

MEETING MINUTES

Riley-Purgatory-Bluff Creek Watershed District

September 4, 2019, RPBCWD Board of Managers Monthly Meeting

PRESENT:

Managers: Jill Crafton, Treasurer

Larry Koch

Dorothy Pedersen, Vice President

Dick Ward, President

David Ziegler, Secretary

Staff: Claire Bleser, RPBCWD Administrator

Terry Jeffery, Watershed Planning Manager

Michelle Jordan, Communication and Project Manager

Louis Smith, Attorney, Smith Partners

Scott Sobiech, Engineer, Barr Engineering Company

Other attendees: Brandon Barnes, Barr Engineering Co. Ann Miller, Chanhassen Resident

Kristina Elfering, Elfering & Assoc. Dan Parks, Westwood

Sharon McCotter, CAC JoAnn Syverson, Safe Wakes, Chanhassen

1. Call to Order

1 President Ward called to order the Wednesday, September 4, 2019, Board of Managers Monthly Meeting at 7:00
2 p.m. at the District Office, 18681 Lake Drive East, Chanhassen, MN 55317.

2. Approval of Agenda

3 President Ward announced that for agenda item 3 – Budget Public Hearing – a resolution has been handed out. He
4 added to the agenda item 3a -Resolution to adopt the RPBCWD’s 2020 budget and item 3b – Resolution to adopt
5 the RPBCWD’s 2020 levy. Manager Koch added to the list of upcoming events the University of Minnesota’s
6 2019 AIS Research and Management Showcase on Wednesday, September 18. Manager Pedersen requested
7 removing agenda item 9d – Permit 2019-028 Life Time Parking Lot – Approve permit as presented in the
8 proposed Board action of the permit review report. President Ward added it to the agenda under Action Items 10a.
9 Manager Ziegler moved to approve the agenda as amended. Manager Crafton seconded the motion. Upon a vote,
10 the motion carried 5-0.

3. Public Hearing: Budget

11 Administrator Bleser displayed PowerPoint slides and presented on the RPBCWD’s proposed 2020 Budget and
12 Levy. She stated the proposed 2020 Surface Water Management levy is \$3,703,000. She noted that the proposed
13 levy represents a 2.7% increase over the District’s 2019 levy and pointed out that the District’s tax base increased
14 7.2% for 2020 over 2019. Administrator Bleser went through the proposed 2020 budget line by line. President
15 Ward commented that the spreadsheet handed out lists the proposed 2020 budget as \$6,676,000 but the

16 PowerPoint slide lists a different number. Administrator Bleser confirmed that the spreadsheet is correct, and the
 17 proposed 2020 budget is \$6,676,000. She responded to manager questions. Manager Koch asked for a breakdown
 18 of the District’s 2019 Education and Outreach expenditures. Administrator Bleser responded that previously the
 19 Board asked for a breakdown of the proposed 2020 Education and Outreach budget, which she prepared and
 20 provided. She said she doesn’t have on hand the specific breakdown for 2019 but listed a general breakdown of
 21 the 2019 expenses per category. President Ward asked her to send the breakdowns out to the managers.

22 President Ward opened the floor for public comments. No public comments were presented. President Ward read
 23 aloud the Resolution to Adopt the RPBCWD Annual Budget in the amount of \$6,676,000. Manager Crafton
 24 moved to adopt the resolution to adopt the 2020 budget. Manager Ziegler seconded the motion. By call of roll, the
 25 motion carried 5-0.

<i>Manager</i>	<i>Aye</i>	<i>Nay</i>	<i>Absent</i>	<i>Abstain</i>
Crafton	X			
Koch	X			
Pedersen	X			
Ward	X			
Ziegler	X			

26
 27 President Ward read aloud the resolution to adopt the RPBCWD’s Surface Water Management levy for 2020 in
 28 the amount of \$3,703,000. Manager Crafton moved to adopt the resolution to adopt the Surface Water
 29 Management levy for 2020. Manager Pedersen seconded the motion. By call of roll, the motion carried 5-0.
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<i>Manager</i>	<i>Aye</i>	<i>Nay</i>	<i>Absent</i>	<i>Abstain</i>
Crafton	X			
Koch	X			
Pedersen	X			
Ward	X			
Ziegler	X			

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 32 Manager Ziegler moved to close the Budget Public Hearing. Manager Pedersen seconded the motion. Upon a
 33 vote, the motion carried 5-0.

