

MEETING MINUTES

Riley-Purgatory-Bluff Creek Watershed District

March 4, 2015, Board of Managers Monthly Meeting

PRESENT:

Managers: Mary Bisek, Vice President
Jill Crafton, Treasurer
Perry Forster, President
Ken Wencl, Secretary
Leslie Yetka

Staff: Claire Bleser, RPBCWD Administrator
Michelle Jordan, RPBCWD Water Quality and Outreach Coordinator
Josh Maxwell, RPBCWD District Technician II/Compliance Officer
Louis Smith, Attorney (Smith Partners)
Scott Sobiech, Engineer (Barr Engineering Company)

Recorder: Amy Herbert

Other attendees: Joe Bischoff, Wenck Associates
Lindsey Briscoe, Hopkins Resident
Paul Bulger, CAC
Bill Coppage, CAC
Bob Erickson, Schussler Creative; Wildamere

Laurie Hable, CAC
Larry Koch, CAC
Sharon McCotter, CAC
Dan Parks, Schussler Creative; Westwood Professional Services
Dorothy Pederson, CAC
Laurie Susla, CAC, LLCA

1. Call to Order

President Forster called the RPBCWD Board of Managers on Wednesday, March 4, 2015, Board of Managers Monthly Meeting to order at 7:03 p.m. at the RPBCWD District Office at 14500 Martin Drive, Suite 1500, Eden Prairie, MN 55344.

2. Approval of the Agenda

Administrator Bleser requested adding to the agenda a discussion of the University of Minnesota Grant Program as item 13d under Managers Discussion and adding a discussion of Plant Management as item 13e under Managers Discussion. Manager Crafton moved to approve the agenda as amended. Manager Bisek seconded the motion. Upon a vote, the motion carried 5-0.

3. Water Quality Report

Administrator Bleser reported that District staff has taken the information presented in the District's annual report and developed a short synopsis of the District's 2014 lakes and creeks report and aquatic invasive species (AIS)

information.

RPBCWD Water Quality and Outreach Coordinator Michelle Jordan reported that in 2014 all of the District's creeks and lakes were sampled between May and September. She said that in 2014 six District lakes met Minnesota Pollution Control Agency (MPCA) standards for total phosphorus, chlorophyll a, and turbidity (secchi depth readings): Lake Ann, Duck Lake, Round Lake, Mitchell Lake, Red Rock, and Idlewild. Ms. Jordan explained that of the District lakes that did not meet MPCA standards, only Silver Lake did not meet MPCA standards for water quality.

Ms. Jordan stated that 18 creek sites were sampled. She noted that the MPCA's new proposed standards for creeks are being litigated, so staff is waiting to learn of the outcome and new information about the MPCA's creek standards. Ms. Jordan displayed a PowerPoint slide of a graph comparing the District's creek data for total phosphorus, dissolved oxygen, pH, and total suspended solids and the MPCA's proposed creek standards. She provided more details on the creek sampling. Ms. Jordan announced that staff created six new factsheets, so now the District has factsheets for all of the creeks and lakes in the District.

Josh Maxwell presented PowerPoint slides and reviewed the District's AIS goals and strategies for the year. He reminded the Board that it allocated \$50,000 for inspection programs for 2015. Mr. Maxwell described District AIS work such as collaborating with the Department of Natural Resources on the AIS Junior Inspectors program, raising AIS awareness through the District's participation in education and outreach events, and working with the District's Citizen Advisory Committee (CAC) on AIS issues.

Mr. Maxwell listed the AIS-infested waters in the watershed district. He summarized the findings of aquatic plant surveys. Mr. Maxwell talked about the zooplankton monitoring program, the Veliger zebra mussel detection program, the adopt-a-dock adult-zebra mussel detection program, and boat launch investigations for zebra mussels. He spoke about the work in progress in collaboration with the Minnehaha Watershed District to develop the District's zebra mussel rapid response plan. Mr. Maxwell also summarized the District's common carp management plan including an electrofishing survey, trap netting, telemetry-guided winter commercial seining, and aeration. He talked about how the District plans to handle in 2015 the management of established AIS. Mr. Maxwell described how the District staff will stay informed of the latest AIS news and research.

