

## MEETING MINUTES

### Riley-Purgatory-Bluff Creek Watershed District

November 6, 2019, RPBCWD Board of Managers Monthly Meeting

#### PRESENT:

Managers: Jill Crafton, Treasurer

Larry Koch

Dorothy Pedersen, Vice President

Dick Ward, President

David Ziegler, Secretary

Staff: Zach Dickhausen, RPBCWD Water Resources Technician

Terry Jeffery, Watershed Planning Manager

Louis Smith, Attorney, Smith Partners

Scott Sobiech, Engineer, Barr Engineering Company

Other attendees: Rod Rue, Eden Prairie City Engineer

Leslie Stovring, Water Resources Coordinator

Patrick Sejkora, Eden Prairie Water  
Resources Engineer

Laurie Susla, LLCA

Lori Tritz, CAC Chair

### 1. Call to Order

1 President Ward called to order the Wednesday, November 6, 2019, Board of Managers Monthly Meeting at 7:00  
2 p.m. at the District Office, 18681 Lake Drive East, Chanhassen, MN 55317.

### 2. Approval of Agenda

3 Manager Koch requested pulling all items off the Consent Agenda except for item 7e – Approve Scenic Heights  
4 Elementary School Forest Restoration Project – Pay Application #6. Manager Ziegler moved to approve the  
5 agenda as amended. Manager Crafton seconded the motion. Upon a vote, the motion carried 5-0.

### 3. Public Hearing: Rules Amendment

6 Mr. Jeffery reported the District received comments about its proposed rules amendment from five entities and the  
7 purpose of tonight’s hearing is to receive comments from the public. He summarized the impetus for the District  
8 moving through this rules amendment process. Mr. Jeffery went through the proposed changes.

9 President Ward opened the floor for public comments. Mr. Sejkora, City of Eden Prairie Water Resources  
10 Engineer, reiterated some of the City’s submitted comments. He highlighted items that could represent additional  
11 hurdles or steps the City would need to go through and could increase project cost or difficulty. Mr. Sejkora  
12 commented there had been discussion about incorporating a cost-cap or financial threshold included in the permit  
13 language for which BMPs and other storm water improvements either would have a limit based on the size of the  
14 project or the budget. He said this point did not seem to make it into the draft revised rules provided to the City

15 for comment. He stated the proposed revised rules still included language about monitoring. Mr. Sejkora said the  
16 monitoring can be costly for the City to implement, there isn't a definitive timeframe for when the monitoring is  
17 to occur, and some vendors have become wary of having their products subjected to monitoring. Mr. Sejkora  
18 noted that in Rule J in the required exhibits, language is included about performing some modeling of secondary  
19 overflows for the 100-year critical event. He said the city believes one interpretation is that for municipal projects,  
20 the City would be modeling storm sewer systems, which are large and complex and incorporate offsite areas not  
21 pertinent to the reconstruction improvements. Mr. Sejkora noted that the modeling requirement may bring about  
22 the need for changes in the City's modeling software, which would represent additional costs, training, and  
23 project complexity. He commented the City recognizes modeling as important but modeling on a project-by-  
24 project basis may not be the most efficient method and instead the City supports a partnership effort in modeling  
25 instead of as part of a permit trigger.

26 President Ward requested Mr. Sejkora submit his comments in writing.

27 Mr. Jeffery stated the District has received the City's written comments and staff will be responding to comments  
28 and will bring the responses back to the Board of Managers next month. Manager Koch said he has some  
29 questions and comments and will reach out to Mr. Jeffery directly.

30 Manager Koch moved to adjourn the public hearing. Manager Crafton seconded the motion. Upon a vote, the  
31 motion carried 5-0.

#### 4. Matters of General Public Interest

32 Ms. Laurie Susla of 7008 Dakota Avenue, Chanhassen, and president of the Lotus Lake Conservation Alliance,  
33 reported Lotus Lake has been designated by the DNR as being infested by Zebra Mussels as of October 31, 2019.  
34 She provided background on the designation and reported developments that have occurred since the date of the  
35 designation. Ms. Susla went into detail about the findings that led to the designation, including a water sample  
36 that tested positive for zebra mussel veligers and the finding of five dead zebra mussels on a boat lift that  
37 previously had been in Lake Minnetonka but had been out of the water for the winter season, from fall of 2018 to  
38 April 2019. She reported that Carver County has sent water samples from four Lotus Lake locations for eDNA  
39 testing, and the test results will be back next Monday. She said the LLCA is asking for the Board's support to  
40 remove Lotus Lake as being designated as zebra mussel infested if the eDNA tests come back negative.

