

MEETING MINUTES

Riley-Purgatory-Bluff Creek Watershed District

February 19, 2014, 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)
Michael Welch, Attorney (Smith Partners)

Recorder: Amy Herbert

Other attendees: Lindsey Albright, RPBCWD
John Bilotta, University of Minnesota
Jim Bracke, Eden Prairie Resident
Steve Donen, CAC/ Lotus Lake
Greg Fletcher, LLCA
Larry A. Koch, JD LLM
Sharon McCotter, CAC
Rod Rue, City of Eden Prairie
Dennis Saeger, CAC
Bill Satterness, CAC
Liz Stout, City of Minnetonka
Leslie Stovring, City of Eden Prairie
Laurie Susla, LLCA, CAC

1. Call to Order

President Forster called the RPBCWD Board of Managers Wednesday, February 19, 2014, Board of Managers Monthly Meeting and Public Hearing to order at 5:41 p.m. in the Heritage Room at Eden Prairie City Center 8080 Mitchell Road, Eden Prairie, MN 55344.

2. Approval of the Agenda

President Forster requested that agenda item 7D ó NEMO Task Order be moved ahead on the agenda to follow the approval of the agenda. President Forster moved to approve the agenda as amended. Manager Wencil seconded the motion. Upon a vote, the motion carried 5-0.

3. NEMO Task Order

Administrator Bleser noted that the District's 2014 budget has \$7,000 allocated to NEMO (Nonpoint Education for Municipal Officials) for programming. She said that the agreement in front of the Board tonight is for a \$5,000 commitment from the District to NEMO. She introduced John Bilotta from the Northland NEMO and who is also

part of the University of Minnesota's Extension Program. Administrator Bleser explained that he is coordinating this effort for support of NEMO programming with four other water management organizations including the Minnehaha Creek Watershed District, Nine Mile Creek Watershed District, Carver County Watershed Management Organization, and possibly the Bassett Creek Watershed Management Commission.

Mr. Bilotta provided a summary about the NEMO programs proposed for 2014 in coordination with the RPBCWD. He described the purpose of NEMO as providing non-point education and training for municipal officials on water quality and land-use issues. Mr. Bilotta said the target audience includes city council members, planning commission members, park board members, watershed district advisory members, county board members, and community leaders in their capacity to make decisions and recommendations on land use and water quality issues.

Mr. Bilotta summarized the five NEMO events that he and Administrator Bleser discussed and recommend that the District participate in this year:

- Two sessions this May of NEMO 101, which is an introduction to land use, storm water, impervious surface, and non-point source pollution topics.
- An event this July called "NEMO on the Water," which gets local leaders out on the water resources that they are making decisions about. He said that July's event would be a boat trip on Lake Minnetonka.
- An event in September called "Lessons Across the Landscape," which is a bus workshop that brings local leaders out on the landscape to observe different practices and learn about the land-use / land-management connection to storm water and water quality.
- The Clean Water Summit in September. He announced that this year's topic will likely be green infrastructure and low-impact development and their benefits.

Mr. Bilotta asked the Board to keep in mind that at the same time as these NEMO programs are going on, Stormwater U is also running. He explained that Stormwater U's target audience is stormwater professionals, engineers and so on and provides them with informal training. He noted that not only is the District being asked for financial support to help run the proposed programs that he described, but he also is asking the Board members to support and promote the programs and encourage local decision-makers to attend the programs. Mr. Bilotta responded to questions.

Manager Wencl moved to participate in NEMO in the programs described for 2014 at a cost of up to \$5,000. Manager Yetka seconded the motion. Attorney Welch pointed out that the Board is not being asked tonight to approve the agreement with NEMO, and he recommended that the Board authorize the District's Administrator or Chair to execute an agreement. President Forster added the friendly amendment to the motion to authorize the Administrator to execute the agreement. Managers Wencl and Yetka approved the friendly amendment to the motion. Upon a vote, the motion carried 5-0.

4. Reading and Approval of Minutes

President Forster requested the correction of the spelling of two names in the minutes from the January 8, 2014, RPBCWD meeting. Manager Crafton requested the replacement of the word "that" with the word "than" in the section under the Engineer's Report. Manager Yetka moved to approve the January 8, 2014, meeting as amended. Manager Crafton seconded the motion. Upon a vote, the motion carried 5-0.

5. Rules and Regulation Workshop

Administrator Bleser informed the Board that she, Attorney Welch, and Engineer Sobiech will provide background information and an overview of the rules, will walk through proposed rules, and then will take questions.