Mr. Maxwell responded to questions. President Forster stated that for the District to have data so close to real-time is really great, and it allows the District to act in quicker fashion. Administrator Bleser shared additional information about the factsheets and the RPBCWD's annual report.

4. Alum Presentation

Administrator Bleser introduced Joe Bischoff of Wenck Associates to present on the use of aluminum sulfate (alum) in lakes. Mr. Bischoff said that he would give an overview of what is known about alum, why it's used in lakes, how it is used, and common misconceptions. He described lake phosphorous loading but said that tonight's discussion will focus on internal loading, how it is assessed, and how it is controlled.

Mr. Bischoff displayed a slide with a graph that illustrated Lake Riley's total phosphorous levels. He explained the chemistry behind internal loading, stating that iron-bound phosphorous is sensitive to anoxia. Mr. Bischoff said that anoxic conditions in the lake cause the iron-bound phosphorous to be released into the lake's water column. He stated that the goal of an alum treatment is to change the loosely bound, iron-bound phosphorous to a permanent bound form. Mr. Bischoff described how the phosphorus inactivation with alum process occurs through alum application.

Mr. Bischoff discussed common misconceptions about alum such as the concept that alum treatments are overly expensive, not effective for the long-term, shouldn't be considered until external loading is managed, and adds dangerous chemicals to lakes. He shared data that diffused the misconceptions.

Mr. Bischoff gave a brief history of alum use in lakes, talked about the importance of developing the correct alum dosage for each lake. He said that the cost of an alum treatment is approximately \$1.75 to \$2 per gallon applied. He displayed a graph comparing alum treatment to techniques with similar phosphorous removal efficiencies and noted that the graph shows that alum treatment is the most cost-effective management practice in terms of cost per pound of phosphorus removal.

Another topic discussed by Mr. Bischoff was the effects of alum on the lake. He described how the pH level of the lake has to be maintained at a level greater than six. He said that there are impacts to the macroinvertebrates. Mr. Bischoff said that the macroinvertebrate communities are greatly reduced for the first year due to impacts from the alum treatment, but in the long-term the communities establish in greater numbers and with a greater variety of species than before the alum application. Mr. Bischoff also addressed concerns of human health impacts of alum. He explained that alum exposure for humans via lake alum treatment is not high and is not of a long duration and is considered safe for humans.

Mr. Bischoff went into specific details on alum dosing and specifications. He talked about the data needed from the core samples taken from Lake Riley. He said that Wenck recommends taking four core samples or seeing if the data from previous core samples taken from the lake could be used. He also noted that Wenck likes to do follow-up monitoring after alum treatment. Mr. Bischoff responded to questions.

5. Permit 2015-006 Schussler Barn – Green Acres Parking Lot Plan Review

Engineer Sobiech reported that permit 2015-006 is a proposed parking lot improvement around the Schussler Barn along Pioneer Trail. Engineer Sobiech displayed a map of the location. He talked about the existing stormwater Best Management Practice (BMP) located on the site. He said that the applicant is proposing improvements to the parking facility and expanding the parking lot. Engineer Sobiech went into detail about the proposed project. He said that the project will provide compensatory storage. Engineer Sobiech talked about how existing and proposed conditions include a series of basins so that there is no discharge from the basins in a 10-year event and all of the water is infiltrated.

Engineer Sobiech stated that for the project to achieve the necessary compensatory storage, the project will need to extend beyond parcel boundaries. He said that the applicant is working with Hennepin County and the Airport Commission to get easements over that area to allow the project to do that work. He explained that the reason the permit is on the agenda tonight is because for the applicant to do the work and still comply with the District's rules, the project needs a variance from the Board. He said that the variance is needed for the project to use area outside of its parcel to provide the treatment to meet the District's rules. Engineer Sobiech added that the project meets the District's rate control requirements, water quality requirements, and volume extraction requirements and the variance is related to needing the area outside of the applicant's property, for which the applicant is getting an easement and will be providing maintenance.