41 President Ward noted there may be a need to have an in-depth discussion about this topic, and the Board would  
42 like its Administrator present. He said the Board can discuss this during the AIS agenda item later in this meeting.

#### 5. Approval of Minutes

##### a. October 2, 2019, RPBCWD Board of Managers Regular Monthly Meeting

43 Manager Crafton noted that on page 3, line 70, the minutes should reflect the seminar was jointly hosted  
44 by MAWD and MASWCD. She stated that on page 2, line 19, the word "to" needs to be changed to "so."  
45 Manager Crafton commented that on page 4, line 111, the phrase, "will be distributed" should be replaced  
46 with the word, "sent." Manager Crafton clarified the project name listed on page 5, line 131.

47  
48 Manager Ziegler moved to accept the minutes as amended. Manager Pedersen seconded the motion. Upon  
49 a vote, the motion carried 4-0. [Manager Koch abstained from vote.]

## 6. CAC

51 Ms. Lori Tritz, CAC Chair, reported that the Committee's main motions included supporting the CAC to have a  
52 role in the Pioneer Trail wetland restoration. She said the CAC is brainstorming about what the Committee would  
53 like to see there. Ms. Tritz shared that the CAC did a site visit to the project area. She added that several members  
54 have conducted site visits to restored wetlands as well. She said the CAC feels the stewardship grants committee  
55 should require all native plantings agreed to in the contract to be installed before reimbursement and giving the  
56 applicant a time extension as needed to honor the contract. Ms. Tritz asked that while the Board considers  
57 applications for the CAC to give special consideration to applicants with expertise in governance and fiscal  
58 oversight. She reported on CAC and subcommittee activities, including a community clean-up/leaf raking event,  
59 several buckthorn pulling events, and communication with Flagship regarding the tennis balls collected during the  
60 cleanup and asking Flagship to consider taking action to prevent further pollution. Ms. Tritz reported that the  
61 Speaker's Bureau will give its first presentation on November 19 at Summit Place. She communicated the names  
62 of the CAC members interested in attending MAWD.

63 There was a brief discussion about the timeline for the CAC application process. Mr. Jeffery said staff is targeting  
64 opening the application period in the next week, closing applications in December, and handling appointments in  
65 January 2020.

66 Manager Koch moved to accept the CAC report and refer the motions to staff for comment back to the Board.  
67 Manager Ziegler seconded the motion.

68 Manager Pedersen raised issue with the CAC's motion for stewardship grants requiring 100% of native plantings  
69 included in contract to be installed before processing reimbursement. Manager Pedersen explained her experience  
70 with sourcing native plants and the potential hardship caused by withholding the full reimbursement until 100%  
71 of the native plants are planted. Manager Koch asked Ms. Tritz and the stewardship grants committee to get  
72 further clarification on the status of the plantings and circumstances on why they weren't planted and to bring the  
73 information back to the Board.

74 Upon a vote, the motion carried 5-0.

## 7. Consent Agenda

75 Manager Koch moved to approve the Consent Agenda based on the information in the Board packet. Manager  
76 Ziegler seconded the motion. Upon a vote, the motion carried 5-0. The Consent Agenda included: 7e – Approve  
77 Scenic Heights Elementary School Forest Restoration Project – Pay Application #6.

## 8. Action Items

### a. Pulled Consent Agenda items

#### i. Accept October Staff Report

79 Manager Koch had several questions for staff. Mr. Jeffery and Attorney Smith provided responses.  
80 Manager Koch moved to accept the staff report. Manager Ziegler seconded the motion. Upon a  
81 vote, the motion carried 5-0.  
82

#### ii. Accept October Engineer's Report (with attached Inspection Report)

83 Manager Koch asked Engineer Sobiech several questions and asked for updates regarding staff  
84 activities in October. Engineer Sobiech responded. Manager Koch moved to accept the Engineer's  
85

86 Report. Manager Ziegler seconded the motion. Upon a vote, the motion carried 5-0.

87 iii. **Award Demolition Project for 730 and 750 Pioneer Trail (Wetland Project)**

88 Manager Koch asked if the District has adopted a threshold for requiring competitive bids.

89 Attorney Smith responded that the District follows statute. Manager Koch asked follow-up  
90 questions and asked Attorney Smith if he would be putting together a contract. Attorney Smith  
91 responded yes.

