

MEETING MINUTES

Riley-Purgatory-Bluff Creek Watershed District

May 6, 2020, RPBCWD Board of Managers Monthly Meeting and Public Hearing

PRESENT:

Managers: Jill Crafton, Treasurer

Larry Koch

Dorothy Pedersen, Vice President

Dick Ward, President

David Ziegler, Secretary

Staff: Amy Bakkum, MN Green Corps Member, RPBCWD

Claire Bleser, RPBCWD Administrator

Zach Dickhausen, RPBCWD Water Resources Technician

Terry Jeffery, Watershed Planning Manager

B Lauer, RPBCWD Education and Outreach Assistant

Louis Smith, Attorney, Smith Partners

Scott Sobiech, Engineer, Barr Engineering Company

Other attendees: Christopher Dorn

Sarah Lloyd

Steve Ferraro, City of Chanhassen

Tim Olson

Rod Fisher

Don Ramler

Greg Hawks, Chanhassen Environ. Comm.

Rod Rue, City of Eden Prairie

Elizabeth Henley, Smith Partners

Marilynn Torkelson, CAC

Barry Hofer

Matt Unmacht, City of Chanhassen

Mary Krause

Note: this meeting was held remotely via meeting platform Zoom in abidance with state mandates in response to Covid-19.

1. Call to Order

- 1 President Ward called to order the Wednesday, May 6, 2020, Board of Managers Regular
- 2 Monthly Meeting and Public Hearings (held remotely via meeting platform Zoom) to order at
- 3 7:00 p.m.
- 4

2. Approval of Agenda

- 5 Manager Ziegler moved to accept the agenda as presented. Manager Pedersen seconded the
- 6 motion.

7 Manager Koch moved to amend the Manager Ziegler’s motion and to amend the agenda to
8 remove from the Consent Agenda items 8a – Accept April Staff Report, 8f – Award Lake Riley
9 Alum Project, 8g -Approve 2019 Annual Report Publication and Public Release, 8h - Approve
10 fund transfer from Upper Riley Creek to Middle Riley Creek for \$250,000, and 8i – Approve
11 renewing grant agreement with Metropolitan Council on monitoring WOMP stations, and table
12 until the Board’s June monthly meeting item 9e – Adopt Resolution 2020-08 authorize the 30-day
13 notice of proposed amendments to the Bylaws and other policies in the Governance Manual, and
14 add as discussion items under 10c – Other – the topic of District operations if staff members are
15 unable to perform duties and future audit processes. President Ward noted that item 9e - Adopt
16 Resolution 2020-08 authorize the 30-day notice of proposed amendments to the Bylaws and other
17 policies in the Governance Manual – would be moved to a Board workshop, to be scheduled,
18 instead of being tabled to the Board’s June meeting.

19 *[Manager Crafton joined the meeting].*

20 Manager Zielger seconded the motion to amend the motion. By call of roll, the motion carried 5-0
21 as follows:

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<i>Manager</i>	<i>Action</i>
Crafton	Aye
Koch	Aye
Pedersen	Aye
Ward	Aye
Ziegler	Aye

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24 President Ward called for the vote on the amended motion. By call of roll, the motion carried 5-0
25 as follows:

<i>Manager</i>	<i>Action</i>
Crafton	Aye
Koch	Aye
Pedersen	Aye
Ward	Aye
Ziegler	Aye

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3. Duck Lake Road Presentation

27 Administrator Bleser described the project and introduced Eden Prairie City Engineer Rod Rue to
28 present the proposed project. Mr. Rod Rue displayed a map indicating the location of the project.
29 He summarized the project as currently designed and said the project includes reconstruction of
30 2,240 feet of Duck Lake Road, replacing the existing culvert that connects the east and west bays
31 with an ten-by-four box culvert to equalize lake levels and flooding of the west bay, adding an
32 eight-foot trail on the west side running the entire length, and a sidewalk on the east side along
33 certain portions.

