

## MEETING MINUTES

### Riley-Purgatory-Bluff Creek Watershed District

June 3, 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  
Caroline Fazzio, RPBCWD Water Quality Assistant  
Josh Maxwell, RPBCWD District Technician II/Compliance Officer  
Louis Smith, Attorney (Smith Partners)  
Scott Sobiech, Engineer (Barr Engineering Company)

Other attendees: Dan Blake, Pentom Land Co.            Larry Koch, CAC  
Jan Callison, Hennepin County            Matt Lindon, Eden Prairie  
Barry Dallavalle, Lake Lucy            Sharon McCotter, CAC  
Laurie Hable, CAC            Brian Post, Eden Prairie  
Candice Kantar, Barr Engineering            Patrick Steinhoff, Malkerson, Gunn, Martin LLP

#### 1. Call to Order

President Forster called the Wednesday, June 3, 2015, RPBWD Board of Managers Monthly Meeting to order at 7:03 p.m. at the RPBCWD office at 14500 Martin Drive, Suite 1500, Eden Prairie, MN 55344.

#### 2. Approval of the Agenda

President Forster requested to move ahead in the agenda the permit for Purgatory Creek Estate II to follow the Hennepin County Board of Commissioners update, and he announced the addition of permit 2015-16 to the agenda under Board Action. Manager Crafton moved to approve the agenda as amended. Manager Yetka seconded the motion. Upon a vote, the motion carried 5-0.

#### 3. Update from Hennepin County Board of Commissioners

President Forster introduced Hennepin County Board of Commissioners Chair Jan Callison. Ms. Callison reported on the County's Natural Resources Strategic Plan, noting the goals listed in the plan. She said that the plan is in the public comment period, which extends until July 31. She updated the Board on the Southwest LRT (SWLRT), stating there was a meeting held earlier in the day. She said the process is on track to make major choices about the line on June 24. Ms. Callison said she knows the District has concerns about the SWLRT segment from the Southwest Station to Mitchell Road. She described the four new ending options that have been drafted, including

Golden Triangle in Eden Prairie, two near the Eden Prairie Town Center, and one at the Southwest Transit. Ms. Callison said that at this point there are no options that extend the SWLRT as far as Mitchell Road. She said that within the next month there should be a final County Board decision on the end location for the SWLRT. Ms. Callison reported that there is a vacancy coming up on the RPBCWD Board, to which the County Board makes appointments, and the vacancy has been posted. Ms. Callison thanked the RPBCWD Board members for their service and responded to questions.

#### 4. Permit for Purgatory Creek Estate II

Administrator Bleser provided background on a grading permit the District issued in 2000. She said that within the permit the District set the condition that the work needed to be completed by September 15, 2000. She reported that the applicant has submitted an incomplete permit application, and she summarized the communications between the legal counsel for the property owner and the District's legal counsel. Administrator Bleser provided details on the permit application and proposed project.

Engineer Sobiech reported that the District has received a plan submittal for the proposed project, which is the construction of seven single-family homes, roadway, and associated utilities. He noted that the proposal is similar to what was proposed in 2000 when the provisional permit was issued. Engineer Sobiech stated that the District has not received from the applicant storm water computations to demonstrate compliance with the District's criteria such as rate control and volume abstraction.

Attorney Smith stated that it is his understanding that there is a downstream storm water pond constructed by the applicant on another site, and that apparently the applicant is seeking recognition of this facility to meet the District's stormwater requirements, at least in part, for the subject property of the current permit application. Attorney Smith said that that the District's current rules would require some infiltration / onsite treatment, so there may need to be some type of variance request to recognize that the downstream pond has some capacity to provide treatment. Attorney Smith said that he also understood the applicant asserts that the 2000 permit is still in effect, and that he is not aware of any legal support for that assertion.

Mr. Steinhoff introduced himself as an attorney with Malkerson, Gunn, Martin LLP and counsel for Post Developments LLC. He said that the person who submitted the permit application is Barry Post, who is out of town tonight, and in attendance is Brian Post, who is a member of the LLC that has been involved with this project since the 1990s. Mr. Steinhoff provided history about the Post's current permit application and the permit issued by the District in 2000. Mr. Post explained that the permit application for the project clearly indicated that the project was to occur in two phases, and he said that there was no indication on the permit that it had an expiration date. The staff and counsel reviewed the 2000 permit documents, and noted that the date on the issued permit indicated work needed to be completed by September 15, 2000.

