

## MEETING MINUTES

### Riley-Purgatory-Bluff Creek Watershed District

April 1, 2015, Board of Managers Monthly Meeting

#### PRESENT:

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

Staff: Claire Bleser, RPBCWD Administrator  
Michelle Jordan, RPBCWD Water Quality and Outreach Coordinator  
Josh Maxwell, RPBCWD District Technician II/Compliance Officer  
Chuck Holtman, Attorney (Smith Partners)  
Scott Sobiech, Engineer (Barr Engineering Company)

Other attendees: Bob Adomaitis, CAC Sharon McCotter, CAC  
Kelly Augusto, Hennepin County Bob Shurson, CAC  
Jim Boettcher, CAC Liz Stout, City of Minnetonka  
Bill Coppage, CAC Shawn Tracy, HDR  
Larry Koch, CAC

#### 1. Call to Order

President Forster called the RPBCWD Board of Managers Wednesday, April 1, 2015, Board of Managers Monthly Meeting to order at 7:00 p.m. at the RPBCWD District Office at 14500 Martin Drive, Suite 1500, Eden Prairie, MN 55344.

#### 2. Approval of the Agenda

President Forster announced that he had one item about upcoming meetings to add to the Managers Discussion. Manager Bisek requested to add to Board Action an item to confirm the Board's approval for Wenck Associates to proceed with the tasks Wenck outlined for the proposal to develop plans and specifications for the Lake Riley alum application. Administrator Bleser requested adding to the Board Action a purchasing request, and she pulled off of the Board Action Consent Items 9a-iii & Consent Permit 2015-009 Sand Blanket & for discussion.

Manager Crafton moved to approve the agenda as amended. Manager Wencl seconded the motion. Upon a vote, the motion carried 4-0 [Manager Yetka absent].

#### 3. Reading and Approval of Minutes

##### a. March 4, 2015, RPBCWD Board of Managers Monthly Meeting

Administrator Bleser requested an edit on page six under item 12f to revise the sentence "Administrator Bleser said that the Board is considering" to "Administrator Bleser said that the Board should

consider...ö Manager Crafton requested an edit to page five under item 9 to revise the sentence öManager Crafton put into revisedí ö to öManager Crafton put into revisingí ö. Manager Crafton requested the deletion of the word ötalkedö on page eight in the second paragraph under item 12 j so that the sentence reads, öAdministrator Bleser describedí ö President Forster requested the correction of a typo on page four under item 7so that the word öhireö is correctly spelled. Manager Wencil moved to approve the minutes as amended. Manager Crafton seconded the motion. Upon a vote, the motion carried 4-0. [Manager Yetka absent].

#### 4. Hearing and Discussion of Matters of General Public Interest

Larry Koch asked for people to speak up so that they can be heard more clearly.

#### 5. Citizen Advisory Committee (CAC)

CAC member Sharon McCotter talked about the CAC's discussion on education comps for CAC members. She reported that the CAC is requesting that Administrator Bleser and Dorothy develop a proposal on how the CAC can manage that program and ensure that the education resources are being distributed fairly. Ms. McCotter summarized the CAC's discussion about the CRAS (Creek Rapid Assessment Survey) program.

#### 6. Treasurer's Report

Manager Crafton amended the Treasurer's Report to add an expense reimbursement to President Forster in the amount of \$948.54 that had been submitted but not included in the report. Manager Crafton moved to accept the Treasurer's Report as amended. Manager Wencil seconded the motion. Upon a vote, the motion carried 4-0. [Manager Yetka absent]. Manager Crafton moved to approve payment of the bills. Manager Bisek seconded the motion. Upon a vote, the motion carried 4-0. [Manager Yetka absent].

#### 7. Engineer's Report

President Forster had a question about the Bluff Creek Fish Passage project schedule and asked for an update. Administrator Bleser updated the Board about communications with the property owner regarding the project and a potential easement on the property.

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

#### 8. Administrator's Report

President Forster pointed out an item in the Administrator's Report that details that the District is receiving \$581,400 in grant funds. He said that this is commendable and complimented staff for their work on achieving these grants.

Manager Crafton moved to accept the Administrator's report. Manager Wencil seconded the motion. Upon a vote, the motion carried 4-0. [Manager Yetka absent].

#### 9. Board Action

- a. **Consent Items: 1. Consent Permit 2015-002 Mission Hills Senior Homes, 2. Consent Permit 2015-005 County Road 101, 4. Request for Proposals for Professional Services, 5. 2015 Clean Water**

**Grants and Task Order 13a and Task Order 12**

Manager Crafton moved to approve Consent Items 1, 2, 4, and 5. Manager Bisek seconded the vote. Upon a vote, the motion carried 4-0. [Manager Yetka absent].

**b. Clarification on Board Action on Lake Riley Alum Project**

Manager Bisek said that the Board during its discussion last month did not specifically approve the proposal from Wenck Associates to develop plans and specifications for the Lake Riley Alum application and so the Board needs to take action tonight to approve Task 1 from the Wenck proposal. Administrator Bleser added that the funds for the work by Wenck will come from the remaining funds from the Lake Lucy spent-lime treatment project.

