Resolution no. 2019-005

Riley-Purgatory-Bluff Creek Watershed District Board of Managers

Third amendment to the delegation to the administrator of certain permit-approval authority

Manager **Crafton** offered the following resolution and moved its adoption, seconded by Manager **Pedersen**.

WHEREAS Minnesota Statutes sections 103D.341 and 103D.345 direct watershed districts to adopt rules and administer an implementing regulatory program to protect water resources and mitigate flood risk, and the Riley-Purgatory-Bluff Creek Watershed District has duly adopted rules and issues permits accordingly;

WHEREAS certain activities requiring an RPBCWD permit and certain procedural requests from applicants and permittees are subject to defined and specific standards, and determination of compliance does not require the exercise of the discretion reserved to the RPBCWD's board of managers;

WHEREAS the board of managers, recognizing that the time and resources of the board, staff and permit applicants are best served by delegating to the RPBCWD administrator the authority to approve certain applications, and the board of managers has delegated – by resolutions 2014-11 on November 25, 2014; 2015-07 on June 29, 2015; and 2017-10 on October 4, 2017 – to the RPBCWD administrator the authority to approve permit applications for:

- single-family home projects requiring a permit under only District Rule C –
 Erosion, Rule D Wetland and Creek Buffers, and Sediment Control and Rule J –
 Stormwater Management;
- all projects requiring a permit under only Rule C Erosion and Sediment Control; and
- assignment or renewal of valid permits or approvals, so long as the application is timely submitted in accordance and compliance with RPBCWD Rule A – Procedural Requirements, section 5;

so long as the administrator maintains a log of applications approved pursuant to this resolution and at least quarterly provides a report to the board of managers

summarizing assignments and renewals granted by the administrator. Further, the authority is delegated contingent on the determination that if the administrator finds that the criteria for approval are not met, the application will be presented to the board of managers for consideration at its next scheduled meeting, unless the applicant withdraws the application; and

WHEREAS the board of managers finds that further efficiencies could be gained through delegation of additional authority to the administrator without diminution in the effectiveness of the RPBCWD regulatory program to protect resources and mitigate flood risk.

NOW THEREFORE BE IT RESOLVED that the board of managers delegates to the administrator the additional authority to approve:

- 1. Permit review period extensions.
- 2. An application for approval of land-disturbing activities triggering only Rule B Floodplain Management and Drainage Alterations, provided that the proposed work amounts to less than 50 cubic yards of excavation and 5,000 square feet of disturbance.
- 3. An application for approval under only Rule H Appropriation of Public Surface Waters or Rule I Appropriation of Groundwater.
- 4. The administrator may not approve an application if:
 - a. The applicant or property owner has commenced regulated activity without a valid RPBCWD permit;
 - b. the administrator determines that the application involves a technical, policy or legal issue or raises public comment that warrants review of the application by the board of managers; or
 - c. anyone requests consideration of the modification application by the board of managers.
- 5. The administrator will add applications approved pursuant to this resolution to log of approvals issued pursuant to previously delegated authority and will quarterly provide a report to the board of managers summarizing all approvals granted by the administrator.

BE IT FURTHER RESOLVED that the board of managers authorizes the administrator to sign letters certifying and communicating regulatory actions by RPBCWD, whether taken pursuant to the authority delegated to the administrator or by separate action of the RPBCWD Board of Managers.

The question was on the adoption of the resolution and there were 5 yeas and 0 nays as follows:

	<u>Yea</u>	<u>Nay</u>	<u>Abstain</u>	<u>Absent</u>
Crafton	X			
Koch	X			
Pedersen	X			
Ward	X			
Ziegler	X			

Upon vote, the president declared the resolution adopted.

Dated: January 9, 2019.

* * * * * * * * * * *

I, David Ziegler, secretary of the Riley-Purgatory-Bluff Creek Watershed District, do hereby certify that I have compared the above resolution with the original thereof as the same appears of record and on file with RPBCWD and find the same to be a true and correct transcription thereof.

IN TESTIMONY WHEREOF, I set my hand this <u>18</u> day of <u>AN</u> 2019.

