

MEETING MINUTES

Riley-Purgatory-Bluff Creek Watershed District

June 29, 2015, Board of Managers Monthly Meeting

PRESENT:

Managers: Mary Bisek, Vice President
Jill Crafton, Treasurer
Perry Forster, President
Leslie Yetka, Secretary Pro Tem

Staff: Claire Bleser, RPBCWD Administrator
Michelle Jordan, RPBCWD Water Quality & Outreach Coordinator
Scott Sobiech, Engineer (Barr Engineering Company)
Michael Welch, Attorney (Smith Partners)

Other attendees: Richard Chadwick, Chanhassen Resident Dorothy Pederson, CAC, Silver Creek
Laurie Hable, CAC Bob Shurson, Mitchell Lake
Larry Koch, CAC Laurie Susla, CAC, LLCA

1. Call to Order

President Forster called the Monday, June 29, 2015, Board of Managers Monthly Meeting to order at 7:05 p.m. at the RPBCWD District Office at 14500 Martin Drive, Suite 1500, Eden Prairie, MN 55344.

2. Approval of the Agenda

Manager Crafton moved to approve the agenda. Manager Bisek seconded the motion. Upon a vote, the motion carried 4-0 [Manager Wencil absent]. President Forster introduced meeting attendee Richard Chadwick, who will join as a member of the RPBCWD Board in August.

3. Reading and Approval of Minutes

a. June 3, 2015, RPBCWD Board of Managers Monthly Meeting

Manager Yetka noted a correction to be made on page 6 to correctly identify the Timber Lake Homeowners Association. President Forster requested the correction on page 1, item 1 to remove the repetition of "Board of Managers." He requested correcting the sentence on page 1, item 3 to read "process is on track." President Forster requested the insertion of the word "a" on page 2, item 3 so the sentence reads, "next month there should be a final County Board decision..." President Forster requested the rewording of a sentence on page 2, item 4 so the sentence reads, "Attorney Smith said that he also understood the applicants asserts..." Manager Crafton noted that the May 15, 2015, meeting referenced on page 3, item 6c was a special meeting of the RPBCWD not a monthly meeting. Manager Crafton moved to approve the minutes as amended. Manager Yetka seconded the motion. Upon a vote, the motion carried 4-0 [Manager Wencil absent].

4. Hearing and Discussion of Matters of General Public Interest

Laurie Susla of 7008 Dakota Avenue, Chanhassen, asked if the District has an office protocol regarding returning emails and phone calls. President Forster said that the District tries to respond as quickly as possible. Ms. Susla asked again if there is a protocol. President Forster said that it is just an understanding that the District tries to respond as quickly as possible. Ms. Susla said that it has been an ongoing issue for her, for example three times in the past two months she directly emailed managers with a single yes or no question and she received no response. She said that quite often it takes a long time for her to receive a response. Ms. Susla said she thinks it would be a good idea to set a maximum of two business days instead of the District just doing its best. She said that this is just a suggestion. The Board clarified that Administrator Bleser is the direct contact on behalf of the District.

Ms. Susla said that she has been trying to get some information on budgets and on money that has been spent over the past 15 or so years on different projects throughout the District. She said that it is difficult to get information on the District's website and said that 14 Board packets are missing. Ms. Susla displayed examples of how other organizations, such as the cities of Eden Prairie and Chanhassen, and how they post information on their websites. She described how it is easier to find information online in the formats she displayed and described. Ms. Susla suggested that the District revise its website to follow one of the examples she provided in order to make it easier for people to find information.

Ms. Susla had a question about the draft letter to residents included in the Board packet and the letter's reference to written comments. President Forster responded that the word "governmental" is missing from the letter, so the sentence should read "written governmental comments."

