

MEETING MINUTES

Riley-Purgatory-Bluff Creek Watershed District

June 26, 2020, RPBCWD Board of Managers Special Meeting

PRESENT:

Managers: Jill Crafton, Treasurer
Larry Koch
Dorothy Pedersen, Vice President
Dick Ward, President
David Ziegler, Secretary

Staff: Amy Bakkum, MN Greencorps Member, RPBCWD
Claire Bleser, RPBCWD Administrator
Terry Jeffery, Watershed Planning Manager
B Lauer, RPBCWD Education and Outreach Assistant
Scott Sobiech, Barr Engineering Co.
Michael Welch, Attorney, Smith Partners

Other attendees: Pete Johnson

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 Friday, June 26, 2020, Board of Managers Special Meeting at
2 8:00 a.m. The meeting was held remotely via meeting platform Zoom.

2. Approval of Agenda

3 Manager Ziegler moved to approve the agenda as presented. Manager Crafton seconded the
4 motion. Manager Koch moved to amend the motion to include modifying the agenda by moving
5 Agenda Item 4 - Permit 2020-037 Oster Sand Blanket, Agenda Item 5 - Enter into Grant
6 Agreement with Metropolitan Council Stormwater Grant for St. Hubert Catholic School and
7 Delegate to Administrator to Execution of the Grant, and Agenda Item 6 - Wells Fargo Resolution
8 for Financial Services to a consent agenda. Manager Ziegler seconded the motion to amend.

9 The Board discussed Manager Koch's motion to amend and proposed the friendly amendment to
10 his motion to amend to keep Agenda Item 4 - Permit 2020-037 Oster Sand Blanket on the agenda
11 and move Agenda Items 5 and 6 to a consent agenda. Manager Koch agreed to the friendly
12 amendment.

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

14

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

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16

3. Approve Permit 2020-014: 6665 Horseshoe Curve - Johnson Shoreline Stabilization as Presented in the Proposed Board Action of the Permit Review Report

17 Engineer Sobiech noted that the permit applications for 6665 and 6669 Horseshoe Curve are nearly
18 identical and are neighboring properties. He reminded the Board the applicants spoke at the
19 Board’s previous meeting. Engineer Sobiech described the work performed by the applicants for
20 Permit 2020-014 and Permit 2020-015 through an engineer to develop for each a site stabilization
21 plan and talked about the erosion intensity scoresheets the District uses to determine what types of
22 shoreline stabilization measures are appropriate.

23 Engineer Sobiech went into detail about the erosion intensity score, the site stabilization plan, and
24 the permit review for permit 2020-014. He said the Engineer’s recommendation is approval of the
25 permit as presented.

26 Manager Ziegler moved to approve permit 2020-014 based on the Engineer’s review and
27 recommendations.

28 Manager Koch raised questions and concerns about the technical information provided and the
29 application of the District’s rules. He went into great detail about his questions on how the
30 proposed project meets District criteria through the score from the erosion intensity evaluation and
31 about his interpretation of specific technical information provided or missing from the permit
32 application, such as the parallel line and measurements to determine slope. Manager Koch
33 presented his concerns about ensuring rip rap is installed in compliance with DNR rules and the
34 District’s rules.

35 Mr. Jeffery and Engineer Sobiech responded to Manager Koch, reminding him the applicants for
36 both permits retained engineering services to develop the site stabilization plan, highlighting the
37 plan included the necessary dimensions to determine slope and the parallel line was determined
38 and discussed, and noting that the Board could add a condition for the applicants’ engineer provide
39 an updated plan to show the parallel line with the offsets as specified in the exhibits. Engineer
40 Sobiech went into detail about the erosion intensity scoresheet results, and he added that District
41 staff had extensive discussions with the applicants about installing native vegetation along the

42 shoreline and at the top of the rip rap, to reduce erosion and help reduce runoff leaving the shore,
 43 but at this time the applicant hasn't chosen to pursue the native planting.

44 Manager Pedersen asked if the District could require the applicant to install native vegetation. Mr.
 45 Jeffery responded no, the District can't compel the applicant to install a buffer because it isn't in
 46 the District's rules. Attorney Welch reiterated that based on its rules, the District can encourage
 47 native plantings on lake shorelines but can't require such plantings.

48 There was discussion about the District's project inspection process and if the project would be
 49 inspected within the first year of installation or if the District should have an inspection process in
 50 which projects are inspected during installation.

51 Manager Koch noted there is a property on the lake that installed an unpermitted project, and he
 52 would like that project to be discussed at the Board's next regular monthly meeting.

