

MEETING MINUTES

Riley-Purgatory-Bluff Creek Watershed District

May 20, 2026, RPB/CWD Board of Managers Regular Monthly Meeting

Attendees:

Managers

Jill Crafton (Secretary); Tom Duevel (Treasurer); Bonnie Nelson (Vice President), Dorothy Pedersen, and Leslie Stovring

Staff/Advisors

Liz Forbes (Deputy District Administrator), Zach Dickhausen* (Natural Resources Manager), Andrew Hartmann (Regulatory Program Coordinator), Terry Jeffery (District Administrator), Dylan Monahan (Watershed Planner), Louis Smith* (Smith Partners), and Scott Sobiech (Barr Engineering)

Other Attendees

Aaron Anderson*, David Benedict; Larry Koch*, Joe Seidl (City of Chanhassen); Bill Surup

**Attended the meeting virtually.*

Call to Order of Board of Managers Regular Monthly Meeting

President Pedersen called the meeting to order at 7:00 p.m. at the District Office, 18681 Lake Drive East, Chanhassen, Hennepin County, Minnesota, and all managers were in attendance.

1. Approval of Agenda

Manager Duevel moved to approve the agenda. Manager Stovring seconded the motion. Manager Crafton said she would like an update about the recent Steering Committee meeting. Administrator Jeffery said he could comment on it during his Administrator's Report. Manager Duevel pulled off of the Consent Agenda items 5a – Approve Permit 2025-052: Minnetonka High School NW Parking Improvements, 5c – Approve Permit 2026-021 Oak Pointed Elementary Improvements, and 5d – Approve Permit 2026-003 Prairie Hill Church Expansion Project. Upon a vote, the motion carried with no managers opposed.

2. Matters of General Public Interest

Larry Koch of 471 Bighorn Drive, Chanhassen, commented that as the Board of Managers' last regular meeting, the Board approved Resolution 26-019, which approved a settlement agreement in his lawsuit versus the District. He said to his knowledge no copy of the agreement was made available for review at or during the meeting. Mr. Koch commented he thinks it is important to point out that pursuant to that agreement, the District agreed to pay him the sum of \$10,000 to settle all the claims against the District in that lawsuit. He said that although the agreement states the District does not admit liability, he thinks it is

important to point out the District paid him \$10,000 pursuant to that agreement. Mr. Koch says it surprised him that approval of the settlement was included in the Consent Agenda with no discussion. He commented there appears to be continued violations of the very same issues he raised in that lawsuit. Mr. Koch stated he hopes the Board and Counsel would direct attention to avoiding those violations and he does not want to have to go through legal processes again. Mr. Koch pointed out the agenda format is different than previous meeting agendas, making an unclear distinction between the workshop and the regular meeting agenda topics. Mr. Koch asked for a copy of the full presentation presented by Barr Engineering at this evening's Board workshop. Mr. Koch commented he is concerned about the nitrogen in Lotus Lake, and he said he believes with respect to wake boats maybe further research will be completed by the University of Minnesota. He said anyone can come to his dock to see how the water is churned when the wake boats go by and he hopes the study will be expanded and reveal those issues.

3. Reading and Approval of Meeting Minutes

a. Approve Minutes of the April 15, 2026, RPB/CWD Board of Managers Regular Meeting

Manager Stovring moved to approve the minutes of the April 15, 2026, RPB/CWD Board of Managers regular meeting. Manager Nelson seconded the motion. Manager Stovring commented that President Pedersen's position regarding Resolution 26-07 on resolutions to bring to Minnesota Watersheds was not noted and asked that it be added [President Pedersen's position was that the managers seem to be in consensus regarding the focus of the resolution and with the direction to staff to come back to the Board with the draft resolution language.]

The managers consented to Manager Stovring's edit to the minutes. Upon a vote, the motion carried with no managers opposed.

4. Committee and Member Reports

a. Receive April 16, 2026, Citizen Advisory Committee Report and Minutes

President Pedersen commented she attended the CAC meeting and the minutes capture the discussion, including about volunteer projects and the upcoming Cycle the Creek District event.