David Ziegler, Secretary

RESOLUTION NO. 17-010

Riley-Purgatory-Bluff Creek Watershed District Board of Managers

Delegating certain permit-approval authority to the Administrator

Manager Manager		e following	resolution an	d moved its adoption	, seconded by
rules and issue per	mits to protec eek Watershed	t water reso	ources and m	5 direct watershed dis nitigate flood risk, a rules, issues permits	nd the Riley
	•	-		ls or transfers from a et to straightforward	
WHEREAS the tim delegating to the Adi				permit applicants are applications;	best served by
Administrator the au	thority to appr	ove applicat	tions for assig	ard of Managers de inment or renewal of impliance with Distri	valid permits
maintain a log of as	signment and report to the	enewal appl	ications appro	agers directs the Adoved pursuant to this narizing assignments	resolution and
The authority delega Managers to the Adr		n addition t	o authority pr	eviously delegated by	the Board of
The question was on follows:	the adoption o	f the resolut	ion and there	wereyeas and _	nays as
		<u>Yea</u>	<u>Nay</u>	<u>Abstain</u>	
CRAI					
Upon vote, th	ne chair declare	d the resolut	tion		

Dated:	
Richard Chadwick, secretary	
* * * * * * * * *	
I, Richard Chadwick, secretary of the Riley-Purgatory-Bluff Creek Wado hereby certify that I have compared the above resolution with the original the appears of record and on file with the District and find the same to be a transcription thereof.	ereof as the same
IN TESTIMONY WHEREOF, I set my hand this day of	, 2017.
Richard Chadwick, secretary	

RESOLUTION NO. 2017-05

RILEY PURGATORY BLUFF CREEK WATERSHED DISTRICT BOARD OF MANAGERS

RESOLUTION DELEGATING CERTAIN PERMIT APPROVAL AUTHORITY to the PERMIT COORDINATOR

Manager **Yetka** offered the following resolution and moved its adoption, seconded by Manager **Bisek**.

WHEREAS pursuant to Minnesota Statutes section 103D.341, the Riley Purgatory Bluff Creek Watershed District (District) reviews and issues permits for activity within the watershed that may affect water resources; and

WHEREAS permit applications may be approved by the District Board of Managers at a regular or special meeting; and

WHEREAS certain applications for a District permit are subject to defined and specific standards, and determination of compliance does not require the exercise of substantial discretion; and

WHEREAS the time and resources of the Board of Managers, staff and permit applicants are best served by delegating to the District administrator the authority to approve such applications;

WHEREAS the Board of Managers passed a resolution 2014-11 on November 25, 2014 delegating certain permit approval authority to the administrator for single-family home development or redevelopment projects requiring a permit under only District Rule C- Erosion and Sediment Control;

WHEREAS from time to time the Administrator may be absent from the office for more than five (5) working days, and the district wishes to assure continues administration of the permit program, such that the Permit Coordinator may assume the authority of the Administrator to issue permits under conditions approved by the Board of Managers.

THEREFORE BE IT RESOLVED that:

- 1. In the event of the absence of the administrator for more then five business days, the Permit Coordinator will have the following authority until the return of the Administrator:
 - a. The Permit Coordinator may approve permit applications for single-family home development or redevelopment projects requiring a permit under only District Rule C Erosion and Sediment Control and Rule J Stormwater.
 - b. The Permit Coordinator may approve permit applications for projects that require a permit under Rule C -- Erosion and Sediment Control and are exempt from the stormwater rule.

- c. The Permit Coordinator may not issue a permit if:
 - i. A variance is required;
 - ii. An exception is requested by the applicant;
 - iii. The proposed activity requires a permit that the administrator is not authorized to issue:
 - iv. The permit coordinator determines that the application involves a technical, policy or legal issue or raises public comment that warrants review by the Board of Managers; or
 - v. Anyone requests, prior to the Project Coordinator's issuance of written approval, that the Board of Managers make the determination on the application.
- d. If the Permit Coordinator finds that the criteria for permit issuance under this resolution are not met, the application will be presented to the Board of Managers for consideration at its next scheduled meeting, unless the applicant withdraws the application.
- e. The Permit Coordinator will maintain a log of permit applications approved pursuant to this resolution and will advise the Board of Managers regularly as to permitting activity conducted pursuant to this resolution.

