

MEETING MINUTES

Riley-Purgatory-Bluff Creek Watershed District

August 8, 2018, 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: Claire Bleser, District Administrator

Terry Jeffery, Project and Permit Manager

Joshua Maxwell, Water Resources Coordinator

Emma Nyquist, RPBCWD Intern

Louis Smith, Attorney (Smith Partners)

Scott Sobiech, Engineer (Barr Engineering Company)

Maya Swope, RPBCWD Staff

Other attendees: Richard J. Chadwick, former manager

JoAnn Syverson, LLCA

Greg Hawks, Chanhassen Environmental
Commission

Marilyn Torkelson, CAC

Sam Kinzel, Volunteer

1. Call to Order

President Ward called to order the Wednesday, August 8, 2018, Board of Managers Meeting at 7:00 p.m. at the District Office, 18681 Lake Drive East, Chanhassen, MN 55317.

2. Oath of Office, Appointment of Board Secretary, Approval of the Agenda

President Ward noted that the Oath of Office is added to tonight's meeting agenda.

Attorney Smith led the Oath of Office for Jill Crafton, Larry Koch, and David Ziegler for their positions as managers for the RPBCWD. After the conclusion of the Oath of Office, Attorney Smith pointed out that the paper copies of the Oath needed to be signed by managers Crafton, Koch, and Ziegler. The managers sign the oaths.

Manager Koch thanked the Carver County Board of Commissioners for appointing him and thanked Richard Chadwick for his time and contribution to the Board and the District. Mr. Koch shared several prepared comments.

President Ward noted that the Board needed to appoint a Board secretary. Manager Crafton nominated Manager Ziegler as Board Secretary. Manager Pedersen seconded the motion. Upon a vote, the motion carried 5-0.

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

3. Public Hearing: Lotus Lake and Rice Marsh Lake Alum Treatments

President Ward opened the public hearing on the Lotus Lake and Rice Marsh Lake Alum Treatments.

Administrator Bleser pointed out that these proposed alum treatment projects will protect water quality of district lakes and the projects are within the parameters of the goals set in the District's 2018 Watershed Management Plan.

Administrator Bleser, using PowerPoint slides, went through the District's lake management decision tree. She touched on the topics of fisheries, vegetation, and water quality. She provided background on the Lotus Lake Alum Treatment project. Administrator Bleser noted the 2017 completion of the Purgatory Creek Use Attainability Analysis (UAA) and the recommended load reductions identified in the UAA.

Administer Bleser shared the information about the 2018 revised Lotus Lake Alum dosing. She talked about the benefits and costs of the project.

Administrator Bleser provided background on the Rice Marsh Lake Alum project. She described the unique features about the lake, importantly its labile soils. She explained that the lake's soil is different than the soils of Lake Riley and Lotus Lake and affects the dosing. Administrator Bleser discussed the benefits and costs of the project.

Administrator Bleser stated that the two projects together would reduce phosphorous loading by 3,200 pounds per year. She said that the timelines for the projects are for the District to go out for project bids in August and for the alum application to occur in the fall if the Board accepts project bids.

Administrator Bleser responded to Board questions.

President Ward opened the floor for public comments.

Ms. Joanne Syverson of 489 Pleasantview Road in Chanhassen said that she a Board member on the Lotus Lake Conservation Alliance (LLCA). She congratulated the new managers and said she is looking forward to working with them. Ms. Syverson stated that the LLCA is very appreciative that the Board has moved the Lotus Lake Alum Treatment project from 2025 to 2018. She said the LLCA believes project will be money well-spent. Ms. Syverson said that Manager Koch talked to a Lake Riley lakeshore resident about the alum treatment on Lake Riley and that resident said the water quality of Lake Riley has improved and the resident believes the improvement is due to the lake's alum treatment. Ms. Syverson said she collects monthly water samples from Lotus Lake and she has seen that lake's water quality go down. Ms. Syverson commented that the Lotus Lake Alum Treatment project is the first water quality project that the watershed district has done for Lotus Lake. She asked the District to provide project updates to the LLCA and suggested the updates be sent to Laurie Susla. Administrator Bleser responded that all the Lotus Lake residents will receive project information and that the District has Ms. Syverson listed as the LLCA secretary and so staff has been sending the project information directly to her attention but can also send information to Ms. Susla. Ms. Syverson mentioned that a resident around Lotus Lake signed up for the home site visit by the District to discuss buffers and other such water quality practices but there wasn't follow-up by the District. Administrator Bleser asked for the contact information so that staff could follow up.

President Ward called for any further comments. Upon hearing no additional comments, President Ward closed the public hearing.

4. Matters of General Public Interest

There were no matters raised.