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4. Public Hearing: Silver Lake Water Quality Project at Pleasantview

35 Administrator Bleser briefly summarized the project and introduced Brandon Barnes of Barr Engineering
36 Company to present the results of the project's feasibility study.

37 Mr. Barnes displayed a PowerPoint presentation and showed a map of the project location. He went through the
38 project's background leading up to the feasibility study. Mr. Barnes presented details about the Best Management
39 Projects (BMPs) evaluated in the feasibility study. He reported that the most feasible project of the five evaluated
40 is the ditch checks with iron-enhanced sand. Mr. Barnes described the reasons the project was identified as the
41 most feasible, including the low cost per pound of phosphorous removed, the least amount of upland area
42 disturbed, and fewer number of trees removed.

43 President Ward opened the public hearing for public comments.

44 Ms. Ann Miller of 6165 Fox Path, Chanhassen, said she has been a resident since 1992 and is very familiar with
45 the area around this project. She commented that there are severe slopes everywhere around Silver Lake,
46 Christmas Lake, and Lotus Lake and many private properties around the lake where homeowners dump their
47 leaves in the lakes and on the slopes around the lakes. Ms. Miller said there are also many steep driveways around
48 the lakes, and the watershed doesn't have control over what landowners do on their property around the lakes. She
49 asked who will take care of the project once it is completed and who will prevent people from dumping stuff in
50 the lakes. Ms. Miller commented that road construction will open a can of worms when that time comes, and she
51 said she doesn't understand the purpose of this project. She said she knows clean water is the goal, but she doesn't
52 think the private citizens that live along Silver Lake do a very good job of helping water quality or keeping
53 phosphorous out of the lake. There was a brief manager discussion about the sources of phosphorous to Silver
54 Lake. Administrator Bleser stated that 65% of the phosphorous load is attributed to direct load from the
55 watershed. Managers offered comments on this project. Ms. Miller commented that the Board needs to listen to
56 the taxpayers regarding this project. She said if this project goes forward, there should be a public boat landing
57 added to Silver Lake so taxpayers can use the lake. Ms. Miller added that the cities of Shorewood and Greenwood
58 were once part of Excelsior but seceded in 1956 because the property owners wanted more control regarding
59 lakeshore. She brought up the severe slopes around Lotus Lake and how the soils slid into Lotus Lake off one
60 slope in 1986. Ms. Miller said she loves the lakes and the water, too, but the District can't be ridiculous about it.

61 Administrator Bleser remarked that staff anticipates bringing this project back in front of the Board in November.

62 Manager Ziegler moved to close the public hearing on the Silver Lake Water Quality Project. Manager Crafton
63 seconded the motion. Upon a vote, the motion carried 5-0.

5. Public Hearing: St. Hubert Retrofit Plan Amendment

64 Administrator Bleser displayed a PowerPoint presentation about the project. She explained that this project
65 requires a minor plan amendment, and this is the public hearing on the minor plan amendment. Administrator
66 Bleser went through the project's history and St. Hubert's goal of reducing its impact on Rice Marsh Lake. She
67 talked about District staff scoring the project, which received a project score of 33. Administrator Bleser reminded
68 the group that a project score of 29 and greater is a high score. She talked about the project partners including St.
69 Hubert and Carver County Soil and Water Conservation. She described the District's goals for the watershed and
70 the benefits that come from this project and fit within the District's prioritization, including sustainability, volume
71 reduction, pollutant management, and habitat restoration.

72 Administrator Bleser explained that this plan amendment is out for public comment, and the District has received
73 three comments so far. She added that the public comment period ends next week. She said the timeframe is to
74 order the project in October or later, and staff will bring this minor plan amendment to the Board for adoption at
75 the Board's October meeting.