President Forster stated that the Board doesn't want to hold up the project, but the District needs assurances that the project will meet the District's requirements. There was discussion about the increased levels of annual precipitation since 2000, Atlas 14 rules, the existing NURP pond adjacent to the applicant's property, and ways to move forward with this permit application and review. Engineer Sobiech commented that the City of Eden Prairie hasn't yet provided acknowledgement that the applicant can use the existing pond, which is under City ownership, to meet requirements and acknowledgement of how much storage capacity remains in that pond.

President Forster suggested that the applicant and his engineer meet with District staff and engineer to review the District rule requirements and discuss the ability of the applicant to meet these requirements or to seek a variance. Mr. Post stated that this would be a welcome step forward and agreed to such a meeting. Manager Yetka moved to direct staff to be available to work with the applicants and review a completed permit application for

consideration by the Board through a special meeting if necessary. Manager Crafton seconded the motion. Upon a vote, the motion carried 5-0.

## 5. Permit 2015-16

Administrator Bleser reported that the applicant still needs to submit some documents, and staff is still working on conditions of review. Engineer Sobiech stated that the applicant is looking to utilize a pond that is partially offsite, so the project is not in compliance with the District's rules. Administrator Bleser said that the pond is under City of Eden Prairie ownership, and staff is waiting to hear from the City about the status of the maintenance of the pond. She explained that the pond has a lift station, and staff is working to receive assurance from the City of Eden Prairie that the pond is maintained to ensure that water doesn't flow into existing homes.

Engineer Sobiech provided more details on the conditions in the permit, such as the applicant would need permission from both owners for the proposed grading on the property and there would need to be in place a long-term maintenance agreement for the maintenance of the existing pumping station. He said that District staff is working with the City of Eden Prairie to get the proper language in the maintenance agreement. The permit applicant provided details about the project and site.

Engineer Sobiech read aloud the conditions being drafted by the District.

Manager Bisek moved to approve permit 2015-16 with the conditions as specified by Engineer Sobiech. Manager Crafton seconded the motion. Upon a vote, the motion carried 5-0.

## 6. Reading and Approval of Minutes

### a. April 17, 2015, RPBCWD Board of Managers Monthly Meeting Minutes

Manager Bisek requested a clarification be made on page 3 in the discussion about merit increase, and she wanted to clarify that the survey referenced is the MAWD survey. Manager Crafton moved to approve the minutes as amended. Manager Wencl seconded the motion. Upon a vote, the motion carried 5-0.

### b. May 7, 2015, RPBCWD Board of Managers Monthly Meeting Minutes

Manager Crafton requested an edit under the Administrator's Report to change her title from President to Manager, and she asked for the deletion of the words "that the" in a sentence on page 4. Manager Crafton moved to approve the minutes as amended. Manager Yetka seconded the motion. Upon a vote, the motion carried 5-0.

### c. May 15, 2015, RPBCWD Board of Managers Special Meeting Minutes

Manager Bisek asked for a correction on page 1. President Forster noted that the minutes should reflect that the meeting started at 9:05 a.m. Manager Bisek moved to approve the minutes as amended. Manager Crafton seconded the motion. Upon a vote, the motion carried 5-0.

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

No items of general public interest were raised.

## 8. Citizen Advisory Committee (CAC)

CAC Advisor Sharon McCotter reported on the most recent CAC meeting and the CAC's discussion of cost-

share grant applications. She stated that the CAC does not recommend approval of the first application it reviewed, the CAC recommends the Board approve up to \$1,612 for the second application reviewed. Ms. McCotter said that their discussion of the second grant application initiated a good discussion about rain gardens, since the project proposes three rain gardens. She said the CAC would like a tool such as a calculator that shows if the size of the rain garden is appropriate for the site or have a way to involve the District or other resources to make sure the calculations are correct before the application comes to the CAC. President Forster said that the Board and staff are working to get that procedure in place. Ms. McCotter said that the CAC would find a criteria checklist helpful, too.

Mr. Koch commented that there are two issues. He said that the first issue is the process to efficiently evaluate the applications and the second issue is identifying the criteria for granting funds.

Ms. McCotter reported on a presentation the CAC received on a buckthorn removal technique.

Manager Wencil asked the District to consider developing a checklist that grant applicants could use and fill out to apply for the cost share grants.

## 9. Treasurer's Report

Manager Crafton amended the Treasurer's Report to add additional expenses for one of the cost share grants, increasing the total cost of the project from \$68,000 to \$69,722.35 and to add to the report a line item for the Rice Marsh Lake paleo project. Administrator Bleser noted one other line item that is missing from the report. Manager Crafton moved to accept the Treasurer's Report as amended. Manager Wencil seconded the motion. Upon a vote, the motion carried 5-0.

