

MEETING MINUTES

Riley-Purgatory-Bluff Creek Watershed District

March 5, 2014, Board of Managers Monthly Meeting and Public Hearing

PRESENT:

Managers: Mary Bisek, Vice President

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: Lindsey Albright, RPBCWD

Jeff Lee, Barr Engineering Company

Jim Boettcher, CAC

Sharon McCotter, CAC

Craig Dawson, MCWD

Andry Ranaivoson, University of Minnesota

Mark Dittrich, MDA

Dennis Seeger, CAC

Larry Koch, Chanhassen Resident

Laurie Susla, LLCA, CAC

1. Call to Order

President Forster called the RPBCWD Board of Managers Wednesday, March 5, 2014, Board of Managers Monthly Meeting and Public Hearing to order at 7:09 p.m. in the Council Chambers at Eden Prairie City Center, 8080 Mitchell Road, Eden Prairie, MN 55344.

2. Approval of the Agenda

Manager Bisek requested that the Board add to the Managers Discussion a discussion of Kerber Pond. President Forster requested that the Board add to the Managers Discussion an update on discussions he has been having with an advertising agency. Manager Yetka moved to approve the agenda with the changes as noted. Manager Wencl seconded the motion. Upon a vote, the motion carried 4-0 [Manager Crafton absent from vote].

3. Reading and Approval of the Minutes

President Forster requested one revision to the minutes of the February 5, 2014, RPBCWD: change the word "contacts" to "contracts" on page 6. Upon a vote, the managers approved 4-0 the minutes as amended of the February 5, 2014, RPBCWD meeting [Manager Crafton absent from vote].

4. Bioreactors

Administrator Bleser introduced Andry Ranaivoson of the University of Minnesota and explained that he will present information on bioreactors as a fairly new technique of removing phosphorous. She explained that District staff members have been having conversations with Mr. Ranaivoson and Mark Dittrich of the Minnesota Department of Agriculture (MDA) regarding the feasibility of implementing this technique in this watershed in a location near the southwest corner of Lake Susan in the 2.12 area. Administrator Bleser reported that staff has spoken with the Department of Natural Resources (DNR), the U.S. Army Corps of Engineers, and the City of Chanhassen and all three parties have been pretty receptive of using such a technique in the proposed area of the watershed.

Mr. Ranaivoson introduced himself and explained his background working with bioreactors, saying that the data he is presenting tonight comes from two bioreactors that have been tested on a daily basis. He stated that bioreactors were designed to cut nitrate loads, but it was discovered that the bioreactors also take care of phosphorous, both total phosphorous and soluble phosphorous.

Mr. Ranaivoson displayed via PowerPoint a photograph of a constructed bioreactor, which was approximately six feet wide by six feet deep by three hundred feet long and handled the drainage of approximately 150 acres. There was discussion of the construction, and Mr. Ranaivoson described it as a very simple system. He talked about the flow control box set-up and about the flow bypass, which is where water is diverted if there is too much rainfall. Mr. Ranaivoson reported that to-date the data shows that the bioreactor system is able to treat 28% of peak flow.

He described the bioreactor and the pollutants monitored including nitrates, total and soluble phosphorous, herbicides, and greenhouses gases. He showed a photo of a site's monitoring system, which records data daily, and explained the sampling program. Mr. Ranaivoson showed a photo illustrating the inflow to and outflow from the bioreactor. He walked the group through the information presented in the table, "Summary Table for Total Phosphorous Reduction," which gave data for two bioreactor sites: Dodge County and Rice County. The data included information about the site, the year, the monitoring period, the rainfall or snow depth in inches, the inlet total phosphorous, the outlet total phosphorous, the reduction of total phosphorous, and the overall reduced nitrogen concentration. Mr. Ranaivoson pointed out that the data shows that the bioreactor system resulted in a 42% reduction of nitrates and a 79% reduction of total phosphorus.

Manager Wencil asked if the NCRS would be able to assist the District financially with implementing such a project. Mr. Dittrich responded that he couldn't say if there would be an opportunity for funding through the NCRS, but he and Mr. Ranaivoson likely could help the District apply for a grant.

Mr. Wencil asked about the cost of installing the bioreactor in Dodge County. Mr. Dittrich said that it cost \$7,000 to set up the structure and described the work with the soil. He said that cost is impacted by the soil cohesion, which determines whether the soil would crumble during the digging of the trench. There was some discussion of the soil cohesion in the proposed bioreactor location in the RPBCWD watershed.