76 Manager Ziegler moved to close the public hearing on the St. Hubert Retrofit Plan Amendment. Manager
77 Pedersen seconded the motion. Upon a vote, the motion carried 5-0.

6. Matters of General Public Interest

78 Ms. JoAnn Syverson of 489 Pleasantview Road, Chanhassen thanked Dr. Bleser and the District for drafting the
79 resolution to limit wake boat activities that directly cause shoreline erosion and spread invasive species. She
80 thanked the Board members for supporting the resolution and said people around the state will benefit from the
81 Board's action.

7. Approval of Minutes

a. August 7, 2019, RPBCWD Board of Managers Regular Monthly Meeting

82 Manager Pedersen commented that on page 4, lines 103 and 104, under item 9b – Personnel Committee –
83 the topic of discussion was to select a consultant for the District Administrator's review not to select the
84 District Auditor. Manager Crafton noted a spelling correction on page 3, line 53 for the word "structure."

85
86 Manager Pedersen moved to accept the minutes as amended. Manager Crafton seconded the motion. Upon
87 a vote, the motion carried 5-0.

8. CAC

88 Ms. Sharon McCotter, CAC member, reported the CAC didn't make any formal motions at its last meeting. She
89 went through CAC meeting items, including time talking about through the process of the speaker bureau. Ms.
90 McCotter said three presentations are ready to go and the next step is background checks for the speakers. She
91 highlighted actions of CAC subcommittees and noted that on Tuesday, September 17 there is a clean up at Round
92 Lake from 5:30 p.m. -7:30 p.m. with a rain date of the following Monday. Ms. McCotter announced the third
93 annual Chanhassen Community Clean up happening on October 26 at three sites. She reported that Ms. Jordan is
94 working on a presentation on smart salting.

9. Consent Agenda

95 Manager Ziegler moved to approve the Consent Agenda. Manager Pedersen seconded the motion. Upon a vote,
96 the motion carried 5-0. The items on the Consent Agenda included: 9a – Accept August Staff Report; 9b – Accept
97 August Engineer's Report (with Attached Inspection Report); 9c – Permit 2019-024 Conifer Heights – Approve
98 permit as presented in the proposed Board action of the permit review report; 9e – Permit 2019-032 Chanhassen
99 Parking Lot – Approve permit as presented in the proposed Board action of the permit review report; 9f – Task
100 Order 28a Rice Marsh Lake Water Quality Improvement Project Phase I; 9g – Authorize Watershed Planning
101 Manager to release draft rules and supporting memorandum to review agencies and stakeholders for 45-day
102 review and comment period; 9h – Elect to not waive the monetary limits on municipal tort liability established by
103 Minn. Sta. 466.04 for District's insurance coverage.
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10. Action Items

a. Pulled Consent Agenda items

i. **Permit 2019-028 Life Time Parking Lot – Approve Permit as Presented in the Proposed Board Action of the Permit Review Report**

Manager Pedersen said she and Manager Crafton have been wondering how the District could get some accommodation for ecosystem services in projects. Manager Pedersen said that it seems that even having trees in this parking lot would have benefitted this project. She said she knows that this parking lot has been designed, but she asked Engineer Sobiech if there could have been some benefits if the watershed had asked for more than just an infiltration basin. Mr. Jeffery noted that the applicant's engineer is at tonight's meeting. Mr. Jeffery remarked that District staff met with the applicant's engineer several times, and the applicant and engineer were more than willing to plant more shade trees. Mr. Jeffery explained that the City of Chanhassen did not want trees planted because the City says there is not enough success with trees growing in such locations. He said he has put on his to-do list setting up a meeting with the City of Chanhassen to talk about options for future projects. Manager Pedersen said she thinks the District needs to consider the entire ecosystem in which projects sit when the staff and Board are reviewing projects. Manager Crafton raised the idea of a credit program. Mr. Jeffery addressed the idea and said the rules are written with flexibility to allow applicants to come forward with something like that.