She explained that the District is in place to protect, preserve, and restore water resources through different methods such as erosion control, water quality protection, water regulation (control and use), and pollution prevention. She stated that the District has the legal authority to do so and has the legal authority to have a permitting process in place.

Administrator Bleser provided background on the Board's investigation into doing permitting again as well as background on the process the District has been going through since 2013 in this area. She described the undertaking of the Plan Amendment process to gain the authority to permit and working with the District's TAC (Technical Advisory Committee) and CAC (Citizen Advisory Committee). She said that the next step the District needs to take is distributing the draft rules for public comment. Administrator Bleser described the proposed timeline and said she would like the District to release the rules for public comment this week, hold an informational workshop on the rules on March 3rd, hold a public hearing on March 19th, and close the comment period on April 7th, and on April 16th respond to comments and adopt rules.

Attorney Welch introduced himself and noted that adoption of the rules will need to be made by majority action of the Board, and he pointed out that at the time of adoption of the rules, the managers will set an adoption date for the rules. He explained that he worked with Administrator Bleser and Engineer Sobiech in preparing the draft rules, and he touched on highlights of the draft rules, including the Statement of Need and Reasonableness (SONAR) and the procedural rule (Rule A).

Under Rule A, Attorney Welch specifically addressed the application of buffers to small streams in areas of concern/ risk of erosion, the "Stovringö" provision regarding less than a cubic yard to sediment removal, and the appropriation of ground water.

Engineer Sobiech provided a PowerPoint presentation and walked the group through the draft rules B through J, illustrated on the screen in flowchart format, including: Rule B ó Floodplain, Rule C ó Erosion and Sediment Control, Rule D ó Wetland, Lake, and Creek Buffers, Rule E - Dredging and Sediment Removal, Rule F ó Shoreline and Streambank Stabilization, Rule G ó Waterbody Crossings and Structure, Rule H ó Appropriation of Public Surface Water, Rule I ó Appropriation of Ground Water, and Rule J ó Storm Water Management.

There was discussion about the different rules, the input received from the District's cities during the rules drafting process, the process by which the District would be made aware of development and redevelopment projects, variances, compliance, tracking District's costs of running the permit program, and including in the rules definitions of terms, such as for surface water and low, medium, and high-value wetland areas. Attorney Welch said that there is a table included in the back of the rules that describes those wetland values, and he said that in order to not invite confusion about definitions, the rules will provide references to the state's water law definitions.

Manager Crafton moved to approve the release of the draft rules for public comment. Manager Yetka seconded the motion. Attorney Welch noted that the Board also needs to take action to schedule the public hearing for

March 19th. Managers Crafton and Yetka agreed to add that action to the motion. Upon a vote, the motion carried 5-0.

6. Stormwater Ponds

Administrator Bleser said that if there are any comments on the report to please provide them to her, and she said that due to length of time spent on tonight's earlier agenda items, the presentation of the report will be deferred to the Board's March 5th meeting.

7. Hearing and Discussion of Matters of General Public Interest

There were no matters raised.

8. Board Action

a. Lake Lucy Spent Lime Task Order (TO)

Administrator Bleser explained that this task order was identified in the Lake Lucy UAA and was identified as "spent lime at Lake Lucy" in RPBCWD's 2014 budget. She said that this task order would be the first phase in implementing this project and would include design, analysis, going out for bids, and managing the project. Administrator Bleser stated that the estimated cost of phase 1 is \$76,100. She noted that phase 2 of the project includes construction, and she explained that estimated costs will be known after the bids are received.

Manager Yetka asked if the project includes monitoring this year as well as post-construction monitoring. Administrator Bleser responded yes, it would be part of the District's Data Collection and Monitoring Program. Manager Wencil asked when construction would begin. Engineer Sobiech answered that construction would begin in early September with the anticipation that it would be completed by late October. He discussed the preliminary design process, which includes soliciting feedback from stakeholders. He said that if during the design process any managers want to go through and discuss the design with the designers, then they are welcome to do so.

There was discussion about the status of the project being added into the District's Watershed Management Plan through the plan amendment process and of ordering the project. CAC Advisor Sharon McCotter asked if plant management would be part of the project's phase 2. President Forster said that the Board is aware that down the road it will need to be looked at.