Manager Crafton moved to approve paying the bills. Manager Wencil seconded the motion. Upon a vote, the motion carried 5-0.

## 10. Engineer's Report

President Forster commented on how many things are getting done as described in the report and said he is encouraged by how much good work is being accomplished. Engineer Sobiech introduced Candice Cantor with Barr Engineering Company and noted that she works on several of the District's projects.

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 introduced Caroline Fazzio, the District's water quality technician assisting staff with data collection and who volunteered with the District last summer. There was discussion of the AIS (Aquatic Invasive Species) Junior Inspector Program Manager Crafton moved to accept the Administrator's report. Manager Yetka seconded the motion. Upon a vote, the motion carried 5-0.

## 12. Board Action

- a. **Consent Items: 1 –IV: Consent Permit 2015-017 Antler's Ridge Trail Drainage Improvement, Consent Permit 2015-018 Saddlewood Trail Rehabilitation, Consent Permit 2015-019 5530 Vine Hill Road, Consent Permit 2015-010 Children's Learning Center Review Extension**

Manager Yetka moved to approve the Consent Items, and she read the names of the consent items.

Manager Crafton seconded the vote. Upon a vote, the motion carried 4-0 (Manager Wencil absent from vote.)

**b. Cost-share Agreement for 9088 Larkspur Lane, Eden Prairie**

Administrator Bleser reported that the CAC recommended this project for funding as do District staff and the Carver County Soil and Water Conservation District technician. She stated that the technician has calculated that the project will remove 0.3 pounds per year of phosphorus and will infiltrate 930 cubic feet of water per year. Manager Yetka moved to approve the cost share 9088 Larkspur Lane, Eden Prairie. Manager Crafton seconded the motion. Upon a vote, the motion carried 4-0 (Manager Wencil absent from vote.)

**c. Major Plan Amendment Update**

Manager Bisek moved to set the public hearing on the major plan amendment for 7 p.m. on June 22, 2015, at the District Office. Manager Crafton seconded the motion. Upon a vote, the motion carried 4-0 (Manager Wencil absent from vote.)

**d. Bloomington Local Surface Water Management Plan Amendment**

President Forster said that the Board needs to take action to approve sending the approval letter to the City of Bloomington. Manager Yetka remarked that she thinks the District should encourage the City to use ATLAS14. Manager Crafton moved to send the letter with the amendment described by Manager Yetka. Manager Yetka seconded the motion. Upon a vote, the motion carried 5-0.

**e. Delegation of Authority on Permits**

Administrator Bleser noted that in the meeting packet there is a table she prepared that provides examples of permit applications and how other Districts utilize the Administrator to review permits, which is information the Board requested for this discussion. She explained that the District's first appropriations of surface water permits come through, and she asked if this is something the Board would like her to issue a permit for or something the Board would like to review. There was discussion. Manager Bisek said she would like to see reports to the Board regarding the appropriations so the Board maintains a sense of what water appropriations are occurring. The Board and Administrator agreed on quarterly appropriations reports. Administrator Bleser said that she will revise the resolution and bring it to the Board next meeting.

### 13. Manager's Discussion

**a. Master Water Stewards' Program**

Administrator Bleser reported that staff is working with the Freshwater Society, but the District hasn't received a detailed budget from the organization regarding how funds will be expended. She said she will report more at the District's July meeting.

**b. Graphic Branding and Design Template**

Administrator Bleser displayed the proposed revised logo, colors, templates, and letterhead.

**c. Floodplain Resiliency: Planning Beyond Atlas 14**

Administrator Bleser talked about how precipitation patterns are shifting, rain events have been more intense with more volume coming down in the past five to ten years. She stated that the question is how the District should find areas where more water storage is happening in the District and where more water storage is available. President Forster said that maybe the Board could receive a 20-minute presentation on this topic in August or September.

**d. Upcoming Meeting**

President Forster read aloud a letter sent to the District by the Timber Lakes Homeowners Association thanking Administrator Bleser for her time and expertise shared with the Association at a recent meeting.

**14. Upcoming Events**

- CAC Meeting, Monday, June 15, 2015, 6:30 p.m., District Office
- Public Hearing on Major Plan Amendment (Tentative June 22, 2015, District Office)
- Regular Board Meeting, July 1, 2015

**15. Adjourn**

Manager Crafton moved to adjourn the meeting. Manager Yetka seconded the motion. Upon a vote, the motion carried 5-0. The meeting adjourned at 9:07 p.m.

Respectfully submitted,

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Ken Wencil, Secretary