The question was on the adoption of the resolution and there were 4 yeas, 0 nays, and 1 absent as follows:

	<u>Yea</u>	Nay	Abstain	Absent
BISEK CHADWICK CRAFTON	X X			X
FORSTER	X			
YETKA	X			

Upon vote, the president declared the resolution adopted.

Dated: August 2, 2017.

* * * * * * * * * * *

I, Mary Bisek, secretary of the Riley Purgatory Bluff Creek Watershed District, do hereby certify that I have compared the above resolution with the original thereof as the same appears of record and on file with the District and find the same to be a true and correct transcription thereof.

IN TESTIMONY WHEREOF, I set my hand this 2nd day of August, 2017.

Mary Bisek, Secretar

RESOLUTION NO. 2015-07

RILEY PURGATORY BLUFF CREEK WATERSHED DISTRICT BOARD OF MANAGERS

RESOLUTION DELEGATING CERTAIN PERMIT APPROVAL AUTHORITY to the ADMINISTRATOR

Manager **Crafton** offered the following resolution and moved its adoption, seconded by Manager **Yetka**.

WHEREAS pursuant to Minnesota Statutes section 103D.341, the Riley Purgatory Bluff Creek Watershed District (District) reviews and issues permits for activity within the watershed that may affect water resources; and

WHEREAS permit applications may be approved by the District Board of Managers at a regular or special meeting; and

WHEREAS certain applications for a District permit are subject to defined and specific standards, and determination of compliance does not require the exercise of substantial discretion; and

WHEREAS the time and resources of the Board of Managers, staff and permit applicants are best served by delegating to the District administrator the authority to approve such applications;

WHEREAS the Board of Managers adopted resolution no. 2014-11 on November 25, 2014, delegating authority to the District administrator to approve permit applications for single-family home development or redevelopment projects requiring a permit under only District Rule C-Erosion and Sediment Control.

THEREFORE BE IT RESOLVED that:

- The administrator may approve a permit application for any single-family home development or redevelopment project requiring a permit under only District Rule C Erosion and Sediment Control, Rule D Wetland and Creek Buffer, and Rule J Stormwater Management.
- 2. The administrator may approve permit applications for Rule H Appropriation of Public Surface Waters and Rule I Appropriation of Groundwater.
- 3. The administrator may approve permit applications for any project that requires only a permit under Rule C– Erosion and Sediment Control.
- 4. The administrator may not issue a permit if:
 - a. A variance is required;

- b. An exception is requested by the applicant;
- c. The proposed activity requires a permit that the administrator is not authorized to issue;
- d. The administrator determines that the application involves a technical, policy or legal issue or raises public comment that warrants review by the Board of Managers; or
- e. Anyone requests, prior to the administrator's issuance of written approval, that the Board of Managers make the determination on the application.
- 5. If the administrator finds that the criteria for permit issuance under this resolution are not met, the application will be presented to the Board of Managers for consideration at its next scheduled meeting, unless the applicant withdraws the application.
- 6. The administrator will maintain a log of permit applications approved pursuant to this resolution and will advise the Board of Managers quarterly as to permitting activity conducted pursuant to this resolution.

The question was on the adoption of the resolution and there were 4 yeas, 0 nays and 1 absent as follows:

	<u>Yea</u>	<u>Nay</u>	<u>Abstain</u>	<u>Absent</u>
BISEK	X			
CRAFTON	X			
FORSTER	X			
WENCL				X
YETKA	X			

Upon vote, the president declared the resolution adopted.

Dated: June 29, 2015.

* * * * * * * * * * *

I, Ken Wencl, secretary of the Riley Purgatory Bluff Creek Watershed District, do hereby certify that I have compared the above resolution with the original thereof as the same appears of record and on file with the District and find the same to be a true and correct transcription thereof.

IN TESTIMONY WHEREOF, I set my hand this day of , 2015.