Ms. Kristina Elfering of Elfering & Associates, project engineer, reported on being on the site and the goal of trying to save particular trees as possible and being open to switching out types of trees.

Manager Pedersen moved to approve Permit 2019-028 Life Time Parking Lot. Manager Crafton seconded the motion. Manager Koch asked for a friendly amendment to the motion to adopt the proposed resolution to adopt Permit 2019-028 as set forth in the report because it includes the conditions. Manager Pedersen accepted the friendly amendment. Manager Crafton accepted the friendly amendment. Upon a vote, the motion carried 5-0.

b. **Accept July Treasurer's Report**

Treasurer Crafton communicated that the report has been reviewed in accordance with the District's internal controls and procedures. She moved to accept the Treasurer's Report as presented. Manager Ziegler seconded the motion. Manager Ziegler asked a question about an Accounts Payable item as listed on page 4 of the report. Treasurer Crafton responded. Upon a vote, the motion carried 5-0.

c. **Approve Paying of Bills**

Manager Ziegler moved to pay the bills. Manager Pedersen seconded the motion. Administrator Bleser explained the added bill payments, which were for LMCIT worker's compensation in the amount of \$1,921, and membership in the LMCIT, and insurance in the amount of \$11,411. Upon a vote, the motion carried 5-0.

d. **Approve Watershed Stewardship Grant Application from the Preserve Association**

Ms. Jordan commented that this season has been the District's busiest cost-share grant season, and she attributed it to the work done by the CAC and District to revamp its Cost-Share grants program. She explained this Preserve cost-share grant application from a homeowners' association is above the \$10,000; so it is coming in front of the Board for a final decision. She added that the application has

145 already been review by the cost share grant committee. Ms. Jordan explained the project has two
146 components, which are different in size, scope, and methods used and for these reasons the grant
147 committee scored the two components separately. Ms. Jordan went into detail about the project and its
148 two components. There was discussion about the project, including funding amount and signage.
149 Manager Koch asked if maintenance costs were removed already from the proposed grant amount. Ms.
150 Jordan said she will correct the number to reflect the removal of maintenance costs.

151 Manager Ziegler moved to approve the grant request for the two project components per staff
152 recommendation and including signage as part of the project and adjusting the amounts to remove
153 maintenance. Manager Koch seconded the motion. Upon a vote, the motion carried 5-0.

154 **e. Permit 2019-034 Lion’s Tap – Consider Variance Request from Rule J Subsection 3.1a**
155 **Rate Control**

156 Mr. Jeffery talked about the parking lot design and how in the event of 10-foot snowmelt, the runoff rate
157 could be faster than allowed for in the District’s rules. He noted that the runoff runs to a BMP. He talked
158 about staff’s evaluation of this variance request. Manager Koch read aloud the resolution to grant a
159 variance request from Rule J Subsection 3.1a Rate Control:

160 Pursuant to Rule K, in order for the District to grant a variance from strict compliance with the
161 requirement of a District Rule, the Board of Managers must find that, based on demonstration by the
162 applicant, that because of unique conditions inherent to the subject property, which do not apply generally
163 to other land or structures in the Riley Purgatory Bluff Creek Watershed, strict application of rule
164 provision will impose a practical difficulty on the applicant, not a mere inconvenience.

165 For purposes of the Board of Managers’ determination of whether a practical difficulty exists, the
166 following factors will be considered:

- 167 1.1 How substantial the variation is from the rule provision;
- 168 1.2 The effect of the variance on government services;
- 169 1.3 Whether the variance will substantially change the character of or cause materials adverse effect to
170 water resources, flood levels, drainage or the general welfare in the District, or be a substantial
171 detriment to neighboring properties;
- 172 1.4 Whether the practical difficulty can be alleviated by a technically and economically feasible method
173 other than a variance;

174
175 Economic hardship alone may not serve as grounds for issuing a variance if any reasonable use of the
176 property exists under the terms of the District rules

- 177
- 178 1.5 How the practical difficulty occurred, including whether the landowner, the landowner’s agent or
179 representative, or a contractor, created the need for the variance; and,
- 180 1.6 In light of all of the above factors, whether allowing the variance will serve the interests of justice.

