

## MEETING MINUTES

### Riley-Purgatory-Bluff Creek Watershed District

#### January 2, 2013, Board of Managers Regular Meeting

#### PRESENT:

Managers:	Mary Bisek	Perry Forster, President
	Mike Casanova, Vice President	Ken Wencil, Secretary
	Jill Crafton, Treasurer	
Administrator:	Claire Bleser	
Staff:	Jason Carroll, Engineer (CH2M HILL)	Tim Thoreen, Engineer (CH2M HILL)
	Chuck Holtman, Attorney (Smith Partners)	
Recorder:	Amy Herbert	
Other attendees:	Jan Callison, Hennepin County Board of Commissioners	Tom Lindquist, CAC
	Steve Donen, CAC and Lotus Lake Conservation Alliance (LLCA)	Sharon McCotter, CAC and Lake Lucy Homeowners Association
	Ron Kleve, LLCA	Bill Satterness, CAC
	Kristoffer Langlie, CAC and Liesch Associates	Leslie Stovring, City of Eden Prairie, Environmental Coordinator

#### 1. Call to Order

Chair Forster called the meeting to order at 7:00 p.m. on Wednesday, January 2, 2013, at Eden Prairie City Center, 8080 Mitchell Road, Eden Prairie, MN 55344.

#### 2. Review and Approval of the Agenda

Chair Forster said that the agenda handed out tonight was revised from the one printed in the meeting packet and now includes the 2013 organizational actions of electing the RPBCWD officers of the Board, appointing the District's Technical Advisory Committee (TAC), and designating the District's Official Depository and Official Publications. He noted that appointment of the Citizen Advisory Committee is being extended. Chair Forster said that the application process is underway and the appointments likely will take place at the District's regular meeting in February. Manager Crafton moved to approve the agenda as revised. Manager Casanova seconded the motion. Upon a vote, the motion carried 5-0 [Managers Bisek, Casanova, Crafton, Forster, and Wencil].

#### 3. 2013 Organizational Actions

##### a. Election of RPBCWD Officers for 2013

Chair Forster called for nominations for the position of president of the RPBCWD. Manager Crafton nominated Perry Forster for president. Manager Bisek seconded the nomination. Chair Forster called for

nominations two more times. No other nominations were made. Upon a vote, the motion carried 5-0 [Managers Bisek, Casanova, Crafton, Forster, and Wenc].

Chair Forster called for nominations for the position of secretary of the RPBCWD. Manager Crafton nominated Ken Wenc for secretary. Manager Casanova seconded the nomination. Chair Forster called for nominations two more times. No other nominations were made. Upon a vote, the motion carried 5-0 [Managers Bisek, Casanova, Crafton, Forster, and Wenc].

Chair Forster called for nominations for the position of Treasurer of the RPBCWD. Manager Wenc nominated Jill Crafton for treasurer. Manager Bisek seconded the nomination. Chair Forster called for nominations two more times. No other nominations were made. Upon a vote, the motion carried 5-0 [Managers Bisek, Casanova, Crafton, Forster, and Wenc].

Chair Forster called for nominations for the position of vice president of the RPBCWD. Chair Forster nominated Mike Casanova to be appointed vice chair of the RPBCWD. Manager Crafton seconded the motion. Chair Forster called for nominations two more times. No other nominations were made. Upon a vote, the motion carried 5 -0 [Managers Bisek, Casanova, Crafton, Forster, and Wenc].

**b. Appointment of Technical Advisory Committee**

Chair Forster said that the proposed list of members of the RPBCWD 2013 TAC was handed out tonight. He read the list aloud: Rod Rue, Leslie Stovring, Shelly Pederson, Scott Anderson, Lee Gustafson, Liz Stout, Robert Bean Jr., Larry Brown, Bill Joynes, Paul Oehme, and Terry Jeffery. Manager Crafton moved to appoint the members of the TAC as just read. Manager Casanova seconded the motion. Upon a vote, the motion carried 5-0 [Managers Bisek, Casanova, Crafton, Forster, and Wenc].

**c. Designation of Official Depository**

Chair Forster said that the current official depository of the District is KleinBank in Chanhassen. He called for nominations to designate the District's 2013 official depository. Manager Casanova moved to approve designating KleinBank as the official depository. Manager Crafton seconded the motion. Manager Wenc commented that he has been approached by other banks expressing their interest in the District's business. Chair Forster said that this may be something the District could take up at another meeting and discuss splitting up District money between banks or other options. He commented that he appreciates the fact that other banks are expressing their interest. Upon a vote, the motion carried 5-0 [Managers Bisek, Casanova, Crafton, Forster, and Wenc].