Ms. Susla stated that in the District's 10-year plan, projects are listed but they don't have the Capital Improvement component, which is why, to her understanding, the District is going through the process of amending the 10-year plan. She explained that she went through the District's 2008 annual report, which states that Lotus Lake's ratio of internal to external loading is 7.082. Ms. Susla said that this amount is more than twice the amount for any other lake. She stated that because of the water quality issues that were going on in Lotus Lake in 2008, a Lotus Lake Water Quality Improvement Project was started. Ms. Susla read directly from the 2008 annual report about that project. Ms. Susla said that she is hoping someone can explain to her what happened to that project.

President Forster said that it is difficult to comment about what was included in the 2008 annual report since none of the current Board members were on the District Board at that time and the current RPBCWD staff was not part of the RPBCWD at that time. Ms. Susla said that although the 10-year plan does not have specific criteria regarding individual capital improvement projects, the plan does lay out the major projects the District planned on doing over the next 10 years. She said that the plan goes into quite a bit of detail about what was to be done in the Lotus Lake Water Quality Improvement Project, and the District budgeted \$1.25 million dollars for the project. Ms. Susla said she is confused about why the projects outlined in the plan are not the projects currently being proposed.

Administrator Bleser provided details on the work that the District has done and is doing to improve the water quality of Lotus Lake such as carp management. She reminded the group that this year the Board approved updating the Lotus Lake Use Attainability Analysis (UAA), which will look at the internal and external loading. Administrator Bleser explained how Lotus Lake is identified in the hydrologic and hydraulic model and the XP-SWMM model. President Forster commented that collaboration and cooperation with the City of Chanhassen will be a key element to improving the water quality of Lotus Lake. Ms. Susla said that she hadn't meant to make

her comments specifically about Lotus Lake. She said that her comment is that there are projects outlined in the 10-year plan and it is disconcerting when projects the size of the Riley Creek project are being proposed and the projects outlined in the 10-year plan aren't being addressed.

Larry Koch of 471 Big Horn Drive in Chanhasseen mentioned he attended the District's recent shoreline restoration workshop. He said it was well done, and he gave kudos to the District staff. Mr. Koch said it would be helpful to him if the District would create a single table that contains the information provided in the individual waterbody factsheets including water body name, size, when the UAA was last done, impairments, etc.

5. Citizen Advisory Committee (CAC)

Ms. Pederson reported that the CAC did not have enough members for a quorum at its last meeting. She said that the CAC received an informational presentation on toxic algae. Ms. Pederson stated that the CAC received a presentation on the preliminary results from the CRASS. She said that the CAC thought that the information provided by CRASS was great and also that it was great that staff got this much work done on it. Ms. Pederson reported that the CAC reviewed some cost share grant applications, but since there was no quorum, the CAC could not vote on the applications.

6. Treasurer's Report

Manager Crafton moved to accept the Treasurer's Report as submitted. Manager Yetka seconded the motion. President Forster noted that tomorrow the District receives its first half payments. Upon a vote, the motion carried 4-0 [Manager Wencil absent].

Manager Crafton moved to approve payment of the bills. Manager Bisek seconded the motion. Upon a vote, the motion carried 4-0 [Manager Wencil absent].

7. Engineer's Report

Manager Bisek asked about the Minnetonka Covington Road culvert repair project and whether the City has plans to resubmit the permit application or if it plans to incorporate the repair into another project. Engineer Sobiech explained that the reason the City of Minnetonka asked for its permit application to be withdrawn is because the City was having trouble achieving no net rise in floodplain with what the City was proposing to do. He said that the City has gone back to the drawing board to determine what it can do.

Manager Crafton asked a question about monitoring erosion, and Administrator Bleser responded that staff has starting putting in bank pins close to the District's monitoring sites in all three creeks. She explained that the bank pins are a tool for monitoring erosion off of the stream banks. She said that the pin is inserted into the slope and at the end of this field season or at the beginning of the next one, staff can measure how much of the pin is sticking out of the bank. She explained that this helps to quantify the amount of sediment reaching the creek.

Manager Crafton moved to accept the Engineer's Report as submitted. Manager Bisek seconded the motion. Upon a vote, the motion carried 5-0.