Engineer Sobiech said that staff supports approval of the variance request with the Engineer's conditions on the permit as listed in the meeting packet. He went through the conditions, and he responded to questions. Engineer Sobiech stated that a financial assurance would be put in place in the amount of \$89,650, and he described the specific costs comprising that total financial assurance amount.

Bob Erickson of Schussler Creative introduced himself and said his group is responsible for the entitlement process for the property. He provided details on the property and requested that the Board authorize staff to work with the agencies involved and to eliminate any duplication of bonding. Mr. Erickson talked further about the work he would like RPBCWD to do with the other agencies involved such as the City of Eden Prairie, Hennepin County, and the Airport Commission. He noted that all of the project's approvals pre-date the District's rules. He said that he would like District staff and the other agencies to sit down and work through the issues pre-construction, and he noted that the pre-construction meeting is this Friday.

Attorney Smith commented that it sounds like Hennepin County and the Airports Commission are involved in this not as regulators but as entities that have property interests because their property is being used a right-of-way. He said that those entities may have requirements in terms of granting permission for the use of their property. Attorney Smith said that in terms of the City of Eden Prairie's interest, perhaps as regulating parties both the City and the District may be touching on erosion control elements. He said that he does not know if the most significant part of the financial insurance, the infiltration basin, is the subject of a similar financial assurance to the City. Attorney Smith said if it is, then it would be a reasonable request for the Board to consider a meeting between the parties to see if there is a way that the District's interests can be protected.

Attorney Smith provided additional comments on what could be discussed and considered. He said that ultimately the District needs to approach this issue from the perspective that if this project fails prior to construction being completed, it is the District's responsibility to step in and cure that, which is the point of this bond or financial assurance requirement.

There was further discussion, and Attorney Smith responded to questions. Attorney Smith recommended that the Board move to approve the permit variance with the conditions as recommend including the Engineer's recommendations and the condition that the amount of the financial assurance may be reduced upon finding by District Counsel that alternative assurance with the City of Eden Prairie and/or other parties would provide adequate protection of the District's legal interests. Manager Bisek moved that the Board approve the variance with the language and exceptions proposed by the District Engineer and authorizing staff to work with the City of Eden Prairie to preclude any duplication of financial assurances as described by District Legal Counsel. Manager Yetka seconded the motion. Upon a vote, the motion carried 5-0.

6. Reading and Approval of Minutes

a. February 4, 2015, RPBCWD Board of Managers Monthly Meeting

President Forster requested an edit on page three to correct the word "published" to "publish." Manager Crafton moved to approve the minutes as amended. Manager Wencl seconded the motion. Upon a vote, the motion carried 5-0.

7. Hearing and Discussion of Matters of General Public Interest

Laurie Susla of 7008 Dakota Avenue, Chanhassen, stated that the Lotus Lake Conservation Alliance (LLCA) has been funding inspections at Lotus Lake at a cost of \$15,000 to \$17,000 per year. She reported that the LLCA has a bill for \$19,800 for this coming season and is not sure it will be able to pay that bill. Ms. Susla said that the City of Chanhassen is no longer going to be hiring the inspectors. She explained that if the County can't hire people in-house to run inspections from Labor Day until the end of October, which is what the LLCA has been funding in past years, the County is hesitant to hire outside help. Ms. Susla said that because the LLCA is not an LGU it cannot hire a Level 1 inspector. Ms. Susla said that the LLCA needs an LGU to step up and write a contract with a temporary staffing agency to provide bodies at the boat ramp.

Administrator Bleser commented that the arrangements between the City of Chanhassen and Carver County have not been finalized, and District staff is waiting to hear what is happening. There was a brief discussion.

