

MEETING MINUTES

Riley-Purgatory-Bluff Creek Watershed District

June 1, 2016, Board of Managers Monthly Meeting and Public Hearing

PRESENT:

Managers: Mary Bisek, Secretary

Richard Chadwick

Jill Crafton, Treasurer

Perry Forster, President

Leslie Yetka, Vice President

Staff: Claire Bleser, District Administrator

Michelle Jordan, District Technician and Compliance Officer

Michael Welch, Attorney (Smith Partners)

Scott Sobiech, Engineer (Barr Engineering Company)

Other attendees: Bob Adomaitis, CAC

Connie Lawler, Carver Resident

Lane Benzick, St. Hubert School

Rick Pinamonti, Chanhassen Resident

Jessica Bresnan

Sarah Pinamonti, Chanhassen Resident

Matt Bresnan

Karen Spike, Victoria Resident

Paul Bulger, CAC

Dorothy Pedersen, CAC

Dawn Christensen, Scenic Heights
Elementary

St. Hubert School Science Students

Bryan Gruidl, City of Bloomington

Ken Wencil, Chanhassen Resident

Steve Gurney, City of Bloomington

Skip Wencil, Chanhassen Resident

Larry Koch, CAC

The Wendoms, Chaska Residents

Matt Kumka, Barr Engineering Co.

Charles Witcombe, Victoria Resident

Brian Lawler, Carver Resident

1. Call to Order

President Forster called the Wednesday, June 1, 2016, Board of Managers Monthly Meeting and Public Hearing to order at 7:00 p.m. at the RPBCWD District Office at 14500 Martin Drive, Suite 1500, Eden Prairie, MN 55344.

2. Approval of the Agenda

Manager Bisek requested the addition to the agenda under Discussion item g ó a discussion of the Board's scheduled July meeting. Administrator Bleser noted a correction to the agenda for item 10b, which should be the acceptance of the April Treasurer's Report and not the February report as is written on the agenda. She also noted corrections on the agenda to correctly label two permits: 2016-005 and 2016-006 instead of 2015-005 and 2015-006 as indicated on the agenda.

Manager Crafton moved to approve the agenda as amended. Manager Chadwick seconded the motion. Upon a vote, the motion carried 5-0.

3. St. Hubert Pond Study Presentation

Ms. Michelle Jordan described the education partnership that the District has had with St. Hubert School in Chanhassen since 2013, and she introduced the school's science teacher Ms. Lane Benzick. Ms. Jordan introduced a group of six St. Hubert school students to present on their pond water quality research that they conducted throughout the school year. The students presented their study of a pond located in the Rice Marsh Watershed and near their school. They described their research methodology, including sampling for chloride, dissolved oxygen, and phosphorous and measuring temperature and pH levels. The students reported on their findings and analysis and responded to questions from the Board. President Forster thanked the St. Hubert students for coming and making this presentation to the Board.

4. Scenic Heights School Forest Restoration Project – Grant Opportunity

Ms. Jordan explained that the District was approached last year by Scenic Heights school teacher Dawn Christensen about its School Forest, specifically about erosion and invasive species around the pond, which is adjacent to Purgatory Creek.

Ms. Jordan said that as staff looked into the site and its conditions, staff realized that the potential work was larger than the scale of project for which the District's cost-share program is designed. Staff investigated other funding opportunities and identified a grant opportunity, but the grant program requires engineering and design plans to be in place prior to applying. She explained that the request in front of the Board is to approve funding the development of the design plans for the proposed project in the Scenic Heights School Forest in order for the Minnetonka Public School District to apply and be competitive for the Minnesota Department of Natural Resources (MN DNR) grant.

Ms. Christensen talked about the Scenic Heights Nature Area and the 4.3 acres within the area that is designated School Forest. She described the education opportunities that the Nature Area and School Forest provide the students and community members.

Mr. Kumka, a landscape architect with Barr Engineering, provided details on the Minnesota Department of Natural Resources Conservation Partners Legacy Grant Program. He stated that the goals of the described project in the Scenic Heights School Forest include:

- Preserving existing healthy ecosystems;
- Clearing out and controlling invasive species;
- Removing dangerous canopy trees;
- Restoring native plants and natural ecosystems; and,
- Increasing the water quality value of the existing pond.