8. Administrator and Staff Report

Administrator Bleser reported on the shoreline maintenance workshop that District staff held last week. She talked about attending the MAWD (Minnesota Association of Watershed Districts) summer tour. She mentioned

some of the projects and techniques presented at the tour. Manager Yetka asked for an update on how the District will implement the master templates and updated logo. Administrator Bleser reported that they are in the final stages of the deliverables and the last icons are being finalized. She said that work is being done to incorporate the elements onto the District website and the elements will be showcased at the District's summer tour.

Administrator Bleser noted that signage will be done separately.

There was discussion about Administrator Bleser helping the managers get registered for the July 23 NEMO Workshop on the Water.

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

9. Board Action

a. Consent Items: i. Consent Permit 2015-023 Chanhassen East Business Center, ii. Consent Permit 2015-024 – 5995 Ridge Road – Water Appropriations Only, iii. 2015-029 – Shops at Southwest Station

Manager Bisek moved to approve the Consent Item approving permits 2015-023, 2015-024, and 2015-029. Manager Crafton seconded the vote. Manager Bisek said that she was concerned that the water appropriation permit since the application talked about daily water use. She said that these applications raise the opportunity for the District to send educational materials about water usage to the applicants. The managers discussed their observations that automatic sprinkler systems operate even when unnecessary, sometimes even when it is raining. President Forster suggested the District communicate with the cities to see if rain sensors could be retroactively required for operation of automatic sprinkler systems, and commented that the District could even consider financially supporting use of sensors. Mr. Koch commented on the ground water presentation he attended and said that he is in favor of whatever the District can do to get rain sensors on irrigation systems. Manager Yetka remarked that in the master water stewards program, the master water stewards need to do a capstone project to become certified. She explained that part of that capstone project is a public communication campaign. She said that if the District is supporting the Master Water Stewards program, the District could encourage a focus on water usage for the capstone project. Upon a vote, the motion carried 4-0 [Manager Wencil absent].

b. May 29th Post Variance Request – Purgatory Creek Estates 2nd Addition

Attorney Welch distinguished between the two Post variance requests received by the District. He stated that the one on tonight's agenda was received May 29. He explained that the Board discussed the request at its last meeting, but the board directed staff and the engineer to continue to work with the applicant to complete the underlying application and try to diminish the need for any variance. He said that the May 29th request has not been withdrawn and therefore remains live, which is why it is before the Board. Attorney Welch recommended the Board deny that variance, which requests exemption from all requirements of the district Stormwater Rule, and memo for the same reasons. He said that the District Engineer and Administrator will continue to work with the applicant to try to bring that permit forward as soon as possible.

Manager Yetka moved to deny the May 29th Purgatory Creek Estates 2nd Addition variance request and declined to extend a 15-year-old expired permit on the basis of the reasons articulated in the June 2, 2015, memo prepared by the District's Legal Counsel. Manager Crafton seconded the motion. Upon a vote, the motion carried 4-0 [Manager Wencil absent].

Engineer Sobiech updated the Board on the additional permit information that the District has been receiving from the applicant.

c. Delegation of Permit-Approval Authority to Administrator

President Forster commented that this is a limited-delegation of authority and is not a blanket delegation of authority. Administrator Bleser went into detail about the permit categories that she is requesting the Board authorize the administrator to approve, noting that she wished to add Rule D: Wetland and Creek Buffers to the scope of the delegation. There was discussion about how frequently the Administrator would report to the Board on permit approvals granted. The Board requested quarterly reports and asked that such language to be added to the resolution. There was discussion of the process that follows a permit denial. The administrator underscored that the delegation allows her only to approve permits, not deny them; only the Board of Managers can deny a permit application.

Manager Crafton moved to adopt the resolution delegating authority to the Administrator as amended. Manager Yetka seconded the motion. Manager Bisek wanted to clarify that the Board is asking that the resolution as written be modified to add Rule D, wetland and creek buffers for single family homes, to item 1 and that under item 6 it will be revised to state quarterly reports. Staff agreed. Upon a roll call vote, the motion carried 4-0 [Manager Wencil absent].

