

RESOLUTION NO. 24-024

**Riley Purgatory Bluff Creek Watershed District
Board of Managers**

Amending the order of the Upper Bluff Creek Restoration & Stabilization Project

Manager _____ offered the following resolution and moved its adoption, seconded by Manager _____.

Whereas Riley Purgatory Bluff Creek Watershed District has adopted a watershed management plan in accordance with Minnesota Statutes section 103B.231, and the capital improvement program of RPBCWD's 2018 10-Year Watershed Management Plan includes Bluff Creek reach 5 restoration and stabilization;

Whereas RPBCWD's 2015 Creek Restoration Action Strategy confirmed that 1,000-foot-long reach 5 of Bluff Creek as in need of restoration and a 2020 update of the CRAS found that reach 5 had experienced further downcutting, incision, and bank failure leading to increased sediment delivery and a greater disconnection of the floodplain from the stream in bankfull events and that the subsection of reach 5 identified as B5C was among the most impaired reaches in the watershed;

Whereas reaches of Bluff Creek does not meet state water-quality standards and is listed as impaired by the Minnesota Pollution Control Agency for fish bioassessment and turbidity, and the Minnesota River, the receiving water from Bluff Creek, is also listed as impaired for nutrients and turbidity;

Whereas in June 2022 the RPBCWD engineer prepared a feasibility report that evaluated options to improve reach 5 and recommended restoration of the wetland hydrology in reach 5BA to help reduce peak flows and erosion in downstream reaches, along with ecological restoration of the stream corridor and eroded gullies in reach 5BC through vegetation restoration as well as construction of rock riffles, cross vanes and other stabilization measures to reconnect floodplain, restore hydrology, provide greater stream depth variability, more channel bed substructure types and varied channel velocities, all of which would reduce total suspended solids transport by an estimated 68,455 pounds annually and reduce total phosphorus by an estimated 69 pounds annually at a total opinion of probable cost of between \$546,000 and \$849,000. Altogether, the wetland restoration work in reach 5BA and the restoration of the stream corridor in B5C together constitute "the Project";

Whereas the City of Chanhassen owns the majority of the property on which the Project would be implemented, providing not only the land needed for the Project, but

also presenting opportunities for interpretive signage include interpretive signage and educational programming;

Whereas in accordance with Minnesota Statutes section 103B.251, a properly noticed public hearing was held at the August 3, 2022, regular meeting of the managers and the single comment at offered at the hearing concerned removal of reed canary grass, which the RPBCWD engineer has determined is not feasible as part of the Project;

Whereas as the December 13, 2023, regular meeting of the managers, the RPBCWD Board of Managers found that the construction of the Project was consistent with watershed law and RPBCWD's water-quality objectives for Bluff Creek, adopted resolution 23-082, ordering the Project and directing the administrator to coordinate with the City of Chanhassen's reconstruction of Galpin Boulevard, which is within reach 5BC, and to develop a cooperative agreement with Chanhassen for the Project, and to develop agreements with the city and other landowners to provide land-use rights needed for the Project;

Whereas at the October 19, 2023, board workshop, the RPBCWD engineer had supplemented the June 2022 feasibility study with analysis of the opportunity to improve the performance of and results achieved by the Project by providing Chanhassen with engineering and financial support for replacing the crossing under Galpin Boulevard with a design incorporating a box culvert with a naturalized streambed instead of simply replacing it in kind with a 42-inch culvert to increasing connectivity with the natural stream, improve fish passage and reduce flow velocities and erosion at the crossing (the Galpin Enhancement), and the engineer estimated an opinion of probable increased cost for the Galpin Enhancement of \$299,000, which would be paid through a RPBCWD levy on all properties within RPBCWD's jurisdiction such that 77 percent of the levy will be paid by properties in Hennepin County and 23 percent by properties in Carver County; and

Whereas the RPBCWD Board of Managers finds that incorporating the Galpin Enhancement into the Project is consistent with the water quality and ecological enhancement objectives for the Bluff Creek watershed, and would be conducive to public health and promote the general welfare in compliance with watershed law, the Metropolitan Surface Water Management Act, and the 2018 10-Year Watershed Management Plan.

NOW, THEREFORE, BE IT RESOLVED that the RPBCWD Board of Managers amends its December 13, 2023, resolution 23-082, to order the Galpin Enhancement for inclusion in the Project, and restates the resolutions therein with the Project so amended, and directs the administrator to include reimbursement of Chanhassen for the cost of the Galpin Enhancement in the cooperative agreement for the Project.