34 Mr. Rue listed the different organizations that the City has met with to gather input for
35 developing the project design. He presented three design options and displayed renderings and
36 explained the project impacts of each option:

37 Option 1: As designed with box culvert; \$0 requested of RPBCWD; \$2,500,000 City contribution

38 Option 2: Pedestrian bridge with box culvert; \$750,000 requested of RPBCWD; \$2,850,000 City
39 contribution

40 Option 3: Full bridge; \$1,500,000 requested of RPBCWD; \$3,200,000 City contribution

41
42 Mr. Rue provided further details about possible pros and cons of each design option. Mr. Rue,
43 Mr. Tim Olson, and Ms. Sarah Lloyd responded to manager questions about design options,
44 including specific design criteria considered for Option 2 and new criteria proposed by managers.
45 There was lengthy discussion about impacts of design considerations, new design options,
46 pedestrian safety, and the possibility of reducing the bridge width. Manager Koch requested the
47 City run the design and cost numbers through the design scenario of two bridge spans instead of
48 the current design of four spans.

49 Attorney Smith pointed out that the managers want to clearly understand and identify what
50 watershed purposes will be achieved by the project. Administrator Bleser remarked the City
51 brought this in front of the Board to gather feedback. Administrator Bleser noted there is a
52 member of the public attending this meeting who would like to comment. President Ward asked
53 in the interest of time to hold public comments until the public comment period. There was
54 discussion about the District holding a Zoom meeting with residents and stakeholders.

55 The managers again discussed new design options, and Engineer Sobiech provided input.
56 Manager Pedersen asked that a fourth design option be presented, which would include removing
57 the six-foot sidewalk and reducing the bridge span. Mr. Olson said he could take this feedback
58 from the Board and look at the designs and provide an update to the Board. Mr. Rue said the
59 impacts of these proposed design changes need to be and can be evaluated, such as their impacts
60 on the embankment. President Ward said the Board could accommodate scheduling a special
61 meeting if the City wants to bring this back to the Board sooner than the Board's June regular
62 Board meeting in order to avoid project timeline delays. The Board directed staff to coordinate
63 with the City of Eden Prairie to set up a virtual meeting with citizens to get input on options
64 presented today and requested lower cost options.

4. Public Hearing: Pleasantview Road Drainage Improvement Grant

65 President Ward opened the public hearing on the Watershed Stewardship Grant for the
66 Pleasantview Road Drainage project.

67 Administrator Bleser shared an on-screen presentation about the Watershed Stewardship Grant
68 application from the City of Chanhasen for the Pleasantview Road Drainage Improvement
69 project. She provided background on the proposed project including the project's location near
70 489 Pleasantview Road, the current erosion issues, and the project goals to stabilize the ravine
71 and reduce the amount of sediment and phosphorous entering Lotus Lake. Administrator Bleser
72 highlighted that the project supports the District's water quality strategy by seeking to reduce
73 erosion and sedimentation and to minimize pollutant loading to water resources.

74 Administrator Bleser provided project details about the proposed work, including removing
75 failing storm pipes, installing manhole structures with sumps, installing piping, and installing a
76 rock-lined channel to the lake. She stated the total estimated project cost is \$84,354.50, and of
77 those costs, staff determined \$77,179.50 are eligible costs under the Watershed Stewardship
78 Grant. She stated staff recommends awarding the grant in the amount of \$38,589.75, which is
79 50% of eligible costs. Administrator Bleser said the funds would come from the District's
80 Stewardship and Grants line item, and the funds are in the District's budget.

81 Administrator Bleser responded to manager questions. Mr. Jeffery noted there is not a permit
82 application submitted for the project yet, but he has looked at the project in terms of what it
83 would require for a permit. He talked about permitting considerations for the project.