**d. Designation of Official Publications**

Chair Forster announced that the proposed list of official publications of the RPBCWD for 2013 was handed out tonight. He read the list: *Sun Sailor*, *Sun Current*, *Chaska Herald*, *Chanhassen Villager*, and *Eden Prairie News*. Manager Casanova moved to approve the list of official publications. Manager Crafton seconded the motion. Upon a vote, the motion carried 5-0 [Managers Bisek, Casanova, Crafton, Forster, and Wenc].

**4. Reading and Approval of Minutes**

Manager Casanova brought up an item in the December 6, 2012, RPBCWD meeting minutes in the Treasurer's Report section. After Board discussion, no change to the minutes was requested. Manager Bisek noted some

misspellings in the minutes including the words: Thursday, Chair Forster's name, and the word "District." Manager Crafton noted that the word "their" should be replaced with the word "there" in the section about harvesting. She commented that in the Administrator Report section, the reference to feedback should be singular. Manager Crafton moved to approve the meeting minutes as amended. Manager Bisek seconded the motion. Upon a vote, the motion carried 5-0 [Managers Bisek, Casanova, Crafton, Forster, and Wencil].

## 5. Correspondence

### a. Request for Repair and Maintenance Funds

Leslie Stovring, Environmental Coordinator for the City of Eden Prairie, explained that the City needs to undertake a project under Homeward Hills Road to replace a section of storm sewer pipe that has deteriorated. She provided details of the project and its complexity, which has led to additional project requirements by the Metropolitan Council regarding tunneling. Ms. Stovring said that the additional requirement led to a higher bid on the work than the City had anticipated. She said that the final bid for the project came in at \$549,722.50 and the project is expected to begin this month. Ms. Stovring asked for the District's assistance in funding the project.

Chair Forster noted that the District has statutory limits regarding its repair and maintenance fund. Attorney Holtman clarified that the statute limits the District's annual levy to no more than \$15,000 for the Repair and Maintenance fund but the District can accumulate proceeds. Manager Casanova said that the District can spend the accumulated amount in a given year. Attorney Holtman agreed. Chair Forster said that the Repair and Maintenance Fund balance as of November 12, 2012, is \$80,000, which doesn't include the \$15,000 that has been levied for 2013 and that will be received by the District in 2013.

Manager Casanova said that he doesn't know of any land or ditches for which the District would need to accumulate those funds. He moved to approve using the \$80,000 from the Repair and Maintenance fund to the City of Eden Prairie for this project.

Manager Bisek asked if repairs of equipment come out of this budget and asked if the District Engineer had some requests for repairs of equipment. Chair Forster said that he thinks the District needs to investigate further. He recommended tabling this discussion until the District's February 6<sup>th</sup> meeting. He said that he thinks it would be prudent to hold some funds back. Chair Forster said that the District needs to check to see which of the District's funds are being held as collateral by KleinBank. Administrator Bleser said that she thinks it is the basic Waters Management fund. Chair Forster said that the District needs to check so it knows for sure. Administrator Bleser said that she will check with KleinBank to make sure that the Repair and Maintenance Fund is not being held as collateral. She said that she also will check to see if repair of equipment falls under the Repair and Maintenance Fund or if that fund is only for repair of structures and infrastructure.

Chair Forster asked if there was a second to Manager Casanova's motion. No second was made. Manager Wencil moved that the Board delay committing funds to Eden Prairie until the District figures out what the Repair and Maintenance funds are for and what funds are being held as collateral by KleinBank and that the Board comes back in 30 days to discuss its findings. Manager Crafton seconded the motion. Manager Bisek said that it is early in the budget year and she isn't in favor of draining that account so early in the year.

Upon a vote, the motion carried 5-0 [Managers Bisek, Casanova, Crafton, Forster, and Wencil].

Chair Forster remarked that at the watershed convention in December, there were major concerns expressed regarding future rain events and how they may become less frequent but when they do come they will be at a greater capacity than in the past. He said that the take-away message regarding those concerns was that if new infrastructure is going in or repair to infrastructure is being done, then this change should be taken into account and larger capacity infrastructure should be utilized. Chair Forster asked Ms. Stovring if the project will be replace the pipe inch-for-inch or if it will be increase the diameter of the pipe. Ms. Stovring said that she thought it was an inch-for-inch replacement.