Mr. Dittrich responded to questions, such as use of this technique for urban runoff treatment, how much medium would be necessary in order for a site to be appropriate, and he explained that such information would be gathered by taking volume data and running it through a model. President Forster commented that this watershed district has a willingness to experiment and the data presented tonight is encouraging. The Board thanked Mr. Ranaivoson and Mr. Dittrich for the presentation. Administrator Bleser stated that staff will provide updates on the bioreactor and the feasibility of installing one in the Lake Susan 212 area as staff moved along in the process.

5. Aquatic Invasive Species

Craig Dawson of the Minnehaha Creek Watershed District (MCWD) described his background including his service with the RPBCWD, his work at the City of Eden Prairie, and his time as the City Manager of Shorewood. He described his current role with the MCWD and talked about the start of the MCWD's Aquatic Invasive Species (AIS) Management Program that the MCWD began three years ago. Mr. Dawson noted that he had provided the Board and staff with the Executive Summary of the MCWD's AIS Management Plan, and he summarized the process the MCWD has gone through to establish its AIS Management Program.

Mr. Dawson talked about how the MCWD stresses partnerships in its program, especially with the funding of program activities and about the MCWD's philosophy that it is better to spend funds on activities over regulations. He described the MCWD's approach to AIS as positive and facilitative and how it has the goal of getting people to take personal responsibility to help prevent AIS introductions and spread. Mr. Dawson explained that the MCWD's plan includes components on prevention, containment, and control of AIS.

He highlighted what the MCWD is doing under its 2014 AIS management program, such as funding a roving inspector who will be able to get to lakes that otherwise would not have an inspection program, and providing grants for water improvement access that would add prompts, visuals and positive messages at water accesses on more of the 26 access in the Minnehaha Creek Watershed. Mr. Dawson said that there are 29 lakes and 6 streams in that watershed and the MCWD is hoping to get more monitoring data.

He talked about the Equinox trial and study and said that it will be applied in the fall in a small area in Lake Minnetonka. Mr. Dawson said that flowering rush is an invasive species in the watershed and so far it has been able to be pulled out of the lake by hand. He mentioned the alum treatment of Curlyleaf Pondweed on Gleason Lake and that he hopes the MCWD will work with Peter Sorenson on a two-and-a-half-year carp study in the Six Mile Creek subwatershed. Mr. Dawson also touched on the legislative testimony that the MCWD is participating in, the District's education and outreach, and its 2015 AIS Management Program.

Mr. Dawson responded to Board questions. The Board thanked him for coming.

6. Operations and Maintenance Plan – Purgatory Recreation Area

Jeff Lee of Barr Engineering Company introduced himself and said he will be providing an overview of the status of the draft Operations and Maintenance Plan for the Purgatory Creek Conservation Area. He said that he has been working over the past five months with RPBCWD staff, the City of Eden Prairie, and the Department of Natural Resources (DNR) to put this draft plan together. He explained that the plan is required as a condition of a 1995 DNR permit to work in protected waters and as an oversight the plan was not put in place, so the plan being discussed tonight will fulfill those permit requirements.

He reviewed the plan's major points, including maintaining flood storage capability, with some flexibility for modifying the water level for fisheries purposes. Mr. Lee stated that the current outlet structure elevation of 815.7 will become the new normal water elevation for the Purgatory Creek Conservation Area, essentially what the normal water elevation has been for the past 10 to 15 years. He noted that the plan also will ask the DNR to allow for up to 12-inch adjustments periodically in order to manage fish populations.

Mr. Lee talked about the proposed placement of a fish barrier and trash rack at the upstream end of the current CCA outlet structure and said that the City of Eden Prairie is working to finish the design, get it fabricated, and get

it installed this spring. He described the second part of the fisheries program, which is to fill the scour hole that currently exists below the outlet structure and that acts as a refuge for fish seeking deeper water.

Mr. Lee addressed aquatic invasive species such as the Brittle Niad and said that the plan would provide direction as to appropriate chemicals if the City of Eden Prairie would chose to pursue chemical treatment of the Brittle Niad. He noted additional items that the plan addresses as well as general comments included. Mr. Lee said that the plan mentions developing an effective management plan for Staring Lake. He described next steps including the public process and the submission of the plan to the DNR and the U.S. Army Corps of Engineers for comment and upon approval this plan becomes the operating plan and satisfies the conditions of the District's permit.