BE IN FURTHER RESOLVED that as amended hereby resolution 23-082 remains fully effective.

The question was on the adoption of the resolution and there were __ yeas and __ nays as follows:

	<u>Yea</u>	<u>Nay</u>	<u>Abstain</u>	<u>Absent</u>
Crafton	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Duevel	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Koch	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Pedersen	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ziegler	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Upon vote, the president declared the resolution adopted. March 13, 2024.

* * * * *

I, Tom Duevel, secretary of the Riley Purgatory Bluff Creek Watershed District, do hereby certify that I have compared the above resolution with the original thereof as the same appears of record and on file with the District and find the same to be a true and correct transcription thereof.

IN TESTIMONY WHEREOF, I set my hand this ____ day of _____, 2024.

Tom Duevel, Secretary

**RESOLUTION NO. 23-082
RILEY PURGATORY BLUFF CREEK WATERSHED DISTRICT
BOARD OF MANAGERS**

Ordering the Upper Bluff Creek Restoration & Stabilization Project

Manager Pedersen offered the following resolution and moved its adoption, which was seconded by Manager Crafton.

WHEREAS the Riley Purgatory Bluff Creek Watershed District's (District) 2015 Creek Restoration Action Strategy (CRAS) identified Reach 5 of Bluff Creek as in need of restoration and a 2020 update of the CRAS found that Reach 5 had experienced further downcutting, incision, and bank failure leading to increased sediment delivery and a greater disconnection of the floodplain from the stream in bankfull events and that Reach B5C was among the most impaired reaches in the watershed as assessed by the CRAS methodology;

WHEREAS the capital improvement program of RPBCWD's 2018 10-Year Watershed Management Plan includes Bluff Creek Reach 5 restoration and stabilization;

WHEREAS in June of 2022 the RPBCWD engineer prepared a feasibility report that evaluated five conceptual design options and recommended reach B5A concept A and B5C concept C which will incorporate grade structures, streambank revetment, and wetland restoration as the preferred options leading to a net annual reduction in total suspended solids transport of 68,455 pounds (the Project);

WHEREAS in accordance with Minnesota Statutes section 103B.251, a properly noticed public hearing was held at the August 3, 2022, regular meeting of the managers and the single comment at offered at the hearing concerned removal of reed canary grass, which the RPBCWD engineer has determined is not feasible as part of the Project; and

WHEREAS the RPBCWD Board of Managers finds that the construction of the Project is consistent with the water quality objectives for the Bluff Creek watershed, and that the proposed project will be conducive to public health and promote the general welfare in compliance with watershed law, the Metropolitan Surface Water Management Act, and the 2018 10-Year Watershed Management Plan.

NOW THEREFORE BE IT FURTHER RESOLVED that the Board of Managers orders the Upper Bluff Creek Restoration & Stabilization Project for reaches B5A and B5C, with the costs of the Project to be paid through a levy on all properties within RPBCWD's jurisdiction such that 77 percent of the levy will be paid by properties in Hennepin County and 23 percent by properties in Carver County.

BE IT FURTHER RESOLVED that the Board of Managers directs staff and consultants, under the direction of the administrator, to engage with the City of Chanhassen to coordinate efforts including coordination with Galpin Boulevard reconstruction project, land-use rights, and the development of a maintenance agreement.

BE IT FURTHER RESOLVED that the Board of Managers authorizes administrator, with aid of counsel and engineer, to develop land use agreements with adjoining landowners to be brought to the Board of Managers for consideration.

BE IT FURTHER RESOLVED that the Board of Managers directs the engineer, under the direction of the administrator to prepare all plans, specifications, and notices as may be needed to solicit contractor bids to be brought back to the Board of Managers for consideration.

The question was on the adoption of the resolution and there were 5 yeas and 0 nays as follows:

	<u>Yea</u>	<u>Nay</u>	<u>Abstain</u>	<u>Absent</u>
CRAFTON	X			
DUEVEL	X			
KOCH	X			
PEDERSEN	X			
ZIEGLER	X			

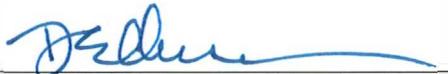
Upon vote, the president declared the resolution adopted.

Dated: December 13, 2023.

* * * * *

I, Dorothy Pedersen, secretary of the Riley Purgatory Bluff Creek Watershed District, do hereby certify that I have compared the above resolution with the original thereof as the same appears of record and on file with the District and find the same to be a true and correct transcription thereof.

IN TESTIMONY WHEREOF, I set my hand this ____ day of _____, 2023.



Dorothy Pedersen, Secretary