5. Reading and Approval of Minutes

a. July 11, 2018, RPBCWD Board of Managers Monthly Meeting and Public Hearing

Manager Crafton noted a correction to be made on page 2, item 3, paragraph 6 so the sentence reads, "...the Board will have more opportunity to discuss this item in more detail at the next meeting." Manager Crafton moved to accept the minutes as amended. Manager Ziegler seconded the motion. Upon a vote, the motion carried 5-0.

6. Consent Agenda

President Ward read aloud the Consent Agenda items: 6a – Accept June Staff Report; 6b – Accept June Engineer's Report (with Attached Inspection Report); 6c – Approve 2nd Permit Review Timeline Extension for 2018-028: Oak Point Elementary Parking Lot; 6d – Approve Liability Coverage Waiver Form with the League of Minnesota Cities; 6e – Approve staff/CAC Recommendations for Residential Cost-Share Application "Ross"; 6f – Approve Staff Recommendation for Residential Cost-Share Application "Jay."

Attorney Smith pointed out that for item d – Approve Liability Coverage Waiver Form with the League of Minnesota Cities – the Board needs to specify its choice either to waive or not to waive the monetary limits. He explained the choices and said that many watersheds elect not to waive the limits, which is the action this Board has taken in previous years. Manager Ward noted that the managers were handed out tonight the liability coverage waiver form with the box "not to waive limits" selected. The Board agreed that its action is to not waive limits.

Manager Koch had questions about insurance coverage for Board members. Attorney Smith responded.

Manager Koch had questions about the June Inspection Report prepared by the Engineer. Mr. Jeffery responded.

Manager Pedersen moved to approve Consent Agenda. Manager Ziegler seconded the motion. Upon a vote, the motion carried 5-0.

7. Citizen Advisory Committee (CAC)

Ms. Marilyn Torkelson, CAC member, noted that the CAC's recommendations about the cost-share grants are in the CAC's meeting minutes. Manager Pedersen asked her for information about the CAC's discussion of the cost-share grant application regarding the smart irrigation system. Ms. Torkleson responded that the CAC thought the current irrigation system should be inspected to see if it could be fixed and if not, then to find an alternative that is lower cost than the proposed smart irrigation system.

8. Action Items

a. Accept June Treasurer's Report

Treasurer Crafton communicated that the report was reviewed in accordance with the District's internal controls and procedures. She moved to accept the Treasurer's Report. Manager Pedersen seconded the

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

b. Approve Paying of Bills

Manager Crafton moved to pay the bills. Manager Ziegler seconded the motion. Upon a vote, the motion carried 5-0.

c. Resolution 2018-005 Rice Marsh Lake Alum Treatment Project

President Ward read aloud the resolving statements of Resolution 2018-005.

Manager Koch moved to adopt Resolution 2018-005 Rice Marsh Lake Alum Treatment Project. Manager Ziegler seconded the motion. Upon a roll call vote, the motion carried 5-0

Manager	Aye	Nay	Absent	Abstain
Crafton	X			
Pedersen	X			
Ziegler	X			
Koch	X			
Ward	X			

d. Resolution 2018-006 Lotus Lake Alum Treatment Project

Manager Ward read aloud the resolving statements of the resolution. Manager Ziegler moved to adopt Resolution 2018-006 Lotus Lake Alum Treatment Project. Manager Koch seconded the motion. By call of roll, the motion carried 5-0.

Manager	Aye	Nay	Absent	Abstain
Crafton	X			
Pedersen	X			
Ziegler	X			
Koch	X			
Ward	X			

e. Resolution 2018-007 to Adopt the Amendments to the RPBCWD Rules

President Ward read aloud the resolving statements of Resolution 2018-007. Manager Pedersen noted that her name is misspelled in the resolution. Manager Crafton noted that the appendix should be labelled Appendix I. Manager Ziegler asked about the status and timeframe of the District's efforts to update its

rule for flow rate to reduce the flow rate on new construction and major remodeling to within 10% of pre-settlement values up to 2 inches of rain. Mr. Jeffery responded that there isn't a schedule set for moving forward with it and as it stands the staff is planning to review and come back to the Board with more information in the future. He noted that the Board could set a deadline for receiving the information but cautioned against doing two rule amendments right on top of each other. Mr. Jeffery said that there is a TAC meeting scheduled for October and this topic can be added as a discussion item for the meeting. He said that staff will continue to move forward with discussing the issue and will bring information back to the Board after the October TAC meeting. Mr. Jeffery responded to questions from Manager Koch about rules triggers.

Manager Crafton moved to adopt Resolution 2018-007. Manager Pedersen seconded the motion. By call of roll, the motion carried 5-0.