Mr. Lee responded to Board questions.

7. Stormwater Ponds

Administrator Bleser provided background on the Stormwater Ponds Report. Lindsey Albright, RPBCWD, stated that the report is available online. Ms. Albright provided a detailed presentation on the stormwater pond sampling program, in which ponds were sampled in 2012 and 2013. She explained that the goal of the work was to answer specific questions that would answer the overreaching question, "Are stormwater ponds in the watershed a source of pollution in the RPBCWD?" She described the research and findings, including that the data show that 18 of the ponds had phosphorous levels of great than 1 milligram per liter.

Administrator Bleser talked about next steps included continuing the sampling program in 2014 in order to have three years of data and options such as pond retrofitting that the District may want to consider if, after the third year of data, the data stays consistent in its findings of which ponds have high levels of phosphorous.

Manager Yetka stated that she thinks it is important to put the data into context with what the waterbody is and how it is functioning in relation to the greater subwatershed and watershed.

President Forster said that the staff did a great job of condensing such a large amount of data into information that is very understandable and workable.

8. Hearing and Discussion of Matters of General Public Interest

Lori Susla said she wanted to talk about two very different processes that the District has undertaken, and she described it as a tale of two different priorities. She said that the one process was the watershed rules process, which was a very large effort undertaken over the past nine months. Ms. Susla summarized the goals of the rules and commented that the District went through a very logical process in the development of the rules and detailed different components of that process. She read her comments on that process including that a plan was created and followed to get the rules created and finalized prior to 2014 building season. Ms. Susla said the process to get the rules created and adopted happened quickly, thoroughly, and professionally.

Ms. Susla said that now she will present the tale of the lower priority of the District, which is AIS management. She provided her description of AIS as a man-made threat and its consequences. Ms. Susla said that since early 2011 citizens have been asking the District to develop a policy, plan, and strategy to deal with the AIS issue, but to date it has not been done. She mentioned an AIS resolution that was passed two years ago as well as two separate sets of recommendations that the CAC's AIS subcommittee has submitted to the Board. Ms. Susla said that neither set of recommendations have been part of a RPBCWD Board meeting discussion. She talked about the AIS management plan developed by an engineering firm and that cost \$15,000 and took five months to complete. She

said that unfortunately there was not much in the report that was not already known, but even so, the recommendations in the study are not being followed. Ms. Susla pointed out that the report has not been discussed at a Board meeting. She described funding provided to the cities of Eden Prairie and Chanhassen by the District in the last two years to help fund a part-time inspection program. Ms. Susla commented that the part-time nature of the inspection program leaves the lakes of the District highly exposed. She remarked that unlike the District's rule development process, there has been no similar process done for AIS prevention. Ms. Susla said that according to tonight's meeting agenda, the Board is about to discuss doing the exact same program for the third year in a row, implementing nothing from the learnings from the past two years and continuing to expose the lakes to a threat much more damaging than any of the threats covered in the rules. She said that in her mind this begs the question of why the two situations are being handled so differently. Ms. Susla said that in both 2012 and 2013, the Lotus Lake Conservation Alliance spent more money than the cities of Chanhassen and Eden Prairie individually on trying to protect Lotus Lake and the LLCA does not know if it can keep this up, although it will do the best it can to keep it going. She asked when will the District set timeline to develop the needed policies, goals, and strategies for a comprehensive AIS prevention and management plan and said hopefully not after one of the lakes is infested.

President Forster spoke about the limits to the District's jurisdictional authority, which means that the District's activities with AIS prevention and management need to be coordinated with the cities and the District can do what the cities approve doing. He said that the District is working as hard as it can on the issue of AIS and it has anted up more funding than any other party. Ms. Susla commented that she is trying to say that it is time to get some logic behind the efforts. Mr. Koch said that he lives along Lotus Lake and while he can appreciate President Forster's frustration, it is time for the District to develop a policy that it can stand behind. He recommended that the District continue its same efforts, be the leader in the communities to do the right thing on behalf of the lakes, adopt a policy that the District can stand behind and states that it will do everything it can to control AIS, but because if the District doesn't take that position then it can't expect the cities to do so either.