92 Manager Koch moved to award the Demolition to Olson Construction Company on the condition  
93 that Olson Construction agrees to a contract for such services with the terms and conditions  
94 acceptable to District staff and the District Legal Counsel and to authorize the District  
95 Administrator to execute the contract. Manager Ziegler seconded the motion. Upon a vote, the  
96 motion carried 5-0.

97 iv. **Award Lake Susan Park Pond Repair and Maintenance for Spent Lime**

98 Manager Koch asked staff if there is a high degree of probability that the system will work this  
99 time. Engineer Sobiech provided an update on the level and extent of testing of the system.

100 Manager Koch said that based on this information, he moves to authorize the District  
101 Administrator to enter into contract with Sunram Construction Inc. for the modification to the  
102 spent lime system at a cost not to exceed \$36,712 contingent on the contractor executing a  
103 contract with such terms and conditions as staff and the District's Legal Counsel deem necessary  
104 to protect the District and to authorize the District Administrator to execute the contract. Manager  
105 Ziegler seconded the motion. Upon a vote, the motion carried 5-0.

106 v. **Enter into Agreement with Fortin Consulting on the Final Development of a  
107 Training Manual for Property Managers**

108 Manager Koch moved to enter into contract with Fortin Consulting Inc. for the development of a  
109 guide book contingent upon Fortin Consulting Inc. entering into an agreement with terms and  
110 conditions set by the District's staff, Legal Counsel, and the other participants on this project.  
111 Manager Ziegler seconded the motion. Upon a vote, the motion carried 5-0.

112 vi. **Approve Annual Communication for Release**

113 Mr. Jeffery said staff wants to send the communication piece out for printing by next Tuesday and  
114 asked managers to provide any comments to staff by next Monday. Manager Koch said he will  
115 provide staff with comments and wants to be sure that the communication states the District  
116 calendar is subject to change and to reference the District's website for updates. Manager Koch  
117 moved to have staff solicit comments and produce the final annual communication for release.

118 Manager Ziegler seconded the motion. President Ward made a friendly amendment for managers  
119 to respond to staff's request for comments. Manager Koch and Manager Ziegler agreed to the  
120 friendly amendment. Upon a vote, the motion carried 5-0.

121 b. **Accept September Treasurer's Report**

122 Manager Crafton moved to accept the Treasurer's Report as submitted. Manager Ziegler seconded the  
123 motion. Manager Koch noted that on page 3, under expenditures for administration, there isn't budget for  
124 the human resources Baker Tilly costs. He moved to transfer \$6,524.80 out of the reserve budget into that  
125 budget line item. The motion died due to lack of a second. Upon a vote, the motion to accept the  
126 September Treasurer's Report carried 4-1 (Manager Koch voted against the motion).

127 c. **Approve Paying of Bills**

128 Manager Crafton moved to pay the bills. Manager Pedersen seconded the motion. Manager Koch stated  
129 that since the District doesn't have a budget item to pay the utilities, he moves to strike payment of that  
130 item. The motion died due to lack of a second. Upon a vote, the motion carried 4-1. [Manager Koch voted  
131 against the motion.]

132  
133 **d. Elect MAWD Delegates and Alternate to Represent District at Annual MAWD Meeting**

134 Manager Pedersen nominated Manager Crafton and President Ward as the delegates and Manager Ziegler  
135 as the alternate. Manager Crafton seconded the motion. Upon a vote, the motion carried 5-0.

136 **i. Discuss Board Position on MAWD Resolutions**

137 Manager Pedersen commented she is in favor of letting the delegates consider the information on  
138 the resolutions as presented at the meeting and vote at the meeting based on that information.  
139 Manager Koch said he would like to see this Board advocate for the adoption of the two  
140 resolutions this Board forwarded. Manager Pedersen moved to accept the packet of resolutions as  
141 provided and to authorize the delegates to vote on each resolution based on the information  
142 presented at the meeting. Manager Crafton seconded the motion. Upon a vote, the motion carried  
143 4-1. [Manager Koch voted against the motion.]

144 **e. 2020 Calendar**

145 President Ward recommended the January 2020 meeting be moved to January 8. He noted the July 1 and  
146 December 2 meetings should be moved as well. The Board moved the July meeting to July 8 and the  
147 December meeting to December 9. Manager Koch moved to adopt the 2020 calendar with the updates the  
148 Board has discussed. Manager Ziegler seconded the motion. Upon a vote, the motion carried 5-0.