Attorney Welch recommended that the Board direct its Administrator and Engineer to proceed with task 1 listed in the task order breakdown for phase 1, which is listed as having a cost of \$11,800, and staff will prepare what needs to be prepared for the District to order the design of the project. Manager Yetka moved to approve task 1 of the Lake Lucy Spent Lime Task Order (TO 5) at the cost of \$11,800. Manager Wencil seconded the motion. Upon a vote, the motion carried 5-0.

b. Bluff Creek Fish Passage and Streambank Restoration TO

Mr. Sobiech explained that staff is looking for Board approval to move forward with phase 1 tasks 1 -5 and task 7 for the Bluff Creek Fish Passage and Streambank Restoration task order (TO 4). Administrator Bleser provided background on Bluff Creek and the project area. She reminded the Board that the District was awarded \$150,000 in a Clean Water Fund Grant for the project, which requires a match from the

District of \$37,500, and she is waiting to receive the grant agreement. She added that the City of Chanhasen wants to partner with the District on this project but those specifics have not yet been determined.

Manager Yetka moved to approve tasks 1-5 and task 7 of TO 4 at a cost not to exceed \$19,400. Manager Wencil seconded the motion. Engineer Sobiech pointed out that staff will hold off starting any work until the grant agreement has been signed so that these project dollars are reimbursable. Upon a vote, the motion carried 5-0.

c. WOMP TO

Administrator Bleser said that this task order (TO 6) is related to data collection for the District's automated station. She reported that the District just received its grant from the Metropolitan Council in the amount of \$4,500. Administrator Bleser stated that staff recommends the District reinstate its WOMP station at Valley View on Purgatory Creek, which would cost \$14,350 plus the operations and maintenance cost of \$16,000. She clarified that continuing the WOMP station at Pioneer Trail and reinstating the WOMP station at Valley View would cost together \$51,750. Manager Crafton moved to approve the WOMP Task Order (Task Order 6). Manager Bisek seconded the motion. Manager Wencil asked about lab costs. Engineer Sobiech said that the cost for lab expenses for the Valley View site for the summer's samples would be \$3,400. Upon a vote, the motion carried 5-0.

9. Manager's Discussion

a. Governance Policy Manual and Employee Manual

Administrator Bleser provided an update and said that both the Governance Policy Manual and the Employee Handbook will be presented to the Board at a future meeting for action.

b. Full-time Staff Hire

Administrator Bleser presented the information about the job descriptions and salary ranges included in the meeting packet and recommended that the District go forward with full-time hires. She described the work that the two full-time hires would be doing for the District and described the difference between the two positions. Administrator Bleser reported that she will come back to the Board at its March 5th meeting with information on the costs of hiring two additional full-time employees, including salary and benefits. She added that the District also will need to consider options for larger office space.

c. Aquatic Invasive Species

President Forster reported on discussions he has had with a local advertising professional regarding ideas for attention-grabbing materials regarding AIS and stopping the spread of zebra mussels. He said he hopes to have ideas to present at the Board's March 5th meeting.

CAC Advisor Laurie Susla said that the CAC spent a fair amount of time reviewing the AIS report and giving a proposal to the Board with the CAC's recommendations on how to move forward. She stated that she feels strongly if the District only follows the recommendations in the report, then an opportunity will be missed. Ms. Susla commented that she thought that the idea of hiring an engineer to develop an AIS plan was that the plan would address all areas of AIS and not just education. There was discussion. Ms. Susla asked if there will be a time that we will discuss the engineer's plan, the District's response to it, and what the District will do as its overall plan. President Forster said that for this year the District

will do inspections and education but not a decontamination station at this point. Ms. Susla asked if the District will set policies or goals or that type of thing. President Forster said yes.

Chanhassen resident Larry Koch expressed his disappointment in the fact that the AIS plan was not discussed at tonight's meeting. He described his support for inspections. President Forster explained the limits to the District's authority and that the District needs to work with the cities to get as much cooperation as possible. Mr. Koch recommended that the District put its stamp of approval on an approach on how to handle AIS and encourage others to implement that approach. There was discussion.

d. Workshop

Administrator Bleser announced that she was asked by the International Joint Commission, which is the governmental organization that comprises Canadians and Americans and is designed to prevent conflicts about border waters, to be part of the Lake of the Woods Water Quality Plan Study Workshop on March 11th and 12th. She asked the Board for approval. Manager Crafton moved to approve Administrator Bleser going to the workshop. Manager Bisek seconded the motion. Upon a vote, the motion carried 5-0.

10. Upcoming Events

- **Board Meeting**, Wednesday, March 5, 2014, Council Chambers, Eden Prairie City Center, 7:00 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.

11. Adjournment

Manager Wencil moved to adjourn the meeting. Manager Crafton seconded the motion. Upon a vote, the motion carried 5-0. The meeting adjourned at 9:22 p.m.

Respectfully submitted,

Ken Wencil, Secretary