Mr. Kumka noted that the grant applications are due this September. He explained that the proposed project timeline includes project bidding in February 2017, initial removal of invasive species in spring 2017, large-scale removal of invasive species in the winter of 2017/2018, and seeding in spring 2018.

Ms. Jordan pointed out the education benefit of this project in addition to the water quality benefits.

Administrator Bleser said that the District could use \$20,000 out of its cost share budget and \$4,000 from its education and outreach budget to fund the cost of the design services for this project. She said that the \$24,000 would qualify as the required match for the grant.

Staff responded to Board questions and concerns. Mr. Koch remarked that the District should require the signage and reports that the District requires for its cost-share grant projects. He recommended that the District approach this project in two parts and asked the District to consider the ongoing cost of this project and any ongoing cost that would be allocated to the District. Mr. Koch stated that this project should require a maintenance agreement. Administrator Bleser responded that the \$24,000 in funds from the District would pay for the project's design. She stated that a maintenance agreement would be required as part of the grant and the school district would take the lead on that agreement. She also said that signage would be part of the project.

President Forster moved to allocate funds not to exceed \$24,000 to develop design and supporting documents for an application to the MN DNR Conservation Restoration Program for a project to restore the Scenic Heights School Forest. Manager Crafton seconded the motion. Upon a vote, the motion carried 4-0 (Manager Chadwick abstained from vote).

Manager Bisek moved to authorize the Board President and Administrator to sign the Letter of Intent to the Minnetonka Public School District. Manager Crafton seconded the motion. Upon a vote, the motion carried 4-0 (Manager Chadwick abstained from vote).

5. Public Hearing

a. Public Hearing for the City of Bloomington Cost-Share Project

President Forster opened the public hearing on the cost-share application from the City of Bloomington. Steve Gurney, Water Resources Specialist with the City of Bloomington, provided an overview of the project. He said that the City of Bloomington is proposing to construct an iron-enhanced sand filter as a Best Management Practice incorporated into this year's mill and overlay project in the city. He said that the proposed site of the iron-enhanced sand filter is 98th street and Nesbitt.

Mr. Gurney showed PowerPoint slides indicating maps of the proposed project and construction area. He discussed design considerations and removal efficiencies, noting that the completed project is estimated to remove eight pounds of total phosphorous per year. Mr. Gurney and Engineer Sobiech responded to comments and questions, including the comment from Dorothy Pedersen that removal of 8 pounds of total phosphorous per year seems low relative to the cost of the project and the question from Paul Bulger, 15807 South Run Road and CAC member, whether the District Engineer evaluated the City's proposal and if so, if the District Engineer agrees with the volume capture and total phosphorous removal estimates.

Manager Crafton moved to close the public hearing on this topic. Manager Bisek seconded the motion. Upon a vote, the motion carried 5-0.

There was a brief discussion on the project's estimated total phosphorous removal. Attorney Welch noted that cost-share program projects are not capital projects and therefore shouldn't be evaluated on the project's cost per pound of removal because the District's cost-share program has its own criteria beyond the criteria of a capital project.

Manager Crafton moved to approve the cost-share with the City of Bloomington for the iron-enhanced sand filter project and read aloud the language provided by the District's Legal Counsel:

Whereas the Board of Managers finds that the project will be conducive to public health and promote the general welfare, and is in compliance with Minnesota Statutes chapter 1-3B and RPBCWD's plan;

Now, therefore, be it resolved that pursuant to Minnesota Statutes section 103B.251 and the plan, the Riley Purgatory Bluff Creek Watershed District Board of Managers orders the City of Bloomington iron-enhanced sand filter cost-share project, with a total cost-share contribution from the RPBCWD of not to exceed \$20,000, and authorizes the president to execute, on advice and consent of counsel, a funding and maintenance agreement providing reimbursement not to exceed 75 percent of project costs or \$20,000 with the City.

Manager Yetka seconded the motion. Upon a vote, the motion carried 5-0.

b. Public Hearing for City of Eden Prairie Cost-Share Project

President Forster opened the public hearing for the City of Eden Prairie's Cost-Share Project. Ms. Jordan described the project, stating that it is a water conservation project entailing the conversion of turf area to an area of native plantings and drought-tolerant species at the City of Eden Prairie fire station. She noted that the meeting packet contains staff's recommendation of project approval contingent on receiving a more detailed plant list and cost estimate. She reported that staff has received this information and that the project will include a walking trail and signage. She responded to questions.