8. Citizen Advisory Committee (CAC)

Administrator Bleser stated that the Board packet includes the minutes of one of two CAC meetings that occurred this month. She said that the meeting minutes summarize the CAC meeting focused on Alum. Administrator Bleser reported that the CAC recommends the District Board move forward with tasks one and two with the caveat that it would be looked into to find out if task two was necessary for moving forward. She said that she looked into it and task two is not a necessity for moving forward. She stated that the CAC would like Barr Engineering to develop a phosphorous budget for Lake Riley to clarify how much of the phosphorous loading is external and how much is internal.

Administrator Bleser reported that the second CAC meeting was in regard to the AIS goals and strategies document. She said that staff made modifications to the document based on the CAC's comments. She clarified that the CAC recommends the Board approve moving forward with the Wenck proposal task one, approve Barr Engineering developing the phosphorous budget, and approve the 2015 AIS Goals and Strategies document with the modifications made.

9. Treasurer's Report

Manager Crafton moved to accept the Treasurer's Report as submitted in the packet. Manager Bisek seconded the motion. She said that she appreciates the work that staff and Manager Crafton put into revising the format of the report. Upon a vote, the motion carried 5-0. Manager Crafton moved to approve payment of the bills. Manager Yetka seconded the motion. Upon a vote, the motion carried 5-0.

10. Engineer's Report

Manager Yetka asked for an update on the recent RPBCWD Technical Advisory Meeting (TAC). Engineer Sobiech provided an update. President Forster commented on one item in the report regarding a property on Lake Riley. Engineer Sobiech handed out information and renderings of the Lake Susan spent lime treatment system for the manager's information and review per the Board's request at its last meeting.

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

11. Administrator's Report

Administrator Bleser added one item to the report. She explained that staff is working to develop a process for self-permitting so that the District can see how the District's projects are complying with the District's rules. Manager Yetka asked for an update on the data request from the Southwest Metro Lake Coalition (SWMLC). Administrator Bleser reported that the SWMLC asked the District if the District has provided all requested information and that the District has responded yes.

Manager Crafton moved to accept the Administrator's report. Manager Bisek seconded the motion. Upon a vote, the motion carried 5-0.

12. Board Action

- a. Consent Items: Purgatory Creek Chain of Lakes UAA; Consent Silver Lake Paleolimnology; Consent University of Minnesota Ray Newman; Consent Permit 2015-004 MNDOT Bituminous Mill and surfacing, ADA improvements and signal revision on Highway 5**
Attorney Smith pointed out that the Consent Items include the Ray Newman scope of services and Board action to approve the Consent Items should include authorizing the contract for three years of services and authorizing the Board President to sign the contract under advice of District Legal Counsel. Manager Yetka moved to approve the Consent Items with the additional direction as provided by Attorney Smith. Manager Crafton seconded the vote. Upon a vote, the motion carried 5-0.
- b. Permit 2015-005 County State Highway 101 in Minnetonka – 60-Day Extension Period Request**
Manager Yetka moved to approve the 60-day extension. Manager Crafton seconded the motion. Upon a vote, the motion carried 4-0 [Manager Wencil absent from vote].
- c. Permit 2015-006 Schlusser Barn – Variance Request**
See Agenda Item 5.
- d. 2015 AIS Strategies and Goals**
Administrator Bleser reminded the Board that this document has been reviewed and has been modified with the recommendations from the CAC. Manager Yetka moved to approve the 2015 AIS Goals and Strategies document. Manager Bisek seconded the motion. Upon a vote, the motion carried 4-0 [Manager Wencil absent from vote].
- e. Lake Lucy Spent Lime**
Administrator Bleser updated the Board on recent conversations with the two homeowners that would be most impacted by the construction of the project, including the homeowner with the right-of-way. She said that the District has developed six iterations of the design to try and work with the homeowners, but the most recent conversation revealed that the property owner is unwilling to provide easements for this project. Administrator Bleser recommended that the Board approve staff finalizing the design memo with the Engineer's concepts so the information can be used for other projects and for the District to revisit this proposed project after the iron-enhanced sand project.