Leslie Yetka, Secretary pro-tem

MEETING MINUTES

Riley-Purgatory-Bluff Creek Watershed District

October 4, 2017, Board of Managers Plan Workshop and Monthly Meeting

PRESENT:

Managers:

Richard Chadwick, Secretary

Jill Crafton, Treasurer

Dorothy Pedersen, Vice President

Dick Ward

Leslie Yetka, President*

Staff:

Claire Bleser, District Administrator

Zach Dickhausen, Water Resources Technician

Terry Jeffery, Project and Permit Coordinator

Michelle Jordan, Community Outreach Coordinator

Josh Maxwell, Water Resources Coordinator

Louis Smith, Attorney (Smith Partners)

Scott Sobiech, Engineer (Barr Engineering Company)

Other attendees:

Larry Koch, Chanhassen Resident

Ken Wencl, Chanhassen Resident

Dave Modrow, City of Eden Prairie

David Ziegler, CAC

*Indicates attendance at the monthly board meeting but not the plan workshop

1. Workshop

Acting President Pedersen called to order the Wednesday, October 4, 2017, Board of Managers Plan Workshop at 5:50 p.m. in the District Office, 18681 Lake Drive East, Chanhassen, MN 55317. She noted that President Yetka would miss the workshop but will be at the Board's monthly meeting following the workshop.

a. Cost-Share Grant Modification

Ms. Jordan reminded the Board that last month it approved a cost-share grant for a shoreline buffer at 7203 Frontier Trail. She talked in detail about the change request submitted by the cost-share applicant and how the applicant is requesting to build a rock, or rip rap, border between the beach area and the buffer. She responded to questions. The Board discussed the request and the points that the rocks are not needed to prevent erosion at that location, the rocks would fragment the habitat, and how the project would be viewed by the public as an example of a cost-share project. Manager Ward moved to deny the request. Manager Crafton seconded the motion. <u>Upon a vote, the motion carried 4-0</u> [Manager Yetka absent from vote.]

b. 10-Year Plan

Administrator Bleser reported that last week District staff met with the CAC and the TAC about the draft 10-year plan. She reviewed, using PowerPoint slides, with the Board the comments received from the CAC and TAC on the draft plan. She said that the CAC was happy overall with the plan and the TAC was also supportive of the plan and complimentary of the prioritization process.

Administrator Bleser went through the revisions staff made to the draft plan based on the comments received from the CAC and TAC. She reported that the TAC was clear about wanting more flexibility in how the MS4s can get credit for projects. She stated that District staff is setting up a meeting with the Minnesota Pollution Control Agency to talk more about this topic. She said that staff will come back to the Board next month with more information on this issue. Administrator Bleser said that Mr. Jeffery will be leading an upcoming meeting with the TAC about the District's regulatory program. Administrator Bleser stated that staff hopes to get the full draft of the plan to the Board at its next monthly meeting and releasing it for comment in November or December.

c. Permit Modification

Administrator Bleser introduced a resolution that is in the Board packet and on the meeting agenda [Resolution 17-10 Delegating Certain Permit-Approval Authority to the Administrator]. She explained that the authority would allow her to sign off on certain permit modifications such as if the permit is transferred from one entity to another entity. She asked the Board to consider if there is some level of permit change threshold up to which she could approve the permit change requests.

Manager Ward asked if the Administrator could come back to the Board with suggested parameters. Manager Chadwick recommended that staff and the District's legal counsel and engineer work to develop such guidelines.

Acting President Pedersen closed the Plan Workshop at 6:50 p.m.

2. Monthly Board Meeting Call to Order

President Yetka called to order the Wednesday, October 4, 2017, Board of Managers Monthly Meeting at 7:07 p.m. in the District Office, 18681 Lake Drive East, Chanhassen, MN 55317.

3. Approval of the Agenda

Manager Crafton moved to approve the agenda as submitted. Manager Pedersen seconded the motion. <u>Upon a vote</u>, the motion carried 5-0.

4. Matters of General Public Interest

President Yetka took a few minutes to talk about how the Board operates its meetings, and she highlighted changes to the process. President Yetka noted that hearing comments from the public during the Matters of General Public Interest portion of the meeting is important. She said it's important to honor the public's time in coming in front of the Board to provide input. She said it is vital for the Board to hear and track the comments. President Yetka noted that public hearings are another avenue for the public to provide comments to the Board. President Yetka said that during the Board's action and discussion items on the agenda the board and staff can comment and ask questions. She asked for managers' questions and comments. Manager Chadwick stated that the Board's process of allocating three minutes per speaker seemed too short of a time period. He suggested that speakers could request a longer period of time. President Yetka said that if a speaker needs extra time the Board can work with the speaker on it and said that the goal is to respect everyone's time.