## **6. Citizen Advisory Committee**

### **a. Application Status**

Administrator Bleser said that she has received four applications and the application deadline is January 11<sup>th</sup>. She said that the CAC met on December 19<sup>th</sup> and developed bylaws. Administrator Bleser said that she is looking forward to receiving more applications. She said that she will send out another reminder to the current CAC members to ensure that they know they need to reapply.

## **7. Hearing and Discussion of Matters of General Public Interest**

Steve Donen, CAC Advisor and Lotus Lake Conservation Alliance member said that the LLCA needs strong leadership and help from the District in the efforts against zebra mussels. He emphasized that infestation of Lotus Lake by zebra mussels is just one boat away. Mr. Donen summarized the history of the LLCA's actions toward the prevention of the spread of zebra mussels into Lotus Lake including the fact that the LLCA has spent \$20,000 of its own funds. Mr. Donen said that every boat needs to be inspected but the LLCA can't afford to continue it. He said that the City of Chanhassen has provided \$10,000 in support and the District has provided \$25,000 and 80% of the boats are getting inspected. Mr. Donen said that a better program could be in place and it wouldn't cost that much more funding. He said that he doesn't know what the plan should be but he hopes that the District will take on a leadership role in creating a plan and working with the cities. He asked that the District prioritize its funds toward zebra mussels and said that the District's help is appreciated.

The Board, District staff, and meeting attendees discussed the issue. Manager Casanova suggested asking Administrator Bleser to go to the cities and ask them for a solution to getting 100% of the boats inspected and for them to bring the recommendation back to the District. Ms. Stovring recommended that the District hold a joint workshop with Chanhassen's City Council. Chair Forster recommended that before requesting a joint workshop that Administrator Bleser get together with Terry Jeffery, Todd Hoffman, Leslie Stovring and someone from the Parks Department and brainstorm ideas.

## **8. Hennepin County Water Governance Johnson Proposal**

Chair Forster introduced Jan Callison of the Hennepin County Board of Commissioners. Commissioner Callison summarized Hennepin County Commissioner Jeff Johnson's proposal to combine the existing 11 water management authorities in the County into three entities. She said that she is looking to hear initial reactions on the proposal. She said that comments also could be sent to her. Managers Casanova and Forster provided comments. Commissioner Callison asked for a copy of the comments. There was discussion of the comments. Commissioner Callison fielded questions. She clarified that Commissioner Johnson had wanted the County Board

to adopt his proposal as part of the Board's legislative platform but the rest of the Commissioners asked for time to be able to go out and speak with people in the County about the proposal. She said that the proposal has not been adopted by the Board. Manager Wencil, CAC Advisor Sharon McCotter, Manager Crafton, Manager Bisek, CAC Advisor Bill Satterness, Administrator Bleser, Attorney Holtman, and Engineer Thoreen provided comments. Ms. McCotter asked Commissioner Callison about the next steps with the proposal. Commissioner Callison said that she assumes that Commissioner Johnson would bring it back to the Hennepin County Board and ask the Board to approve adding the proposal to the Board's legislative agenda. She said that likely he would bring it to the Board at the beginning of the legislative year. Commissioner Callison thanked the group for its comments and asked for comments to be sent to her. Commissioner Callison was thanked for coming and listening.

## 9. Treasurer's Report

Manager Crafton said that if there are no questions then she will move to approve the Treasurer's Report as submitted. Manager Casanova had a comment about the KleinBank line and said it should be footnoted but not included in the list of current invoices and it should show up someplace else. Administrator Bleser provided an explanation of where else it was documented and its foot notation. No change was directed. Manager Casanova had a comment about the rain garden project. He said that he would like to see the costs for the project consolidated, including attorney's costs. There was discussion about the two separate projects at Lotus Lake. Administrator Bleser said that she will talk to Dan about updating the Metro Blooms project numbers. Manager Wencil seconded the motion to approve the Treasurer's Report. Manager Casanova added the friendly amendment that the motion approves the two months of Treasurer's Reports as submitted. The friendly amendment was accepted. Upon a vote, the motion carried 5-0 [Managers Bisek, Casanova, Crafton, Forster, and Wencil].

Manager Crafton moved to approve payment of the bills. Manager Casanova seconded the motion. Upon a vote, the motion carried 5-0 [Managers Bisek, Casanova, Crafton, Forster, and Wencil].