Manager Duevel brought up the idea of the Board considering asking District staff and the CAC to develop a short pilot plan for the HOA storm outreach. Manager Nelson responded that it might be one of the CAC's members capstone project for the Minnesota Water Stewards program. President Pedersen agreed it was presented in that way.

Manager Duevel wondered if the CAC is interested in the Spring Road documentation and buckthorn removal and if it should be formally aligned with the District's restoration plan and public engagement strategy. Liz Forbes responded that the CAC is interested in being

involved in volunteer work at the property, with plans already in motion for organizing a community volunteer event on the site during creek week and getting involved in other ways going forward.

b. Select Board Member to Attend June 4th CAC Meeting

Manager Stovring volunteering to attend the June 4th CAC meeting.

c. Receive April Administrator Report

Terry Jeffery explained Hennepin County Natural Resources Partnership Coalition is working on putting together a single repository of different types of data the various agencies have, and that quote is out. He said the Coalition meetings have been well attended and the efforts seem promising. Mr. Jeffery provided an update on the Spring Road property, including that the request for quotes has been sent out. He reported on the final Steering Committee meeting, sharing that a big question raised was why the city requires maintenance reports annually when they already have to do it for their MS4 permit. He said a lot of efficiency points were raised, such as could there be more administrative approval of applications. Administrator Jeffery said the general consensus from the Committee was that there should and can be more collaboration and that there should be standards for consistency but have flexibility built in. He added that the group wants to hold some type of meeting going forward, maybe on a quarterly basis, to talk about what is going on and ways to work together.

Manager Crafton commented that when there are projects that could be a win-win for multiple parties, such as cities and the District, the collaboration and partnership should be considered priority factors. Administrator Jeffery agreed it should be brought in as a consideration. The group discussed education and outreach, and Administrator Jeffery said an idea to discuss is how the smaller groups who do not have dedicated resources focused on education and outreach capitalize on the education and outreach work of the District, so they can meet their requirements.

d. Receive April Staff Report

Manager Crafton asked in relation to the low-dose copper sulfate treatment if the District is tracking the natives in the area and the impact on them. Administrator Jeffery said preliminary work was done on the lake, including the dives took place to look for native mussel population and none were found. He said with the preliminary data gathered, staff should be able to tell if there were any changes post treatment. Administrator Jeffery said the copper dosing likely will not occur until late June or July.

e. Receive April Engineer's Report

Manager Duevel asked if there is risk of the Upper Riley Creek project property agreements not being secured in time for the summer bidding. Administrator Jeffery noted

the District does not have agreements with two commercial properties on either side of Park Road, although there is progress with one of the property owners. He explained that if the District does not get agreements from the two property owners, there is a natural break and the project area would pick up again from the railroad tracks to Lake Riley. Administrator Jeffery said the plan is still to go out for bids late this year. He said the project is behind schedule by about two years, reminding the group of the purposeful delay when considering the Chanhassen Public Works decant facility. Administrator Jeffery said he believes the project will achieve the external load reduction to Lake Susan. Mr. Sobiech added that the total project cost is likely close to three million dollars.

Manager Duevel asked if the delay in the model updates would impact the 10-year Plan or the 2027 Planning budget. Mr. Sobiech said the slight delay with the modeling project should not impact the plan. He said he anticipates the information in time to be incorporated into the plan.

David Benedict asked if the District is going to push back the timing of the Lake Susan alum treatment feasibility study. Administrator Jeffery said no, the District is still planning an alum treatment and will likely budget for a 2027 application, most likely a fall application.

f. Receive April Regulatory Report

Manager Crafton asked if there is a summary of the correction action taken. Administrator Jeffery said if the correction action is completed, once staff member Andrew Hartmann inspects it, the violation drops off the District's regulatory report. President Pedersen asked staff to add a note to the top or footnote of the report to explain that.

g. Receive Legal Report

No legal report.

h. Receive Manager Reports

Manager Stovring said she attended the May 19th Metro Watersheds meeting and a topic of discussion was the Minnesota plumbing code and the anticipated revisions to Chapter 15. She said one of the proposed revisions includes not allowing stormwater to be used for outdoor potable uses including irrigation. Manager Stovring pointed out that for a lot of projects in the District, a tool that can be used is stormwater management by using stormwater for irrigation, and not only does the District have such a tool, but the MPCA has it in its manual and the Minnesota Board of Water and Soil Resources has given out grants for such projects. She said all of that work would be noncompliant with the plumbing code.