<i>Manager</i>	<i>Yes</i>	<i>No</i>
Bisek	X	
Crafton	X	
Forster	X	
Yetka	X	

d. Cost-share Agreement –Severson

Ms. Jordan described the two cost-share applications and projects, one a rain garden and one a wetland buffer on the same property through separate contractors, submitted by Severson. She noted that the District’s information about its cost-share grants does not address the topic of how many cost-share grant applications can be applied for by one applicant in one year or over the lifetime of the grant program. Ms. Jordan said it would be helpful to have such information stated in the cost share application materials. There was a lengthy discussion about the parameters and structure of the District’s cost share grant program and how the program handles multiple applications from one applicant, the funds remaining in the program for 2015, the estimated benefit of the wetland buffer project, the CAC’s discussion of the applications, and ways to proceed regarding the two applications in front of the Board.

Manager Yetka moved to approve the cost share application submitted by Severson for the rain garden project. Manager Bisek seconded the motion. Upon a vote, the motion carried 4-0 [Manager Wencil absent].

President Forster moved to send the second application, the application for the wetland buffer project, back to the CAC and for the Board to table the item until the Board’s August meeting. Manager Crafton

seconded the motion. Manager Yetka wanted the CAC to discuss if the wetland buffer project is really a water quality project. Ms. Jordan said a good point of discussion for the CAC is what is meant by the cost-share program's language "improving watershed resources." Upon a vote, the motion carried 4-0 [Manager Wencil absent].

e. Lake Susan Spent Lime Treatment Project

Administrator Bleser summarized the project, which is designed to reduce the amount of phosphorous entering Lake Susan and will be located on the southwest side of the lake. She reported that the Chanhassen City Council approved the agreement without changes last week. Manager Crafton moved to approve entering into the cooperative agreement with the City of Chanhassen for the Lake Susan Spent Lime Treatment Project. Manager Yetka seconded the motion. Attorney Welch clarified that the motion authorizes President Forster to execute the cooperative agreement on the District's behalf. The Board indicated yes. Manager Bisek said that a key component of the project is maintenance. Engineer Sobiech said that the District Engineer is writing the maintenance plan and that the maintenance should be fairly straightforward.

Manager Crafton moved to authorize Administrator Bleser to solicit bids from contractors for the Lake Susan Spent Lime Treatment Project. Manager Bisek seconded the motion. Upon a vote, the motion carried 4-0 [Manager Wencil absent].

f. Governance Manual – Public Purposes Expenditures Policy Revised

Administrator Bleser explained that the proposed policy is about in-state and out-of-state travel. She reported that an auditor suggested to a neighboring watershed that it incorporate this policy into its governance manual. Administrator Bleser said that she thinks it is a good addition to the District's governance manual as well. President Forster asked for one revision so that the wording on page 1 matches the wording on page 2 specifying "coach or lesser cost airfare." Manager Crafton moved to add to the District's Governance Manual the public purposes expenditures policy as amended by President Forster. Manager Bisek seconded the motion. Upon a vote, the motion carried 4-0 [Manager Wencil absent].

g. Administrator Bleser travel to American Annual Water Resources Conference

President Forster announced that Administrator Bleser has been asked to speak at the Annual American Water Resources Conference in Denver in November. He said that the estimated total cost to the District is \$1,366. Manager Bisek asked if these funds are in the District's budget. Administrator Bleser responded yes. Manager Bisek moved to approve the travel as proposed. Manager Crafton seconded the motion. Upon a vote, the motion carried 4-0 [Manager Wencil absent].

h. Secretary Manager Position

President Forster announced that with Manager Wencil's appointment expiration at the end of July, the Board will need to appoint a new Secretary. Administrator Bleser noted that the Secretary also would have signing authority. President Forster nominated Manager Yetka as Secretary as of August 1, remaining Secretary Pro Tem until August 1. Manager Crafton seconded the motion. Upon a vote, the motion carried 4-0 [Manager Wencil absent].

i. President Forster Letter to Residents About Public Hearing

President Forster said that the District received 23 letters about the public hearing and most of those who sent letters did not attend the meeting. He said that he feels that it is important to send a response letter to those residents to acknowledge receipt of the letters and communicate what transpired at the meeting. He said that he wrote the letter and Administrator Bleser and Attorney Smith have reviewed the letter. There

was discussion. Manager Crafton asked that the letter include a sentence about how Administrator Bleser is the central contact for the Board of Managers. President Forster agreed.

