

## MEETING MINUTES

### Riley-Purgatory-Bluff Creek Watershed District

#### August 19, 2019, RPBCWD Board of Managers Special Board Meeting

PRESENT:

Managers: Jill Crafton, Treasurer

Larry Koch

Dorothy Pedersen, Vice President

David Ziegler, Secretary

Staff: Claire Bleser, RPBCWD Administrator

Terry Jeffery, Watershed Planning Manager

Michael Welch, Attorney, Smith Partners

Scott Sobiech, Engineer, Barr Engineering Company

Other attendees: Amy Herbert, Recorder

#### 1. Call to Order

1 Vice President Pedersen called to order the Monday, August 19, 2019, Board of Managers Special Board Meeting  
2 at 4:02 p.m. at the District Office, 18681 Lake Drive East, Chanhassen, MN 55317.

#### 2. Approval of Agenda

3 Manager Ziegler moved to accept the agenda as presented. Manager Crafton seconded the motion. Upon a vote, the  
4 motion carried 4-0 [President Ward absent from vote].

#### 3. Rules Workshop

5 Mr. Jeffery reminded the Board of the impetus for these proposed rules changes. He described feedback on  
6 existing rules and listed the sources, including comments from permit applicants, a joint meeting with the City of  
7 Eden Prairie City Council, the District's listening session in April, and the online survey. Mr. Jeffery summarized  
8 that the purpose of these revisions to the rules are to make these rules less complicated while also offering the  
9 same level of protection to the watershed. He listed specific comments received.

10 The Board discussed the need for the watershed staff to be able to look at applicant's data rather than a summary  
11 of the data, and how it would be helpful for the District to give applicants more framework, such as checklists and  
12 details such as what a monitoring program should entail.

13 Mr. Jeffery went through the proposed notable changes to the rules, explaining that this isn't the exhaustive list of  
14 changes but the substantive ones, including the following:

- 15 •Exempt certain repairs from Rule B
- 16 •Existing impervious surfaces within a buffer can remain
- 17 •Remove the 50 cubic-yard threshold from Rule J

- 18 •Increase the linear project threshold from 5,000 square feet of new and/ or reconstructed to: 10,000 square
- 19 feet of new and 25,000 square feet of reconstructed (0.5 acres).
- 20 •Off-site stormwater management
- 21 •Revise narrative standard to “not reasonably likely to cause an adverse effect”
- 22 •Rescind Rule I regarding water appropriation
- 23 •Definitions: topsoil, site, pervious, sub-watershed.

24 Mr. Jeffery noted that the District will likely hear comments from cities to request the linear project threshold be  
25 increased to one acre. He also talked about how District staff weighed proposed rules changes regarding  
26 efficiencies gained. Mr. Jeffery described other changes staff considered but did not result in changes. He also  
27 said that District staff is creating a guidance document for this regulatory program and the document will be a  
28 RPBCWD-specific rules guidance document.

29 The managers offered their comments, and Manager Koch pointed out two places in which important information  
30 was placed in footnotes instead of the main body of the document.

31 Mr. Jeffery explained the proposed timeline for the rules revisions:

- 32 •August 23, 2019: Staff will distribute to the Board the draft revisions and supporting memo for review.
- 33 •September 4: Board to consider action to direct release of rules revisions for 45-day review
- 34 •October 2: District holds public hearing on proposed rules revisions
- 35 •October 21: 45-day public comments period ends
- 36 •November 6: Board to consider action to adopt the proposed rules revisions
- 37 •January 1, 2020: Revised rules go into effect (applicant can request as of November 6, 2019)

38 Manager Koch raised the issue of permit violators and asked staff to look at the issue and propose a fee that  
39 would allow the District to recoup expenses incurred due to its work time spent on violations. He asked staff to  
40 bring this proposal to the Board before the Board takes action to adopt the rules revisions. Manager Koch asked  
41 staff to look at whether the shoreline stabilization rules could be spelled out more clearly or be more streamlined.

#### 4. Review MAWD Resolutions

42 Administrator Bleser reminded the Board that the Minnesota Association of Watershed Districts (MAWD) needs  
43 to receive resolutions by September 1.

44 Manager Koch moved to adopt and submit to MAWD by September 1 the Resolution to Limit Wake Boat  
45 Activities that Directly Cause Shoreline Erosion and Spread Aquatic Invasive Species. Manager Ziegler seconded  
46 the motion. Administrator Bleser recommended the District finds out if other Districts want to be co-authors on  
47 this resolution. Manager Koch moved to amend his motion and authorize the Administrator to distribute the  
48 resolution to other watersheds and see if they want to co-author the resolution. Manager Ziegler seconded the  
49 motion to amend. Upon a vote, the motion carried 4-0 [President Ward absent from vote]. Vice President  
50 Pedersen called the question on the amended motion. Upon a vote, the motion carried 4-0 [President Ward absent  
51 from vote].

52 Administrator Bleser summarized the proposed Resolution to ban the use of pesticides that are known net  
53 carcinogens on residential and commercial lawns. Manager Koch moved to adopt the resolution. Manager Ziegler

54 seconded the motion and suggested that Administrator Bleser reach out to other watersheds to see if they are  
55 interested in co-authoring this resolution. Manager Koch move to amend his motion and authorize the  
56 Administrator to distribute the resolution to other watersheds and see if they want to co-author the resolution.  
57 Manager Ziegler seconded the motion to amend. Upon a vote, the motion carried 4-0 [President Ward absent from  
58 vote]. Vice President Pedersen called the question on the amended motion. Upon a vote, the motion carried 4-0  
59 [President Ward absent from vote].

## 5. Adjourn

60 Manager Crafton moved to adjourn the meeting. Manager Ziegler seconded the motion. Upon a vote, the motion  
61 carried 4-0 [President Ward absent from vote]. The meeting adjourned at 4:48 p.m.

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65 Respectfully submitted,

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David Ziegler, Secretary