Manager Crafton moved to close the public hearing on the City of Eden Prairie's cost-share application. Manager Chadwick seconded the motion. Upon a vote, the motion carried 5-0.

Manager Bisek moved to approve the cost-share grant and read aloud the language provided by the District's Legal Counsel:

Whereas the Board of Managers finds that the project will be conducive to public health and promote the general welfare, and is in compliance with the Minnesota Statutes chapter 103B and RPBCWD's plan;

Now, therefore be it resolved that pursuant to Minnesota Statutes section 103B.251 and the plan, the Riley Purgatory Bluff Creek Watershed District Board of Managers order the City of Eden Prairie Fire Station No. 2 water-conservation landscaping cost-share project, with a total cost-share contribution from the RPBCWD of not to exceed \$9,750, and authorizes the president to execute a funding and maintenance agreement providing reimbursement not to exceed 50 percent of project costs or \$9,750, with the City.

Manager Chadwick seconded the motion. Upon a vote, the motion carried 5-0.

6. Matters of General Public Interest

Mr. Ken Wencl of Chanhassen extended kudos to the District for its education and outreach work. Also he reported that the water in Lake Susan is cleaner and brighter than it has been for 15 years. He remarked that the Lake Susan spent-lime treatment project was an effective project.

Mr. Larry Koch of 471 Bighorn Drive in Chanhassen asked about the status of the UAAs for the Purgatory Chain of Lakes. Administrator Bleser responded that the cities have not provided the necessary information, which has delayed the completion of the analyses. She reported that she expects the UAA presentation to occur in August.

7. Reading and Approval of Minutes

a. May 3, 2016, RPBCWD Board of Managers Monthly Meeting

Manager Crafton requested an edit in the last paragraph on page 2 to remove repeating words. Attorney Welch requested a correction to the spelling of the name Dietrich. Manager Crafton noted a correction to a date listed in the upcoming events.

Manager Crafton moved to accept the minutes as amended. Manager Yetka seconded the motion. Upon a vote, the motion carried 5-0.

8. Consent Agenda

President Forster read aloud the Consent Agenda items:

a. Accept Engineer's Report; b. Accept Staff Report; c. Approve permits with staff recommendations to: i. 2010-005 Staring Lake Permit Modification; ii. 2016-006 Field 10 at Miller Park; iii. 2016-010 Minnetonka High School 2016 Paving & Traffic Improvements; iv. 2016-012 Minnetonka High School 2016-2017 Parking Lot Addition; d. 2016-014 Chick-Fil-A Chanhassen extension review; e. Add Wells Fargo to Official Bank for Investments; f. Award bid for the Purgatory Creek at 101 Restoration/Authorize Administrator notice to proceed/Authorize President Forster to sign contract; g. Approve final pay request from HAB for Lake Riley Alum Treatment.

Manager Crafton moved to accept the Consent Agenda as read. Manager Bisek seconded the motion. Upon a vote, the motion carried 5-0.

9. Citizen Advisory Committee (CAC)

Dorothy Pedersen reported that the CAC continues working on the lake matrix and is waiting for the UAAs to be completed. She stated that the committee is spearheading a new education idea. She reported that at its most recent meeting, the CAC discussed how to run the CAC meetings more efficiently. She requested the Board take action on the CAC's request that staff member Michelle Jordan assist the CAC with getting the welcome kit electronically posted on the District's website.

Manager Yetka moved to approve staff working with the CAC to get the welcome kit digitally designed and posted on the District's website. Manager Crafton seconded the motion. Manager Bisek asked if Ms. Jordan has the time to do this work. Administrator Bleser said this type of website work is part of Ms. Jordan's work plan and she can start dedicating time to work on this project up to about 10 hours of work. Upon a vote, the motion carried 5-0.

Ms. Jordan announced that the CAC agreed with the updates to the communications plan, and she passed out copies of the plan. Ms. Jordan stated that the CAC plans to report back to the Board in six months regarding how the communications plan is working in practice.