President Yetka read aloud the procedures for this portion of the meeting and opened the floor for matters of general public interest.

Mr. Ken Wencl, Chanhassen resident, said that it is a thrill to see how the District has improved over the past

fifteen years. He reported on the effectiveness of the Curlyleaf pondweed treatment on Lake Susan and the spentlime treatment on the same lake. He said that the work done on behalf of Lake Susan is appreciated.

Mr. Dave Wallace, Eden Prairie resident and board member of the Friends of Red Rock Lake, brought up the topic of the coontail plant in Red Rock Lake. He talked about the increase of coontail in the lake and the problems stemming from it. He expressed an interest in seeing data about the nutrient loading, and in particular phosphorous loading, into Red Rock Lake. Administrator Bleser responded with information about shallow lakes and how often there is an increase in native plant growth once water clarity improves. She talked about the correlation between increased phosphorous and increased frequency of algal blooms. Administrator Bleser also talked about data that Mr. Wallace would be interested in and when and where it will be available.

Mr. Larry Koch, Chanhassen resident, read a list of thirteen comments including that he is curious about how many carp have been taken from District lakes, he would like the draft 10-year plan to be made available on the District's website, and he would like a copy of the CAC's comments on the plan, among his other comments recorded by staff and the Board. President Yetka and staff responded to his comments and questions. Manager Chadwick requested that staff include in the next staff report a written explanation of reserve funds.

5. Reading and Approval of Minutes

a. September 6, 2017, RPBCWD Board of Managers Monthly Meeting

Manager Crafton requested a change on page 3, changing the word from "indicated" to "indicating." President Yetka requested that her title of President is used consistently in the meeting minutes. President Yetka requested a correction on page 10, item 11i, to correctly identify the amount of funding approved by the Board as \$15,000 instead of \$1,500 as listed.

Manager Ward moved to approve the September 6, 2017, meeting minutes as amended. Manager Crafton seconded the motion. <u>Upon a vote, the motion carried 5-0.</u>

6. Consent Agenda

Manager Chadwick requested the removal of Consent Agenda item a - Accept Staff Report and item d – Approve Commitment Letter with Redpath Company. President Yetka added those items as Action items 8g and 8h, respectively. President Yetka read aloud the Consent Agenda items: b. Accept Engineer's Report (with attached inspection report); c. Authorize Solicitation of Bids for Scenic Heights Forest Restoration e. Approve Permit 2016-043: Bongards Redevelopment Permit Modifications with Staff Recommendations; f. Approve Permit 2017-001: Kopesky 2nd Addition Permit Modifications with Staff Recommendations; g. Approve Permit 2017-039: Mission Hills Senior Living 3rd Permit Review Period Extension; h. Approve Permit 2017-063: Clear Springs Elementary 2018 gymnasium Addition with Staff Recommendations; i. Approve Permit 2017-064 Scenic Heights Elementary School Forest Restoration with Staff Recommendations.

Manager Crafton moved to approve the Consent Agenda. Manager Ward seconded the motion. <u>Upon a vote, the motion carried 5-0.</u>

7. Citizen Advisory Committee (CAC)

Mr. Ziegler, CAC President, reported that the 25 by 25 workshop in September was successful and thanked the District for hosting a good workshop. He said that the CAC is happy overall with the 10-year plan and supports the direction the plan is going.

8. Action Items

d. Accept August Treasurer's Report

Manager Crafton described her review and comparison of year-to-date expenses and the District's 2017 budget and August financial report. She moved to accept the Treasurer's Report as presented. Manager Pedersen seconded the motion. Manager Chadwick asked questions about the year to date spending for line items Permit Reviews and Inspections and Office Costs. Administrator Bleser answered his questions. <u>Upon a vote</u>, the motion carried 5-0.

e. Approve Paying of Bills

Manager Crafton moved to pay the bills. Manager Pedersen seconded the motion. <u>Upon a vote, the</u> motion carried 5-0.

i. Manager Crafton moved to adopt recommendations 1 through 5 in the memo addressing the District's internal controls and procedures. She read aloud the recommendations. Manager Pedersen seconded the motion. <u>Upon a vote</u>, the motion carried 5-0.

f. Approve Delegation Authority for Permit Transfers

Mr. Jeffery reminded the Board that staff introduced and talked about this idea in today's workshop before the monthly meeting.