84 Manager Ziegler and Manager Pedersen commented on their support of the project and awarding
85 the grant.

86 Administrator Bleser reported the District received a comment in writing from Ann Miller,
87 Chanhasen resident, and Administrator Bleser read the comment into the record.

88 President Ward called for further comments. Upon hearing none, he closed the public hearing.

5. Matters of General Public Interest

89 Mr. Rod Fisher, Eden Prairie Resident, commented he has lived on the south shore of Duck Lake
90 for 30 years. He thanked the District for looking out for the quality Duck Lake and for the
91 improvements in the lake. He said the most important concern about the Duck Lake Road project
92 is that it gets done quickly. Mr. Fisher recounted personal experiences with driving Duck Lake
93 Road and highlighted the dangers the current design poses to commuters and pedestrians. He
94 shared that people, including youth, will continue fishing off the east side of Duck Lake Road,
95 and if the Duck Lake Road project doesn't include designated fishing access, anglers will be in
96 the road.

6. Approval of Minutes

97 a. April 1, 2020, RPBCWD Board of Managers Regular Monthly Meeting and Public
98 Hearings

99 Manager Pedersen moved to approve the minutes as amended. Manager Ziegler seconded
100 the motion. Upon a roll call vote, the motion carried 5-0 as follows:

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<i>Manager</i>	<i>Action</i>
Crafton	Aye
Koch	Aye
Pedersen	Aye
Ward	Aye
Ziegler	Aye

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7. CAC

103 Mr. Barry Hofer, CAC member, reported the CAC met virtually via Zoom on Monday, April 20.
104 He said the Committee passed one motion, which was in support of the District creating
105 educational videos available for viewing by the CAC and public.

106 Mr. Hofer described the CAC’s discussion about actions and activities the CAC members can
107 undertake currently, following the social distancing guidelines. He reported on a learning
108 presentation about soil health given by Lori Tritz to the CAC. Mr. Hofer summarized CAC
109 subcommittee activities, including that the Speakers Bureau provided a presentation to the
110 Chanhassen Rotary and there are upcoming Speakers Bureau presentations scheduled for June
111 and July. He added that a group within the CAC is evaluating youth engagement and will update
112 the CAC at its next meeting.

113 Manager Pedersen asked if the CAC plans to put its Speakers Bureau presentations on the
114 District’s website. There was discussion of the idea, and Administrator Bleser said staff would
115 discuss possible options for posting the presentations on the website.

8. Consent Agenda

116 Manager Ziegler moved to approve the Consent Agenda. Manager Pedersen seconded the
117 motion. The Consent Agenda comprised 8b - Accept April Engineer’s Report (with
118 attached Inspection Report); 8c - Approve Pay App #4 Lower Riley Creek Branch
119 Stabilization; 8d - Approve Permit 2019-048 Eden Prairie Central Middle School as
120 presented in the proposed board action of the permit report; and 8e - Approve Permit
121 2020-011 Minnetonka High School Parking Lot as presented in the proposed board action
122 of the permit report.

123 Upon a roll call vote, the motion carried 5-0 as follows:

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<i>Manager</i>	<i>Action</i>
Crafton	Aye
Koch	Aye
Pedersen	Aye
Ward	Aye
Ziegler	Aye

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9. Action Items

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a. Pulled Consent Agenda items

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i. **Accept April Staff Report**

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Manager Koch asked Mr. Jeffery to talk further about his development of a graduated system for the regulatory program. Mr. Jeffery responded. Mr. Koch asked if, in regard to the University of Minnesota service learner helping the District, the District has an agreement in place with the University of Minnesota and has the District's Legal Counsel reviewed it. Attorney Smith said the District secures a release form from each of its volunteers undertaking field work, and the District could have such a release form in place for the University service learners. Manager Koch said he would like Legal Counsel and Administrator Bleser to investigate whether the District should have an agreement in place and to make sure the District is covered.