Manager Bisek moved to approve Task 1 from the Wenck proposal on the Lake Riley Alum application project and for the funds to come from the remaining funds from the Lake Lucy spent-lime treatment project. Manager Crafton seconded the motion. Upon a vote, the motion carried 4-0 [Manager Yetka absent from vote].

**c. Chanhassen Request for AIS**

President Forster reported that the District received a letter from the City of Chanhassen with a request for \$2,000 in additional funds for aquatic invasive species work that the City will be doing this year. He said that these funds would come out of the District's Contingency Fund. Administrator Bleser provided more details about how the City would be utilizing these funds.

There was a discussion about the AIS funding to the City of Chanhassen and the various funding sources. President Forster recommended that the District secure a memo of understanding between the District, Carver County, and the City of Chanhassen as to what the District is contributing, what the District's expectations are, and what the District wants to see coming down the road from a reporting standpoint so that the District knows how the money is being used. There was a long discussion about the City's request.

Manager Crafton moved to provide additional funds in the amount of \$2,000 to the City of Chanhassen in order to keep the level of service the same as it was in 2014 and for a memo of understanding to be developed. Manager Wencl seconded the motion. Upon a vote, the motion carried 4-0 [Manager Yetka absent from vote].

**d. Permit 2015-006 Schlusser Barn – Permit Modification**

President Forster reminded the Board that it approved the permit at its last meeting and said that now a modification to that permit is needed. Administrator Bleser said that the Board needs to modify the March 4, 2015, approval of permit 2015-006 to replace the condition requiring recordation of a maintenance declaration with a condition granting the city's request to assume the property owner's maintenance obligation and authorizing the administrator, on advice of counsel, to enter an agreement with the City for permanent maintenance of the stormwater facilities constructed to comply with RPBCWD stormwater-management requirements. Manager Crafton moved to modify the Board's approval of permit 2015-006 as specified by Administrator Bleser. Manager Bisek seconded the motion. Upon a vote, the motion carried 4-0 [Manager Yetka absent from vote].

**e. Education and Outreach Plan**

Administrator Bleser reminded the Board that in February the Board discussed the Education and Outreach Plan. She said that staff recommends the Board take action to adopt the plan. Manager Crafton moved to adopt the Education and Outreach Plan. Manager Bisek seconded the motion. Upon a vote, the motion carried 4-0 [Manager Yetka absent from vote].

**f. Stormwater Banking Resolution**

Administrator Bleser pointed out that Resolution 2015-007 is included in the meeting packet. She provided background on how this proposed stormwater banking agreement originated. Administrator Bleser summarized the resolution, explaining that it enables District staff to proceed with agreements with parties that would like to construct stormwater improvements and bank the stormwater credits to use at a future date with future development. Attorney Holtman noted that the agreement is not a promise that the stormwater banking credits can be used at any time but is an agreement that if the parties want to use the credits, the District will review the project against its rules.

There was discussion about the proposed project by Eden Prairie Mall and the possibility of incorporating vegetated swales or other Best Management Practices (BMPs). The Board discussed the language in the resolution. Attorney Holtman recommended adding to the resolution the language, "Be it further resolved that the facility may be used only as in compliance with the rules in place at the time of the permit application." The Board and staff indicated approval of the addition of this language.

Manager Crafton moved to adopt Resolution 2015-007 as amended. Manager Bisek seconded the motion. Upon call of roll, the motion carried 4-0. [Manager Yetka absent from vote].

Manager	Ay	Nay
Bisek	X	
Crafton	X	
Forster	X	
Wencl	X	

**g. Annual Report**

Administrator Bleser stated that staff is working on revising the annual report based on manager feedback. She said she is waiting for the final audit and that the Board will need to have a meeting in April to approve the final annual report for distribution. The Board discussed meeting at 1:00 p.m. on April 17 to approve the annual report. Manager Crafton moved to set a special meeting of the RPBCWD Board for April 17, 2015, at 1:00 p.m. at the District office to approve the annual report and to discuss other items if they are added to the meeting agenda. Manager Wencl seconded the motion. Upon a vote, the motion carried 4-0 [Manager Yetka absent from vote].

**h. Chaska Plan**

Administrator Bleser reported that the District received a Local Surface Water Management Plan (LSWMP) from the City of Chaska. She said that the staff reviewed the plan and prepared draft comments as included in the Board's meeting packet. Administrator Bleser requested that the Board take action to authorize the Administrator to modify the draft comment letter to indicate that the District does not approve the LSWMP until the District's comments are effectively addressed and work with Counsel to implement comments on regulatory programs in the LSWMP's Implementation section.

Attorney Holtman pointed out that the state statute requires the District to approve or deny the LSWMP within 60 days or else it is deemed approved. He explained that this puts the District in the position of

having to communicate to the City of Chaska that its LSWMP is denied. Attorney Holtman said that the District would need to communicate this action in a way that the City understands the District's action and the items that the City needs to address in the LSWMP in order for the District to approve it.

