesting the DNR to delist Red Rock Lake as an impaired lake. First, he said, the District did not publish its intention in any meaningful way: it has never been on the agenda at a business meeting, the CAC was not asked for input, and neither the residents of Red Rock Lake nor the FORRL were notified. Further, he said, Eden Prairie City Council officials were not notified either. Mr. Lindberg stated that the District has not been acting in accordance of its official 10-year plan, and he read aloud the Executive Summary of that plan. Mr. Lindberg said that it is our belief that it is inappropriate to declare that Red Rock Lake no longer suffers from eutrophication. He said that speaking tonight as a resident and a board member of FORRL, he respectfully requested the Board of Managers to do two things:

1. Direct its Administrator to withdraw the District's recent letter to the DNR to delist Red Rock Lake.
2. Commission in 2014 a new Use Attainability Analysis for Red Rock Lake (UAA), which will measure the full range of conditions on the lake, determine causes, and recommend long-term solutions.

Mr. Lindberg concluded by saying that he hopes that the District will soon begin to restore and protect Red Rock Lake, and he thanked the Board for the opportunity to speak.

President Forster responded that he emphasized at the Board's November meeting the fact that the District's

action of applying to have the lake taken off the impaired waters list, which is by the Minnesota Pollution Control Agency and not the DNR, does not mean that the District is going to ignore this lake. He said that he specifically addressed this point with Bill Satterness at the last Board meeting. President Forster said that the District would not want the lake to go back onto the impaired waters list and that there is no intent on the part of the Watershed District to ignore this lake. He said that he had told Eden Prairie Council member Case and the Eden Prairie mayor of the District's intention to request that Red Rock Lake be removed from the impaired waters list, so this action was not a surprise. He added that the suggestion for making the request to the MPCA came from within the City of Eden Prairie departments. President Forster made comments on the plant coontail and also explained that the District is not giving up on Red Rock Lake and in fact is working far from that perspective.

Manager Yetka made the clarification that the Board did have the topic on its meeting agenda and also noted that the request is to the MPCA - a body that will not take the decision lightly. She also encouraged the FORRL to reach out to lake associations of other shallow lakes to find out what they are doing and what has been successful. There was further discussion of coontail and shallow lakes. President Forster invited the group to come to the workshop on shallow lakes that the District is hosting at 4:00 .m. on December 9th.

Mr. Lindberg commented that he appreciates the partnership and asked about the possibility of doing a UAA on Red Rock Lake in 2014. President Forster said that the District would need to look into it.

7. Treasurer's Report

Manager Crafton reported that the Treasurer's Report is in the packet and made a short report on the status of the safety deposit box at KleinBank. Manager Crafton moved to add Managers Bisek and Yetka to the District's signature forms. Manager Yetka seconded the motion. Upon a vote, the motion carried 5-0.

Manager Crafton moved to add President Forster to the safety deposit box. Manager Yetka seconded the motion. Upon a vote, the motion carried 5-0.

Manager Wencl asked about an invoice from the City of Eden Prairie. Administrator Bleser said that the \$25,000 payment was going to the Aquatic Invasive Species inspections and the \$5,000 payment was going for the Purgatory Creek plan that the District is doing with the City of Eden Prairie in order to get in compliance with the permits for the Purgatory Creek Rec Area.

Manager Wencl 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 bill. Manager Bisek seconded the motion. Upon a vote, the motion carried 5-0.

8. Engineer's Report

President Forster noted that the Engineer's Report is in the meeting packet.

9. Administrator's Report

President Forster noted that the Administrator's Report is in the meeting packet.

10. Board Action

a. Minor Plan Amendment

President Forster said that the Board needs to take action on Resolution 13-21 Adopting Regulatory Program and Cost-Share Program Amendments to Watershed Plan. Manager Yetka moved to approve Resolution 13-21. Manager Bisek seconded the motion. There was discussion on the content of the resolution. By call of roll, the motion carried 5-0:

<i>Manager</i>	<i>Yes</i>	<i>No</i>
Bisek	X	
Crafton	X	
Forster	X	
Wencl	X	
Yetka	X	

11. Manager’s Discussion

a. Upcoming Board Agenda

Administrator Bleser handed out a draft RPBCWD Governance Manual and said that she is passing it out for the Board members to review for possible action at the Board’s January meeting. She also passed out to the Board members folders with stream assessments done by staff.

12. Upcoming Events

President Forster announced that the managers will be attending the MAWD (Minnesota Association of Watershed Districts) meeting from December 5th to 7th.

- **MAWD Annual Meeting**, December 5-7, 2013, Alexandria, Minnesota
- **Board Meeting**, December 9, 2013, Eden Prairie City Center, 4:00 p.m.
- **Regular Board Meeting**, January 8, 2014, Eden Prairie City Center, 7:00 p.m.
- **Project WET Workshop**, February 13, 2014, Eden Prairie Water Treatment Plant

13. Adjournment

Manager Yetka moved to adjourn the meeting. Manager Crafton seconded the motion. Upon a vote, the motion carried 5-0. The meeting adjourned at 6:51 p.m.

Respectfully submitted,

Ken Wencil, Secretary