149 **f. AIS**

150 Ms. Susla stated that the LLCA has hired Blue Water Science to dive and walk shallow areas of parts  
151 Lotus Lake, and the LLCA will share the results with the District. The Board and staff discussed Lotus  
152 Lake and the discovery of the zebra mussel veligers and dead zebra mussels. Manager Koch remarked he  
153 would like the Board to support pushing the DNR to rethink its designation of Lotus Lake as infested with  
154 zebra mussels. He said he would like the District to come to the December meeting with the possibility of  
155 funding some treatment in Lotus Lake in the case data comes back showing that the infestations are  
156 localized.

157 President Ward asked if the Board should have a special meeting in about two weeks to discuss this issue  
158 further. The managers indicated yes. President Ward said he will talk with Administrator Bleser about  
159 setting up a special meeting.

## 9. Discussion Items

160 **a. Manager Report**

161 President Ward reported the Governance Committee met two weeks ago and has given Smith Partners the  
162 necessary information to update the District's Governance Manual. Attorney Smith noted Smith Partners  
163 should be able to update the manual by the Board's December meeting. Manager Pedersen moved to  
164 approve legal expenses up to \$3,000 for Smith Partners to update the District's Governance Manual.  
165 Manager Crafton seconded the motion. Upon a vote, the motion carried 5-0.

166 **b. Personnel Committee**

167 Manager Pedersen stated the Committee met in October and discussed potential education opportunities  
168 for Administrator Bleser. She said the discussion will continue at the Committee's next meeting on  
169 November 14. Manager Pedersen reported the Committee reviewed the changes that will be happening in  
170 terms of cost for the District's current benefits program. She said the Committee is gathering information  
171 regarding paternity leave and will bring updates on these Committee discussions to the Board at the  
172 December monthly meeting.

173 **c. BWSR Board**

174 Manager Crafton updated the managers about her discussions with Dan Shaw.

175 **d. Administrator Report**

176 Mr. Jeffery updated the Board on an opportunity with a homeowner association. He said this opportunity  
177 originated with a member of the CAC reaching out about a possible rain garden project with the HOA.  
178 Mr. Jeffery said the HOA is putting together a list of ideas and HOA property that could offer an  
179 opportunity for a project.

180 **e. Land Exchange for County Road 101 to Maintain Access to Bluff Creek from RPBCWD**  
181 **Land**

182 Mr. Jeffery reviewed maps included in the meeting packet, including a map showing a property purchased  
183 by the District in the early 1990s and a map showing the area of Highway 101 that will be part of a  
184 realignment project. Mr. Jeffery pointed out the approximately 10,000-square-foot area that will be the  
185 TH101 realignment project's permanent taking and the area that will be temporary construction easement.  
186 He explained the District's property is parcel 2 and the District was offered parcel 4b, but staff  
187 recommends asking for parcel 4b and parcel 37, the cul-de-sac. Mr. Jeffery went into detail about the  
188 reasons, which include that those parcels provide valley access and project staging area.

189  
**10. Upcoming Board Topics**

190 President Ward noted that upcoming Board topics are listed on the agenda and include Approving Task  
191 Order for Wetland Restoration at Pioneer Trail and Ordering Silver Lake Water Quality at Pleasant View  
192 Drive (January). He announced upcoming events, including the Evening with the Watershed on  
193 December 3.

194  
**11. Upcoming Events**

- 195 • Personnel Committee, November 14, 3:00 p.m., 18681 Lake Drive East, Chanhassen
- 196 • Citizen Advisory Committee Meeting, November 18, 6:00 p.m., District Office, 18681 Lake Drive East,  
197 Chanhassen
- 198 • Evening with the Watershed, December 3, 2019, 6:30 p.m., Chanhassen American Legion
- 199 • MAWD Conference, December 5-7, Annual Conference of the Minnesota Association of Watershed Districts  
200 in Alexandria, MN.

## 12. Adjournment

201 Manager Ziegler moved to adjourn the meeting. Manager Crafton seconded the motion. Upon a vote, the motion  
202 carried 5-0. The meeting adjourned at 8:47 p.m.

203  
204 Respectfully submitted,

205 \_\_\_\_\_  
206 David Ziegler, Secretary