Manager Bisek moved to accept Administrator Bleser's recommended language addition to the District's comment letter to the City of Chaska about its Local Surface Water Management Plan and to authorize the Administrator to move ahead with sending the revised letter and seeking comments back from the City. Manager Crafton seconded the motion. Upon a vote, the motion carried 4-0 [Manager Yetka absent from vote].

**i. Master Water Stewards Program**

Administrator Bleser spoke about the program. She recommended the District look to sponsor up to ten Master Water Stewards in the District, with the cost for sponsoring each steward being approximately \$2,500. Administrator Bleser suggested that the funds for participating in the program come from the District's Education and Outreach funds, with half of the funds coming from the 2015 budget and half of the funds coming from the 2016 budget. There was discussion about making sure the District has the funds available to participate in the program as the Administrator has recommended. Administrator Bleser said that she can bring this item back at next month's meeting with additional information about funding. The Board agreed to defer this item to the Board's May meeting.

**j. Duck Lake Subwatershed Analysis**

Administrator Bleser explained that for the past year the District has been working with the Carver County Soil and Water Conservation District (SWCD) on looking at the best area in the Duck Lake watershed to implement Best Management Practices (BMPs). She said that the District asked Shawn Tracy of HDR for a proposal to help with the subwatershed analysis and to lead the project, utilizing District staff and continuing to involve the Carver County SWCD. Administrator Bleser noted that a lot of materials will be developed for this project and will use the District's new templates. She requested that the Board approve the Duck Lake Retrofit Implementation Management Tasks 1-4 with the option of Task 1 being done as necessary and for the work not to exceed the cost of \$22,518, with the funds coming from the District's cost-share program.

Managers Crafton and Bisek and President Forster spoke in favor of moving forward with this work. Manager Bisek said that she would like assurance that this project is an appropriate use for the District's cost-share funds. There was discussion about the project, its low-impact development focus, how it would encourage future cost-share projects, how to get residents more involved with the watershed and Evening with the Watershed.

President Forster summarized that tonight the District is deciding whether it wants to go forward with this Duck Lake program. Attorney Holtman recommended that the District transfer the funds from the cost-share program to the appropriate account. Administrator Bleser said that the Duck Lake program would be a subaccount within the District's Low-Impact Development (LID) account.

Manager Crafton moved to authorize the transfer of \$22,518 from the District's cost-share account to its LID account. Manager Wencil seconded the motion. Upon a vote, the motion carried 4-0 [Manager Yetka absent from vote].

Manager Bisek moved to direct District staff to enter into an agreement for the Duck Lake Retrofit Implementation Management project Tasks 1-4 with the option of Option 1. Manager Crafton seconded the motion. Upon a vote, the motion carried 4-0 [Manager Yetka absent from vote].

**k. Purchase Request**

Administrator Bleser described the staff purchase request and explained that it is for equipment to cover the District's fish analysis, zooplankton analysis, electrofishing, and portable water quality monitoring unit. She detailed the costs. Administrator Bleser proposed to use funds remaining in the district's survey and data analysis fund. Manager Crafton moved to approve the purchase request in the amount of \$23,790.38. Manager Bisek seconded the motion. Upon a vote, the motion carried 4-0 [Manager Yetka absent from vote].

**l. Permit 2015-009 Sand Blanket**

Administrator Bleser reported that an applicant has applied after-the-fact for a sand blanket on the applicant's property. She said that the property owner was not aware of the District's rules. Administrator Bleser recommends the District approve the permit for the sand blanket after-the-fact. There was discussion. Manager Crafton moved to approve the permit. Manager Bisek seconded the motion. Upon a vote, the motion carried 4-0 [Manager Yetka absent from vote]. Manager Bisek said that this situation highlights that the District should do outreach to communicate that the District has rules about sand blanket application. There was a discussion about outreach.

**10. Manager's Discussion**

**a. Upcoming Meeting**

Administrator Bleser said that the District's Evening with the Watershed will be held on May 7<sup>th</sup> with the Board meeting starting at 5:30 p.m. and the Evening with the Watershed starting at 7 p.m. She announced the event's speakers. Manager Wencil recommended that the CAC members invite other residents to the Evening with the Watershed.

President Forster suggested that for future Board meetings, the Board handle information only presentations in pre-meeting workshops starting at 5:30 or so prior to the Board's regular 7 p.m. meeting. He said that this may expedite the action items during the Board's regular meetings. There was a discussion of this idea along with other ideas of ways to incorporate the presentations.

**11. Upcoming Events**

- Shallow Lake Forum: The Role of Plants, April 25, 2015, 8:30 a.m. to 12:30 p.m., Minnesota Landscape Arboretum
- Regular Board Meeting and Evening with the Watershed, May 7, 2015

**12. Adjourn**

Manager Crafton moved to adjourn the meeting. Manager Wencil seconded the motion. Upon a vote, the motion carried 5-0. The meeting adjourned at 8:55 p.m.

Respectfully submitted,

---

Ken Wencil, Secretary