Manager Wencl asked if he would identify what he would like from the City of Chanhassen and the RPBCWD for Lotus Lake. Mr. Koch responded that he would like the funding to be able to have sun up to sun down inspections 7 days a week from the time that the ice goes out until it freezes over. He said that he believes that the lakeshore property owners need to be more a part of the process and need to put their actions where their mouths are. He said that he feels that there should be discussions with the City of Chanhassen and that there are ways that the discussions could be done in a very amicable, business-like manner.

Attorney Smith said that in this discussion the idea of policies and rules was brought up. He said that with regard to rules, in his work with another District he discovered that the District would be at the very outer edge of its authority if it were to adopt rules requiring more vigorous inspections of water craft as they enter lakes and would not be good investment of taxpayer resources. Attorney Smith said that it was determined to be a far better approach to work with other jurisdictions, and he would provide the same counsel here that an intense regulatory approach is not the best given the District's legal authority.

9. Treasurer's Report

Administrator Bleser provided an update on the format change of the Treasurer's Report, described the changes, and noted one adjustment made to the report in front of the Board. Manager Yetka moved to accept the Treasurer's Report. Manager Wencl seconded the motion. Upon a vote, the motion carried 4-0 [Manager Crafton absent from vote].

Manager Bisek moved to pay the bills. Manager Yetka seconded the motion. Manager Bisek thanked the Administrator and Treasurer for working to make the updates to the Treasurer's Report. Upon a vote, the motion carried 4-0 [Manager Crafton absent from vote].

10. Engineer's Report

President Forster commented that this report is a much more active engineer's report, and it indicates that a lot of work is happening out there.

11. Administrator's Report

a. DNR AIS Grant

Administrator Bleser reported that the District received a DNR grant, which would be basically for inspections on Lotus Lake for a total of 485 hours. She said that the District will need to contribute a match of \$3,880. She said is working on getting the grant agreement from the DNR. Administrator Bleser announced that the District received two other grants that are for the Curlyleaf Pondweed treatment for Lake Susan and Lake Riley.

b. 2014 AIS Plan

Administrator Bleser talked about the District providing for 2014 AIS inspections \$23, 234 to the City of Chanhassen with the expectation that again the City would do a \$10,000 match. She said talked about the \$2,114 came from last year's budget that the District wanted to use toward Lotus Lake AIS, and she recommended that the District use those funds toward its match for the DNR grant. She said that she reduced by \$1,766 the \$25,000 budgeted to the City of Chanhassen in order to have the additional funds needed for the DNR grant match of \$3,880.

Administrator Bleser said that the District would also provide \$25,000 to the City of Eden Prairie for 2014 AIS inspections and would require the \$10,000 match. She talked about dedicating \$3,000 out of the District's education budget to go specifically toward AIS education and outreach. She provided an update on the work of the University of Minnesota student who is working with the District on gathering information about what is out there in terms of education and outreach and then identifying gaps. Administrator Bleser also provided an update about the West-Metro AIS Group. She said that the group is already talking about 2015 with the goal of having a united front for 2015.

c. Shallow Lakes Forum

Administrator Bleser announced the upcoming Shallow Lakes Forum.

d. Winter/Spring Newsletter

Administrator Bleser described the newsletter and its distribution and answered questions about the newsletter and where it will be distributed.

e. Plan Amendment

Administrator Bleser said that the proposed Plan Amendment is under review by the Minnesota Board of Water and Soil Resources.

f. Lake Vegetation Management Plan

Administrator Bleser provided an update on her work contacting aquatic biologists, and she said that she

hopes to be receiving bids soon. She mentioned that she would bring more information to the Board at a future meeting.

12. Board Action

a. Website

Administrator Bleser talked about the cost-share grant information posted on the website and released to the cities. There was discussion about possible applications and cost-share projects. She announced that the District will need to renew its contract with the Carver County Soil and Water Conservation District and pointed out that the Carver County SWCD wants the contract for a two-year term instead of just one year like the current contract. She added that the hourly rate for the work will not increase, and the agreement with the Carver County SWCD will have a Not-to-Exceed amount of \$30,000. Administrator Bleser said that this will come in front of the Board at a future meeting.