53 Manager Koch moved to amend the motion on the table so that the application be approved
 54 contingent on changing the general requirements to incorporate specifically that the work has to be
 55 done consistent with Rule F and that prior to commencement of work a member of staff inspect the
 56 installation of rip rap and contingent on requiring a plan consistent with District's requirements.
 57 The motion died due to lack of a second.

58 Upon a roll call vote, the motion carried 4-1 as follows:

59

<i>Manager</i>	<i>Action</i>
Crafton	Aye
Koch	No
Pedersen	Aye
Ward	Aye
Ziegler	Aye

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61

4. Approve Permit 2020-014: 6669 Horseshoe Curve-Vasallo Shoreline Stabilization as Presented in the Proposed Board Action of the Permit Review Report

62 Engineer Sobiech stated this permit application is nearly identical to the previous permit
 63 application and is for the property adjacent to the one for 6665 Horseshoe Curve. He said the
 64 Engineer recommends approval based on the review and with the conditions as presented in the
 65 report included in the meeting packet.

66 Manager Ziegler asked for more explanation about the parallel line that isn't shown on the plan but
 67 is somehow being used as part of the technical information. Engineer Sobiech clarified that the
 68 District doesn't require an as-built drawing, so the information on record will be the information
 69 the District has now, unless the District adds a condition that the applicant submit an updated plan
 70 that shows the parallel line and measurement thereof. He provided more details about measurement
 71 information.

72 Manager Koch commented he has the same concerns with this application as he had with the prior
 73 permit application. He said the District has no authority to waive its requirements except through
 74 its variance process. Manager Koch said it would be arbitrary and capricious to approve a permit
 75 that doesn't comply with the District's rules, except through a variance process. He said this permit
 76 should not be approved as submitted and the prior one should not have been approved since it
 77 doesn't comply with the District's rules.

78 Manager Ziegler moved to approve the permit with the condition that it include the reference line
 79 the District's rules require. Manager Pedersen seconded the motion. Manager Koch moved to
 80 amend the motion so it includes inspection upon commencement of installation, the inclusion of
 81 the line, and that installation must comply with Rule F. The motion to amend died due to lack of
 82 second.

83 Upon a roll call vote, the motion carried 4-1 as follows:

84

<i>Manager</i>	<i>Action</i>
Crafton	Aye
Koch	No
Pedersen	Aye
Ward	Aye
Ziegler	Aye

85

5. Approve Permit 2020-037: Oster Sand Blanket

86 Manager Ziegler moved to approve Permit 2020-037. Manager Koch seconded the motion.

87 President Ward asked staff for more details about Rule F. Mr. Jeffery provided details. Manager
 88 Ziegler asked for information about the District's rule about slope requirements for sand blankets.
 89 Mr. Jeffery said there isn't a slope requirement, but this property is in an area where the slope is
 90 approximately 10 to 1. Attorney Welch clarified for the record that this applicant submitted an
 91 application, and the specs for the sand are included. Mr. Jeffery confirmed Attorney Welch's
 92 clarification.

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

94

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

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6. Consent Agenda

97 Manager Koch moved to approve the Consent Agenda including the resolution included in the
 98 meeting packet. Manager Ziegler seconded the motion. The items approved on the Consent
 99 Agenda included 5i – Enter into Grant Agreement with Metropolitan Council Stormwater Grant for
 100 St. Hubert Catholic School and Delegate to Administrator to Execution of the Grant and 5ii –
 101 Wells Fargo Resolution for Financial Services.

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

103

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

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7. Resolution Adopting Haak Property Transfer

107 Attorney Welch provided background on this agenda item. He clarified that the transfer acceptance
 108 of the property was previously approved by the District, and the conveyance has been approved by
 109 the City of Chanhassen. Attorney Welch said the managers directed staff to obtain title insurance
 110 for the property, which is in progress with a title commitment. He said the Minnesota Management
 111 and Budget Office, which issued the grant for this property to be acquired, had a checklist that they
 112 needed to see before they would approve the project. Attorney Welch said the Office approved the
 113 transfer but then added a request that the District acknowledge, in a separate resolution, the
 114 declaration. He said this is the resolution in front of the Board now. Attorney Welch provided an
 115 update on the conveyance process.

116 Manager Koch had a question about the fifth Whereas included in the resolution. Attorney Welch
 117 responded.

118 Manager Pedersen moved to adopt Resolution 2020-008. Manager Ziegler seconded the motion.

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

120

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

121

8. Adjournment

122 Manager Pedersen moved to adjourn the special meeting. Manager Crafton seconded the motion.

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

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125

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

126

127

128 The meeting adjourned at 8:56 a.m.

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Respectfully submitted,

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David Ziegler, Secretary