181 Manager Ziegler seconded the motion. Upon a vote, the motion carried 5-0.

182 The Board recognized and thanked Ms. Jordan for her work with the District. This meeting was Ms.
183 Jordan’s final meeting as a District employee.

184 **f. Permit 2019-034 Lion’s Tap – Approve Permit as Presented in the Proposed Board Action**
185 **of the Permit Review Report**

186 Manager Ziegler moved to approve Permit 2019-034. Manager Pedersen seconded the motion. Upon a

187 vote, the motion carried 5-0.

188 **g. Authorize Administrator to Enter into a Cooperative Agreement, Drafted by RPBCWD**
189 **Legal Counsel, with the Lower MN River Watershed District (LMRWD) to Defer**
190 **Permitting Authority for TH 101 Project from Flying Cloud Drive to Pioneer Trail**

191 Mr. Jeffery handed out a map showing the project area and summarized the project. He said District staff
192 have been meeting with the Lower Minnesota River Watershed District, City of Chanhassen, Mn/DOT,
193 and Carver County for about a year regarding this project.

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195 Manager Koch moved to adopt the resolution to authorize the District Administrator and Legal Counsel to
196 draft a cooperative agreement with the Lower Minnesota River Watershed District containing such
197 stipulations and requirements as appropriate to fulfill the goals of the District's permitting rules. Manager
198 Pedersen seconded the motion. Upon a vote, the motion carried 5-0.

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200 **h. Per Diem – Meeting Preparation – Manager Koch**

201 Manager Koch moved to authorize managers to be able to claim an additional day of per diem for Board
202 meeting preparation. Manager Ziegler seconded the motion. Upon a vote, the motion carried 5-0.

11. Discussion Items

203 **a. Manager Report**

204 The managers discussed dates to conduct the Administrator review in a closed session. The managers
205 agreed to conduct the Administrator review in closed session on September 23 at 3:30 p.m. at the District
206 Office.

207 **b. 50th Anniversary**

208 President Ward recapped the event and said it went really well, and the managers thanked the staff for
209 their work on the event.

210 **c. Cooperative Agreement with MCWD for review and permitting of trail along MN TH 5**
211 **and the addition of turn lanes on Powers Boulevard at Lake Lucy Road.**

212 Mr. Jeffery updated the Board on these projects and said he is working with Tom Dietrich with MCWD
213 on something to bring to the Board at a future meeting.

12. Upcoming Board Topics

214 President Ward noted that upcoming Board topics are listed on the agenda and include the St. Hubert
215 minor plan amendment. Manager Pedersen brought up the Water Resources Conference happening in
216 October. Administrator Bleser said she will add it to the Board's October meeting agenda. Manager Koch
217 moved to authorize himself to attend the September 18 AIS Research and Management Showcase at the
218 University of Minnesota. Manager Ziegler seconded the motion. Upon a vote, the motion carried 5-0.

13. Upcoming Events

- 219 • Walk with the Watershed, Friday, September 6, Noon, Hyland Lake Park Reserve, Bloomington
- 220 • Governance Workshop (MAWD/MASWCD), September 12-13, Airport Marriott, Bloomington

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- Citizen Advisory Committee Meeting, September 16, 6:00 p.m., District Office, 18681 Lake Drive East, Chanhassen
- 2019 Aquatic Invasive Species Research and Management Showcase, Wednesday, September 18, 8:00 a.m. – 5:00 p.m., University of Minnesota Aquatic Research Center
- Smart Salting for Parking Lots and Sidewalks, September 26, 9:00 a.m., District Office, 18681 Lake Drive East, Chanhassen
- Cycle the Creek, 50th Anniversary Edition, September 28, 9:00 a.m., Meet at Lake Ann Park, Chanhassen

14. Adjourn

Manager Pedersen moved to adjourn the meeting. Manager Ziegler seconded the motion. Upon a vote, the motion carried 5-0. The meeting adjourned at 9:12 p.m.

Respectfully submitted,

David Ziegler, Secretary