## 10. Engineer's Report

Manager Casanova moved to accept the Engineer's Report. Manager Wencil asked if the Board wanted to talk about the Lake Ann project. Engineer Carroll provided comments and stated that CH2M HILL provided the Board with the two draft reports. He said that Manager Casanova submitted comments and comments will be incorporated into the final reports. Manager Wencil asked about the idea of putting an aerator in Lake Ann. Engineer Carroll said that the report does look at that option, but it is very expensive and there are other options. Chair Forster commented that if the District's work with the Lake Lucy project can control Lake Lucy then in essence it is controlling Lake Ann. Manager Casanova said that the District needs to keep monitoring Lake Ann. Manager Crafton seconded the motion. Upon a vote, the motion carried 5-0 [Managers Bisek, Casanova, Crafton, Forster, and Wencil].

Engineer Carroll reported that the aerators are on in Rice Marsh and Lucy. Manager Wencil asked about the ownership of the aerator in Lake Lucy. Administrator Bleser said that the District does not own it but is leasing it. Chair Forster said that he thinks that the District needs to pursue this issue and discuss it further to get it spelled out. Manager Wencil asked if the Board could receive a copy of the lease. Administrator Bleser said yes, but it is a set of three documents.

Engineer Carroll noted that right now the electrical line to the aerator on Lake Lucy is above ground, which is not

a long-term solution. Administrator Bleser remarked that this project is a three-year pilot program that is in year two. She said that after year three the program will be evaluated.

## 11. Attorney's Report

No report.

## 12. Administrator's Report

Administrator Bleser provided her report. She provided additional information on the status of the Reliance Claim settlement and the District's deliberation on whether to sell the claim to Argo Partners. At Manager Wencil's request, Administrator Bleser provided an update of the two UAAs and said that they will go out for bids. Manager Casanova asked if the District has a UAA for all of the District's waterbodies. Manager Casanova asked for a list of what UAAs have been done by the District and when. Administrator Bleser said that the information is in the District's 10-year plan and she can print the information out. There was a discussion of several UAAs and the longevity of UAAs.

## 13. Manager's Discussion

### a. Stormwater RAP Task Order and Purgatory Creek Modeling Task Order

Administrator Bleser asked for comments on the Task Orders and said that the Task Orders will be discussed at the February Board meeting. Manager Casanova asked for a presentation on the Purgatory Creek Recreation Area and how it functions. Administrator Bleser said that she can arrange a presentation and asked if he would like to hear about the carp population and the fish barrier or the management of the Purgatory Creek Recreational Area, since the first topic would be presented by the University of Minnesota and the second topic would be presented by the City of Eden Prairie. Manager Wencil recommended that Administrator Bleser ask Leslie Stovring of the City of Eden Prairie to make a presentation. Administrator Bleser said that she would and that she would also ask Peter at the UMN for an update. Administrator Bleser briefly reported on her meetings with the Minnesota Department of Natural Resources, the City of Eden Prairie, and the District Engineer. She said that the design proposal offered by Manager Wencil was discussed, but the City did not feel comfortable with using the dam structure as a barrier to the fish. Administrator Bleser said that the City's concerns focused on potential affects to the dam and maintenance and safety issues.

Manager Casanova said that he would like a map of the fish barrier project area that shows the contours and elevations and shows the plan of where the fish barrier would be placed.

Engineer Thoreen reported that the master service agreement is still being worked on but will be ready soon for signature.

Manager Bisek voiced a concern about the number of meetings planned and the associated cost in Task Order 1 and said that the meetings comprise 26% of the project budget. She noted that the subcontractors are not specified. Engineer Carroll said that the new draft lists the subcontractors. He addressed her concern about the number of meetings planned and said the effort is to ensure better coordination.

Manager Wencil asked for a timeframe for the UAAs. Administrator Bleser said that she hopes to have the Request for Proposals out by this Friday with a two-week turn-around.

**b. Report on Conferences by Manager Casanova**

Manager Casanova reported on the two water conferences he recently attended. He also brought up the book *For the Love of Lakes* by Darby Nelson and moved that the Board approve buying and gifting a book for each of the advisors, past and present, who has served on the District's CAC during the past three years. Manager Crafton seconded the motion. Upon a vote, the motion carried 5-0 [Managers Bisek, Casanova, Crafton, Forster, and Wencil].

**14. Upcoming Events**

- a. **CAC Application** – Friday, January 11, 2013
- b. **RPBCWD Board Meeting** – Wednesday, February 6, 2013, 7:00 p.m., Heritage Room, Eden Prairie City Center

**15. Adjournment**

There being no further business, Manager Wencil moved to adjourn the meeting. Manager Crafton seconded the motion. Upon a vote, the motion carried 5-0 [Managers Bisek, Casanova, Crafton, Forster, and Wencil]. The meeting adjourned at 10:00 p.m.

Respectfully submitted,

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Ken Wencil, Secretary