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Manager Koch asked about another item discussed in the report: bareroot trees. He asked if they are designated only for the Silver Lake watershed. Administrator Bleser responded. Manager Koch asked for more details about the AIS CD3 unit at Lake Riley. Administrator Bleser provided more details.

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Manager Pedersen asked for a staff update on the cost-share projects.

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Administrator Bleser described recent activities and protocols the District has in place.

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Manager Ziegler moved to accept the staff report. Manager Pedersen seconded the motion. Upon a roll call vote, the motion carried 5-0 as follows:

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<i>Manager</i>	<i>Action</i>
Crafton	Aye
Koch	Aye
Pedersen	Aye
Ward	Aye
Ziegler	Aye

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ii. **Award Lake Riley Alum Project**

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Manager Koch asked staff if there was a report from Wenck regarding the condition of the alum on the lake. Administrator Bleser responded there was a feasibility report, which recommended the second split alum dosing. Manager Koch asked Administrator Bleser to send him that feasibility study. Manager Zielger moved to award the Lake Riley alum second split alum dosing to Wenck Engineering. Manager Pedersen seconded the motion.

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Upon a roll call vote, the motion carried 5-0 as follows:

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<i>Manager</i>	<i>Action</i>
Crafton	Aye
Koch	Aye
Pedersen	Aye
Ward	Aye
Ziegler	Aye

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iii. **Approve 2019 Annual Report Publication and Public Release**

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Manager Koch provided his suggestions and edits to the report. Manager Crafton had a nonsubstantive change. Manager Crafton moved to approve the release of the District's 2019 Annual Report publication as amended. Manager Ziegler seconded the motion.

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Upon a roll call vote, the motion carried 5-0 as follows:

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<i>Manager</i>	<i>Action</i>
Crafton	Aye
Koch	Aye
Pedersen	Aye
Ward	Aye
Ziegler	Aye

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iv. **Approve Fund Transfer from Upper Riley Creek to Middle Riley Creek for \$250,000**

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Manager Koch asked if the District will still be putting the original amount of money into Upper Riley Creek, and if so, would it be better to take the funds for Middle Riley Creek from the Opportunity Project budget. Administrator Bleser said there are various ways the District could approach the funding, including using funds from the Opportunity Projects budget. She described various ways the projects could be funded. Manager Crafton spoke in favor of leaving the funds in the Opportunity Project fund in case another project arises.

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Manager Koch moved to approve the fund transfer from Upper Riley Creek to Middle Riley Creek in the amount of \$250,000. Manager Crafton seconded the motion. Upon a roll call vote, the motion carried 5-0 as follows:

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<i>Manager</i>	<i>Action</i>
Crafton	Aye
Koch	Aye
Pedersen	Aye
Ward	Aye
Ziegler	Aye

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183 v. **Approve Renewing Grant Agreement with Metropolitan Council on**
184 **Monitoring WOMP Stations**

185 Manager Koch remarked this agreement incorporates a number of other
186 agreements with very specific insurance requirements. He asked if the District's
187 insurer is on-board with providing the amount of coverage as specified in the
188 agreement. Attorney Smith responded the District hasn't reviewed with the
189 insurance agent a confirmation, and the District Administrator can communicate
190 with the agent to do so.

191 Manager Koch moved to approve renewing the grant agreement with the
192 Metropolitan Council for the Metropolitan Council WOMP Program. Manager
193 Crafton seconded the motion.

194 Upon a roll call vote, the motion carried 5-0 as follows:

<i>Manager</i>	<i>Action</i>
Crafton	Aye
Koch	Aye
Pedersen	Aye
Ward	Aye
Ziegler	Aye

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196 b. **Accept March Treasurer's Report**

197 Treasurer Crafton communicated that the report has been reviewed in accordance with
198 the District's internal controls and procedures. She moved to accept the March
199 Treasurer's Report as presented. Manager Ziegler seconded the motion. Manager Koch
200 asked several questions, and staff responded.