10. Treasurer's Report

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

Manager Crafton moved to accept the April Treasurer's Report. Manager Yetka seconded the motion. Upon a

vote, the motion carried 5-0.

Manager Crafton provided information previously requested by Mr. Koch regarding the District's Visa bill categories, the definition of compilation services, the accounting procedures followed by the District and that now are posted on the District's website, and other items regarding the information on the District's Treasurer's Report. She and Administrator Bleser responded to questions and comments.

11. Action Items

a. Eden Prairie Local Surface Water Management Plan

Administrator Bleser stated that the revised plan still needs clarifications and elements from the 8410 Rules to be incorporated into the plan, and there are some requirements not yet met by the City's plan. She described the action options in front of the Board regarding the plan. There was discussion. Attorney Welch provided background on the regulatory language and provided more details about the Board's action options.

Manager Yetka moved to authorize the president to sign and issue the letter included in the meeting packet and that approves the plan on the basis that it authorizes the District to continue to require permits for the use of development of land and that lists the District's conditions. Manager Crafton seconded the motion. Upon a vote, the motion carried 5-0. Attorney Welch responded to questions.

b. Resolution 2016-05 Adoption of Special Meeting Fee

Manager Crafton moved to adopt Resolution 2016-05 to Adopt the Special Meeting Fee at the rate of \$850 per special meeting to cover special meeting costs such as permit application review, field inspection, consultant services, and related costs and to authorize the Administrator to revise the RPBCWD permit fee schedule accordingly. Manager Bisek seconded the motion.

Attorney Welch responded to questions. There was discussion. By call of roll, the motion carried 4-0 [Manager Chadwick abstained from the vote].

Manager	Aye	Nay	Abstain	Absent
Bisek	X			
Chadwick			X	
Crafton	X			
Yetka	X			
Forster	X			

12. Discussion Items

a. Bluff Creek Update

Administrator Bleser said that the City of Chanhassen is close to a settlement and she hopes the project site will be able to be accessed this summer.

b. 10-Year Plan Update

Administrator Bleser updated the Board on the progress of the 10-year plan including the recent public meetings. She said that the District is still in the stage of collecting public input process and that staff is summarizing the input collected to-date. She reported that the District has to-date received 400 responses to its survey. Administrator Bleser said that a workshop will be scheduled for the near future, too.

c. TMDL Update

Administrator Bleser said that the MPCA sent draft findings in terms of the TMDLs for the Bluff Creek and Purgatory Creek watersheds and the findings were discussed at the District's most recent TAC meeting.

d. Office Space Update

Administrator Bleser said that staff is working with a sound engineer through HDR Engineering. She said she anticipates that next week the District will receive a report of findings that will include three possible options for ameliorating the sound issues. She said that the landlord was on property earlier in the meeting to observe the sound levels and said that the landlord is working to find a resolution.

e. Minor Plan Amendment going to Public Hearing

Administrator Bleser announced that the District needs to schedule a public hearing for its proposed minor plan amendment and so the Board's next meeting will be a public hearing.

f. Upcoming Meeting

Administrator Bleser announced the District's Riley Creek walk on June 20th at 6 p.m. and the Barge on the River Workshop scheduled for Wednesday, August 17. She said that the District is a partner in the Barge on the River Workshop.

g. July Board Meeting

Manager Bisek asked if the Board would be able to meet on Monday, June 27th instead of Wednesday, June 29th. The Board members indicated they could and set the July monthly board meeting and public hearing for Monday, June 27th.

13. Upcoming Events

- Riley Creek Walk, Monday, June 20, 6:00 p.m., Eden Prairie, Riley Creek Conservation Area Parking
- CAC Meeting, Monday, June 20, 7:00 p.m., District Office
- MAWD Summer Tour, June 22-24, Winona
- Regular Board Meeting and Public Hearing, Monday, June 27, 7:00 p.m., District Office (in place of July 6 Board Meeting)
- RPBCWD Watershed Tour, Monday, July 25, 4:00 p.m., District Office

14. Adjourn

Manager Crafton moved to adjourn the meeting. Manager Chadwick seconded the motion. The meeting adjourned at 9:52 p.m.

Respectfully submitted,

Mary Bisek, Secretary