Manager Yetka moved to approve staff's recommendation on the Lake Lucy Spent Lime Project, including finalizing the memo on the project and the 30% design plans and approving that the District will revisit this project in three to five years. Manager Wencil seconded the motion. Upon a vote, the motion carried 5-0.
- f. Lake Riley Alum and Lake Riley/Rice Marsh Lake UAA Update**
Administrator Bleser said that the Board should consider the Lake Riley Alum with task one from Wencil's proposal. She summarized the work included in task one. She said that the CAC recommended that Barr Engineering prepare a phosphorous budget for Lake Riley so the District will know the external and internal phosphorous load for that system. Administrator Bleser explained that the phosphorous budget is half the work that would go into a Lake Riley Use Attainability Analysis (UAA) update. She said that now that the District is managing the carp in Lake Riley it is a good opportunity for the District to update its 1999 Lake Riley UAA.

She said that in order for the District to do its Lake Riley phosphorous budget, the District needs to know its Rice Marsh Lake phosphorous budget. Administrator Bleser said that staff recommends the District go forward with Wencil's task one for the Lake Riley Alum project and at the same time have Barr Engineering do the Lake Riley UAA and the Rice Marsh Lake UAA. There was discussion. Administrator Bleser stated that it would be most efficient to do the task one from the Wencil proposal

Manager Bisek moved to approve Task Order 10 with alternative one using funds from the 2014 Lake Lucy Spent Lime Treatment project. Manager Crafton seconded the motion. Upon a vote, the motion carried 5-0.

g. Major Plan Amendment Riley Creek Restoration

Administrator Bleser said that the District is running out of Capital Improvement Projects (CIP) listed in its Watershed Plan, and if the District doesn't have Capital Improvement Projects identified then the District will not be competitive for grants. Administrator Bleser clarified that this plan amendment is for Riley Creek, not just Lower Riley Creek. She also noted that the District will need to look into refreshing its 10-year plan at some point.

President Forster read the resolving statements for Resolution 15-05. Attorney Smith stated that this resolution commences the plan amendment process. He said that the proposed major plan amendment will be circulated for review and comments. Attorney Smith said that what the Board is doing here is describing the need for a project, describing what it is that the District is proposing to do, estimating how much it is going to cost, and describing where the District is going to get the money from. He explained that the District can't go forward with a project without that information being included in the District's Plan.

Manager Yetka moved that the District approve Resolution 15-05 Adopting a Watershed Plan Amendment for the Riley Creek Project. Manager Crafton seconded the motion. Upon call of roll, the motion carried 5-0.

Manager	Ay	Nay
Bisek	X	
Crafton	X	
Forster	X	
Wencl	X	
Yetka	X	

h. Lake Riley Alum Treatment Plan Amendment

Attorney Smith explained that technically speaking an alum treatment is not a capital improvement. He said that nevertheless the District anticipates that it may cost a great deal of money and will be a major commitment of resources to improve the water quality in the lake. He said that he could construct a legal opinion that the District didn't need to go through a lot of process and the alum treatment is simply a programmatic implementation. He said that however, the District would be well-advised to go through the plan amendment and public hearing processes so that the District gets the benefit of the comment process. He recommended that the District holds another public hearing once the District has specific alum dosage recommendations and cost estimates so that people can comment. Attorney Smith talked about the proposed language addition, including new section 7.4B, to the District's Plan.

There was discussion and Attorney Smith responded to questions. President Forster requested a copy edit, removal of an extra letter, to Resolution 15-06. Manager Crafton moved to adopt Resolution 15-06 Resolution Adopting Watershed Management Plan Amendment for Lake Riley Alum Treatment. Manager Bisek seconded the motion. Upon call of roll, the motion carried 5-0.

i. Plant Management

Administrator Bleser said that the District has been doing herbicide treatment on Lake Susan and Lake Riley. She reported that the recommendation from the University of Minnesota is to not continue the treatment on Lake Susan but to continue treatment on Lake Riley. Administrator Bleser said that the treatment on Lake Riley would be for Curlyleaf pondweed and Eurasian watermilfoil. She said that based on the plant management plans for Red Rock Lake, Mitchell Lake, and Lake Lucy, staff is coordinating with cities. Administrator Bleser said that Lake Lucy is being monitored. She said that for Mitchell Lake and Red Rock Lake, the District is coordinating with the City. She said that the District will do the herbicide treatment for the Curlyleaf pondweed and the City will take care of mechanical harvesting.