She reported on the bid received by the District from HDR for additional website work, and she described the work. She said that the District budgeted \$15,000 for 2014 for website work and the HDR bid was for \$9,582. Administrator Bleser recommended that the Board approve hiring HDR to do the additional website work as described.

Manager Yetka moved to approve entering into contract with HDR for website development and updates at the amount of \$9,582. Manager Bisek seconded the motion. Administrator Bleser said she thinks it would be in the best interest of the District to have HDR amend its Task 4 as described in its proposal and put it towards permitting, specifically regarding appropriation of surface water and ground water, in order to have an automated program. Managers Yetka and Bisek agreed to amend the motion to include that Administrator Bleser make the request of HDR to amend its Task 4 as discussed. Upon a vote, the motion carried 4-0 [Manager Crafton absent from vote].

b. Hiring of Staff

Administrator Bleser described the two full-time staff positions that she is recommending the District create, talked about salary ranges, the type of work that the staff members would perform, and from where in the District's budget the funds would come for the salary and costs of the two new staff members. She requested that the Board take action to approve her starting the hiring process to secure a water quality specialist/ outreach coordinator and a district technician/ compliance officer. Manager Wencil moved to authorize the Administrator to hire two new staff members as discussed. Manager Bisek seconded the motion. Upon a vote, the motion carried 4-0 [Manager Crafton absent from vote].

c. Office Space

Administrator Bleser reported on the District's current office space and its need for more office space. She provided details on her research and findings regarding new office space. Manager Bisek moved to authorize the Administrator continue her discussions and examinations regarding office of space and to report back to the Board. Manager Yetka seconded the motion. Upon a vote, the motion carried 4-0 [Manager Crafton absent from vote].

13. Manager's Discussion

a. Buffer Requirements

Administrator Bleser explained that after the District's rules workshop there were some questions about

buffers. She described some of the question, such as would turf be allowed as a buffer, and provided answers. Attorney Smith remarked that the rules will not require existing homeowners to convert unless they are undertaking some kind of development project.

b. Education Materials on AIS

President Forster described his discussions with an advertising professional regarding the development of billboards with messages about stopping the spread of zebra mussels. He talked about the possibility of the District participating in such a campaign and finding partners to help develop and fund the campaign. He said that he would like the Board's approval to continue investigating this campaign approach and to approve use of some District funds on the campaign.

There was discussion, and Manager Bisek said she appreciated the work that President Forster has put into this but had concerns about the ramifications of taking on something like this campaign without receiving quotes or bids. Attorney Smith noted that the District is not legally required to seek out competitive bids for professional services. There was further discussion about the effectiveness of billboards and other methods of communicating messages. Manager Wencl requested a report on last year's boat inspections on Lotus Lake. President Forster asked Administrator Bleser to email that report to the Board members, and Administrator Bleser indicated that she would.

c. Kerber Pond Update

Administrator Bleser reported that Kerber Pond in Chanhassen has an overabundant population of goldfish, which are carp. She explained that Kerber Pond drains into Lotus Lake, and she raised the issue of these carp potentially getting into Lotus Lake. She asked the Board to consider authorizing staff to investigate what could be done to prevent these carp accessing Lotus Lake after snow melt. President Forster directed Administrator Bleser to come back in two weeks with a plan and a budget.

14. Upcoming Events

- **Project WET Workshop**, February 13, 2014, Eden Prairie Water Treatment Plant
- **Board Meeting**, Wednesday, February 5, 2014, Heritage Room, Eden Prairie City Center, 7:00 p.m.
- **Regular Board Meeting**, Wednesday, March 5, 2014, Council Chambers, 7:00 p.m.
- **Public Hearing**, Wednesday, March 19, 2014, Council Chambers, 6:00 p.m.
- **Native Plant Landscaping**, March 26, 2014, Minnetonka Community Room, 7:00 p.m.
- **Evening With the Watershed**, Thursday, April 3, 2014, Chanhassen American Legion, 7:00 p.m.
- **Shallow Lakes Forum**, Saturday, April 12, 2014 U of M Landscape Arboretum, Chanhassen, 8:30 a.m.

15. Adjournment

Manager Yetka moved to adjourn the meeting. Manager Wencl seconded the motion. Upon a vote, the motion carried 4-0 [Manager Crafton absent from the vote]. The meeting adjourned at 10:08 p.m.

Respectfully submitted,

Ken Wencil, Secretary