Manager Crafton moved to approve the delegation of authority for Permit Transfers. Manager Pedersen seconded the motion. President Yetka asked if the Board will see the actions in a report. Mr. Jeffery said yes. Manager Ward asked that the information just get included in the monthly staff report. The Board indicated consent to including communication about staff actions on permit transfers in the monthly staff report.

President Yetka read aloud Resolution 17-10 Delegating Certain Permit-Approval Authority to the Administrator.

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

Manager	Aye	Nay	Abstain	Absent
Chadwick	X			
Crafton	X			
Pedersen	X			
Ward	X			
Yetka	Х			

g. Approve Release of Plan Amendment for Lotus Internal Control Treatment and Rice Marsh Lake Internal Control Treatment

Administrator Bleser explained that these two projects have been identified in the District's new 10-year

plan, but the District doesn't know when the new plan will be approved. She stated that moving forward with the plan amendment for these two projects is for the District to be proactive and prepared so it is able to move ahead with these projects according to their timing regardless of the timing of the new 10-year plan approval. Administrator Bleser responded to questions and talked further about project timelines and efficiencies.

Manager Crafton moved to authorize the release of the plan amendment for the Lotus Internal Control Treatment and Rice Marsh Lake Internal Control Treatment. Manager Pedersen seconded the motion. Upon a vote, the motion carried 5-0.

h. CAC Appointment Process

President Yetka provided background on the CAC appointment timeline and the process for publicizing the application timeline and soliciting applications. She pointed out that the CAC role description is in the meeting packet and said that Board members can provide comments. Manager Ward commented that a one-year term is problematic and that over time a three-year term should be set so there is continuity on the committee. He suggested that with the upcoming appointments, one-third of the members be appointed for a one-year term, one-third be appointed for a two-year term, and one-third be appointed for a three-year term until over time all the terms are three year terms. There was discussion about the appointment process. Manager Chadwick said that he and President Yetka will continue working with staff on the appointment process, taking into consideration the ideas shared tonight. The Board indicated consent.

i. MAWD

Administrator Bleser provided information about the resolution request and upon which districts will vote at the MAWD annual meeting. She explained that the resolution is regarding a liability waiver for private applicators. Manager Chadwick asked for more information on the resolution. Attorney Smith provided more details. Administrator Bleser asked if the Board is again this year extending an invite to CAC members to attend MAWD. The Board indicated yes.

j. Accept Staff Report

Manager Chadwick provided comments on the report format and requested some edits. He talked about the 2017 Aquatic Plant Survey reports included in the meeting packet and requested a summary of the data and findings. Administrator Bleser responded that staff recently received the reports and staff provided them to the Board as an information-only item because the data will be posted on the District's website.

Manager Pedersen moved to accept the staff report. Manager Ward seconded the motion. <u>Upon a vote, the</u> motion carried 5-0.

k. Approve Commitment Letter with Redpath Company

Manager Chadwick asked if the District's legal counsel has reviewed the letter and if counsel recommends accepting it. Attorney Smith said he would be happy to read the letter. He provided options for the Board to consider regarding action on this item. Manager Chadwick asked if counsel could bring his comments about his review of the letter to the next monthly Board meeting. Attorney Smith said yes. The Board agreed to defer this item until next month's Board meeting.

9. Discussion Items

a. Upcoming Meetings

President Yetka noted the upcoming meetings including the MAWD Annual Meeting November 29-December 1 in Alexandria.

10. Upcoming Events

- Citizen Advisory Committee Monthly Meeting, Monday, October 16, 6:30 p.m., District Office, 18681 Lake Drive East, Chanhassen
- Board of Managers Workshop and Regular Monthly Meeting, Wednesday, November 1, 5:30 p.m., District Office, 18681 Lake Drive East, Chanhassen
- Minnesota Association of Watershed Districts (MAWD) Annual Meeting, Wednesday, November 29- Friday, December 1, Arrowwood Resort, Alexandria, MN

11. Adjourn

Manager Ward moved to adjourn the meeting of the Board of Managers. Manager Crafton seconded the motion. Upon a vote, the motion carried 5-0. The meeting adjourned at 8:58 p.m.

	Respecti	ully submit	tted,
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