Administrator Bleser asked the Board to authorize staff to administer the herbicide treatments for Curlyleaf pondweed for Lake Riley, Mitchell Lake, and Red Rock Lake. Manager Wencl asked Administrator Bleser for a communication about the results of the Lake Susan vegetation survey that he could share with Lake Susan residents. President Forster said that the District's motion should authorize Administrator Bleser to include herbicide treatment on Lake Susan in the case that District staff finds that it is necessary. Manager Bisek said that she would like District staff to get two or three quotes for the herbicide treatment work.

Manager Bisek moved to authorize staff to moved ahead to secure treatment for plant management on Lake Riley, Red Rock Lake, Mitchell Lake, and possibly Lake Susan, if the vegetation survey deems treatment on Lake Susan necessary, at an cost not to exceed the budgeted amounts. Manager Crafton seconded the motion. Upon call of roll, the motion carried 5-0.

j. Opportunity Project Funds: Chanhassen High School; Ravine Restoration West of Lotus Lake

Administrator Bleser explained that opportunity projects for public entities in the watershed have come to the District's attention. She talked about how Chanhassen High School is interested in a water reuse system on its campus and wants to know more about it. She said that such a system would prevent runoff from directly entering Bluff Creek. Administrator Bleser provided more details about the project and said that the project wouldn't fit in the District's cost-share program and it would require more than technical assistance. Administrator Bleser said that she has asked Barr Engineering to outline what it would cost to figure out if this reuse project would be feasible. She said that the cost to look at the campus and figure out project feasibility is \$12,500.

Administrator Bleser described another project opportunity that has popped up. She said that the City of Chanhassen is doing a mill and overlay project on the west side of Chanhassen, and property owners in that area have asked the City staff about ravine stabilization. She said that this project is beyond the technical resources provided by the Carver County Soil and Water Conservation District through the District's cost share program.

Manager Crafton said that it sounds like Administrator Bleser is suggesting that the District develop an opportunity fund and do feasibility studies on the projects Administrator Bleser described. There was discussion, and Administrator Bleser described how she envisioned the process working. Ms. Susla asked if Chanhassen High School would put in some type of initial investment. President Forster said that the District could communicate that the District is interested and ask Chanhassen High School if it is ready to

make some investment.

Administrator Bleser suggested that she bring this topic back to the Board with more information and a structure. She said she can start the discussion with the City of Chanhassen and the Chanhassen High School. She said that the District Engineer could look further into the ravine project and use engineer time via the District's General Services agreement with the District Engineer. The Board consented to Administrator Bleser's suggestions.

13. Manager's Discussion

a. Lake Susan Spent Lime Update

Administrator Bleser said that she is in the process working with the City of Chanhassen to come to an understanding with the City. She stated that this item, and hopefully an agreement between the City and the District, will come in front of the Board at its next meeting.

b. Annual Report

Administrator Bleser asked for the Board to return comments and suggestions to her about the draft annual report within two weeks.

c. Education and Outreach Plan

Administrator Bleser said that she will be sending the Education and Outreach plan to the Board for review.

d. Duck Lake Subwatershed

Administrator Bleser reminded the District of the Duck Lake UAA and said that it identified the implementation of 50 raingardens. Staff is trying to kick-start bringing the Master Water Stewards program to the District. She has asked Shawn Tracy of HDR to look at the Duck Lake watershed and to identify feasible locations for different water quality Best Management Practices like rain gardens and vegetated swales. She said that she is not asking the Board to take action on this item tonight, but she hopes to bring this back in front of the Board at the next meeting.

14. Adjourn

Manager Wencil moved to adjourn the meeting. Manager Crafton seconded the motion. Upon a vote, the motion carried 5-0. The meeting adjourned at 10:32 p.m.

Respectfully submitted,

Ken Wencil, Secretary