Manager Bisek moved that the Board of Managers supports the President and his communication with the residents about the District's public hearing on the proposed amendment to the Riley Purgatory Bluff Creek Watershed plan. Manager Crafton seconded the motion. Manager Yetka noted that a revision has been requested to clarify the sentence in the letter about the written comment period so that it is clear that it references the governmental agencies' written comments. President Forster said that change will be made. Upon a vote, the motion carried 4-0 [Manager Wencil absent].

j. Special Meeting Week of July 13th for Permit Application

Administrator Bleser said that due to the high volume of permits received, staff is requesting the District hold a special meeting just for taking action on permits. Manager Yetka moved to schedule a special meeting of the Board of Managers on Tuesday, July 14 at 4:30 p.m. Manager Bisek seconded the motion. Upon a vote, the motion carried 3-0 [Manager Crafton abstained from the vote since she will not be present at that meeting. Manager Wencil absent].

k. Bluff Creek Fish Passage and Stream Stabilization

Administrator Bleser recommended that the meeting move into closed session for this item. Manager Yetka moved to approve amending the meeting agenda so that item 9k – Bluff Creek Fish Passage and Stream Stabilization – is moved to follow item 11. Manager Crafton seconded the motion. Upon a vote, the motion carried 4-0 [Manager Wencil absent].

10. Manager's Discussion

a. Master Water Stewards' Program

Administrator Bleser reported that the proposed starting date for the cohort's Master Water Steward's program is January 2016. She said that the cost of training each Master Water Steward is \$2,300 in addition to the \$200 contribution by the participant. Administrator Bleser stated that each of the three Districts participating in the proposed cohort would sponsor 8 to 10 stewards, so the cost to each District would be \$23,000. She noted that the Board will see the Freshwater Society's proposal at the Board's August meeting.

b. Administrator Review

Manager Bisek said that she proposes the Board use the same review process it has used in the past. She said that the review could take place in a short meeting immediately prior to the July 27 watershed tour and she would need documents back from the Board members by July 17. The Board agreed that it would meet at 2:30 p.m. on July 27 to conduct the Administrator's review.

c. Reflection on Public Hearing

President Forster said that he came to the conclusion that a lot of people weren't aware of the issues. He stated that as a future District process, he would like the District to get articles in the newspaper about the issues and to be more proactive in getting information out about the issues.

President Forster announced at 9:35 p.m. that the District would hold a five-minute recess and then the Board would move into closed session for discussion about the Bluff Creek Fish Passage and Stream Stabilization Project due to discussion about property acquisition of 10551 Great Plains Boulevard, Chanhassen.

11. Upcoming Events

- CAC Meeting, Monday, July 20, 2015, 6:30 p.m., District Office
- NEMO Workshop on the Water, July 22, 2015, 7:00 p.m.
- Watershed Tour, July 27, 2015, 4:00 p.m.
- Budget Workshop & Regular Board Meeting, August 5, 2015, 5:00 p.m.
- Public Hearing & Regular Board Meeting, September 2, 2015, 7:00 p.m.
- Clean Water Summit, September 15, 2015, University of Minnesota Arboretum, all-day

12. Closed Session

The meeting moved to closed session at 9:40 p.m. The closed session ended at 10:30 p.m.

13. Adjourn

Manager Crafton moved to adjourn the meeting. Manager Yetka seconded the motion. Upon a vote, the motion carried 4-0. The meeting adjourned at 10:31 p.m.

Respectfully submitted,

Leslie Yetka, Secretary Pro Tem