Manager	Aye	Nay	Absent	Abstain
Crafton	X			
Pedersen	X			
Ziegler	X			
Koch	X			
Ward	X			

f. Approve Permit 2018-039 Emerson Park Improvements and Garage Replacement with Staff Recommendations

Mr. Jeffery explained the proposed project, which includes relocating a storage facility and two walking paths plus adding two patios to an existing gazebo He talked about features that the site is losing due to the corridor of the Southwest Light Rail. Mr. Jeffery went through the permit application review.

Manager Crafton moved to approve Permit 2018-039 Emerson Site Improvements with Staff Recommendations. Manager Pedersen seconded the motion. Upon a vote, the motion carried 5-0.

g. Approve Permit 2018-043 Control Concepts with Engineer's Recommendation

Engineer Sobiech explained that the proposed project includes construction of office and warehouse space plus parking, a drive aisle, a trail, and an underground detention and infiltration system with pre-treatment that will provide storm water runoff rate control, volume abstraction, and water quality treatment.

Engineer Sobiech went through the Engineer's review of the permit application and displayed PowerPoint slides of the proposed project.

Attorney Smith responded to a question from Manager Koch about financial assurances. Attorney Smith explained that the financial assurances are a critical and cost-effective way to ensure compliance with the District's permit requirements.

Manager Ziegler moved to approve Permit 2018-043 with the Engineer's recommendations. Manager Crafton seconded the motion. Upon a vote, the motion carried 5-0

h. Cost-Share Application: Prairie East 5th Association – Water Conservation

Administrator Bleser reported that staff reached out to the City of Woodbury about its water conservation program and cost-share incentives to residents. She said that the City reimburses residents up to 50% of the cost not to exceed \$8,000 for approved installation of smart irrigation. She noted that the meeting packet includes the grant application, information about the City of Woodbury’s water conservation incentive program for residents, and the email communication from District staff to the applicant to request further information.

The Board and staff had a lengthy discussion about smart irrigation including its costs, benefits, and different models, how action on this cost-share would set precedent, and alternatives that the Association could implement. Manager Koch commented that once the Board decides how to take action on this Cost Share grant application the Board needs to reflect its decision by making a cost share grant policy about it.

The Board directed Administrator Bleser to go back to the grant applicant to share information about Woodbury’s program and to ask the applicant to bring forward to the District two more smart irrigation project cost bids and then bring the application back to the Board. She mentioned that there will be a lunch and learn for staff, the CAC, the TAC and other interested parties at the District office on September 14 with a Woodbury City staff person presenting on its water conservation program. President Ward asked Administrator Bleser to make sure the cost share grant applicant receives an invitation.

i. Cost-Share Application: Eden Prairie Schools – Eden Lake School – Porous Asphalt for Outdoor Patio Areas

Administrator Bleser remarked that this is a non-typical cost-share application. In this case the project is removing turf to add outdoor patio areas and the applicant is proposing to use porous asphalt for the patios. She said that this project could either be seen as ineligible for cost-share funds or could be seen as eligible as a best management practice. Administrator Bleser stated that staff doesn’t see this project as meeting the purpose of the cost-share program.

There was discussion. Manager Koch remarked the need to reflect the Board’s decision in its cost-share grant policies.

Administrator Bleser said that she is hearing that as this application is written this project does not qualify for the cost-share grant program and staff will review the District’s cost-share grant program application to make sure it is clear what projects are eligible.

9. Discussion Items

a. Agenda Items for September Board Meeting

President Ward noted that items for the Board’s September monthly meeting include the Governance workshop, 4M Fund Membership, and cooperative agreements with the City of Chanhassen and the City of Eden Prairie regarding the Bluff Creek Tributary. Administrator Bleser announced that the 2019 Budget Workshop will be held on August 27th.

10. Upcoming Events

- Citizen Advisory Committee Meeting, Monday, August 20, 6:00 p.m., District Office, 18681 Lake Drive East, Chanhassen

- Budget Workshop, Monday, August 27, 5:30 p.m., District Office, 18681 Lake Drive East, Chanhassen
- Governance Board Workshop, Public Hearing, and Regular Board Meeting, Wednesday, September 5, 5:30 p.m., District Office, 18681 Lake Drive East, Chanhassen
- Citizen Advisory Committee Meeting, September 17, 6:00 p.m., District Office, 18681 Lake Drive East, Chanhassen

11. Adjourn

Manager Crafton moved to adjourn the meeting. Manager Ziegler seconded the motion. Upon a vote, the motion carried 5-0. The meeting adjourned at 8:57 p.m.

Respectfully submitted,

David Ziegler, Secretary