201 Upon a roll call vote, the motion carried 5-0 as follows:

<i>Manager</i>	<i>Action</i>
Crafton	Aye
Koch	Aye
Pedersen	Aye
Ward	Aye
Ziegler	Aye

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c. Approve Paying of Bills

Manager Crafton moved to pay the bills. Manager Pedersen seconded the motion. Upon a roll call vote, the motion carried 5-0 as follows:

<i>Manager</i>	<i>Action</i>
Crafton	Aye
Koch	Aye
Pedersen	Aye
Ward	Aye
Ziegler	Aye

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d. Approve Chanhassen Pleasantview Road Grant Application with Staff Recommendation

Manager Ziegler moved to approve the Pleasantview Road Grant Application with Staff Recommendation for the amount \$38,589.75. Manager Pedersen seconded the motion.

Upon a roll call vote, the motion carried 5-0 as follows:

<i>Manager</i>	<i>Action</i>
Crafton	Aye
Koch	Aye
Pedersen	Aye
Ward	Aye
Ziegler	Aye

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e. Adopt Resolution 2020-08 Authorize the 30-day Notice of Proposed Amendments to the Bylaws and Other Policies in the Governance Manual
[Agenda item laid over to the Board’s Special Meeting, to be scheduled.]

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10. Discussion Items

220 a. Manager Report

221 President Ward said he would like to hear from each of the managers regarding how she
222 or he thinks the District should move forward given the recent economic shifts and
223 whether the Board should increase, maintain, or decrease the District's budget and levy
224 for 2021 as planned for in the District's 10-Year Plan. He said this input would provide
225 general direction to staff as it starts preparing the 2021 budget.

226 Manager Pedersen said she would like the District to maintain the budget relatively as is.
227 Manager Crafton said she would like the District to keep the budget relatively as is.
228 Manager Koch said it is too early to make any decision other than maintain the District's
229 plan for its budget and levy. Manager Ziegler said he would like the District to plan for
230 the amount planned for in the District's 10-Year Plan. President Ward said he would like
231 to be conscious of what is going on in the world and in the best case the District
232 maintains its budget and in the worst case the District reduces its budget.

233 b. Administrator Report

234 No Administrator Report

235 c. District's Operations if Staff Members are Unable to Perform Duties; Future 236 Audit Processes

237 President Ward asked Attorney Smith to summarize the District's COVID-19 procedural
238 plan that Smith Partners and Administrator Bleser drafted. Attorney Smith reviewed the
239 process and plan. Manager Koch commented that the District staff members all have key
240 functions and asked if the staff members have processes in place so if one staff member is
241 unable to work due to illness or other issue, that staff member's vital work functions be
242 carried out. There was a brief discussion,

243

11. Upcoming Board Topics

244 President Ward noted that upcoming Board topics are listed on the agenda. He reviewed
245 upcoming District events.

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12. Upcoming Events

- 247 • Webinar: Soil Health and Water Quality, May 14, 7:00 p.m., Zoom meeting. Details on
248 RPBCWD website.
- 249 • Citizen Advisory Committee Meeting, May 18, 2020, 6:00 p.m., Zoom meeting. Details on
250 RPBCWD website.

- 251 • Webinar: Sustainable Lawns – Fescues and Flowers Workshop, May 28, 6:00 p.m., Zoom
252 meeting. Details on RPBCWD website.
- 253 • Board of Managers Meeting, June 3, 2020, 7:00 p.m., Zoom meeting. Details on RPBCWD
254 website.

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13. Adjournment

256 Manager Crafton moved to adjourn the meeting. Manager Pedersen seconded the motion.
257 Upon a roll call vote, the motion carried 5-0 as follows:

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<i>Manager</i>	<i>Action</i>
Crafton	Aye
Koch	Aye
Pedersen	Aye
Ward	Aye
Ziegler	Aye

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260 The meeting adjourned at 9:39 p.m.

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Respectfully submitted,

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David Ziegler, Secretary