Manager Stovring said Capitol Region Watershed District has been developing a resolution for legislation that would specifically allow for stormwater capture and reuse and hopes it will be acted on next year.

Louis Smith said the Plumbing Board and its code is in Minnesota rules, so it has the force of law. Challenges concern based on Capitol Regions experience. Mr. Smith said he has not seen the specific changes proposed on this issue and he would like to see exactly what is being proposed changes. He said Smith Partners is taking a good look at the Plumbing Board's jurisdiction. Mr. Smith said there is a widespread coalition looking at this, and the Plumbing Board will hear from a lot of parties.

Manager Nelson mentioned the Board's action at last month's regular meeting to suspend some controls in the Governance Manual because of the new changes coming with the new financial and accounting system. She said the Board adopted Resolution 26-020, which stated the committees would bring changes to the Board by July 1st.

Manager Nelson moved to reconsider Resolution 26-020. Manager Stovring seconded the motion. The motion carried with no managers opposing and Manager Crafton abstaining.

Manager Nelson moved to amend Resolution 26-020 to change the date from July 1 to July 15 for the Audit and Finance Committee and Governance Committee to have adequate time to notice and conduct the meetings. Manager Duevel seconded the motion. The motion carried with no managers opposing and Manager Crafton abstaining.

Manager Crafton mentioned a presentation she saw at a Clean Water Council meeting on lake biological monitoring and assessment, formerly the Lake IBI. She said the Department of Natural Resources is proposing a program, or changes to it, with the purpose of conducting biological surveys, aquatic life assessments, and stressor identification for lakes. She described the target outputs of the new program components, such as a report for the biological health of lakes and a long-term monitoring framework to inform decision making, among others. Manager Crafton asked if the Board and staff could invite someone from the DNR to come talk about the changes, which might have implications for the District's 10-Year Plan.

5. Consent Agenda

b. Approve Permit 2026-019 Lake Ann Park Improvements as Presented in the Recommended Board Action Section of the Permit Review Report

Manager Nelson moved to approve Permit 2026-019 Lake Ann Park Improvements as Presented in the Recommended Board Action Section of the Permit Review Report. Manager Stovring seconded the motion. The motion carried with no managers opposing.

6. New Business

a. Items Removed from Consent Agenda

- i. Approve Permit 2025-052 Minnetonka High School Parking Lot Improvements as Presented in the Recommended Board Action Section of the Permit Review Report

172 Manager Duevel said he pulled this off the Consent Agenda because he wonders
 173 if there is a way that staff could periodically summarize the aggregate history of
 174 projects such as this one, which has had multiple permits over a period of time,
 175 so the Board can understand what is taking place in the big picture as an
 176 aggregate and the cumulative impact.

177 Mr. Sobiech said regarding multiple permits, and particularly the stormwater rule
 178 has built into it a provision to allow applicants to do individual projects as long
 179 as they are below a 50% threshold. He explained that once a project is done, the
 180 next project gets added to it and it is evaluated to see if it is less than 50%, and so
 181 on. Mr. Sobiech said once they get above a 50% threshold, the entire site needs to
 182 be treated. He said if a project, such as the Minnetonka High School site, is done
 183 piece by piece and meets the requirements for each piece, cumulative impacts are
 184 less likely.

185 Administrator Jeffery mentioned the concept of downstream impacts and said
 186 placing that level of rule, review, and design on a permit would be very onerous
 187 and would require significant engineering. Mr. Sobiech commented that some
 188 other water management organizations have put it back to the applicant, for
 189 example a city, to update their citywide model with every individual
 190 development as it happens. He explained that when the model gets updated, for
 191 each development, cumulative impacts can be looked at, whether on the site or
 192 across the entire city.

193 Administrator Jeffery asked how big of a lift it would be to add that into the
 194 District's modeling. Mr. Sobiech said as happens now, any time spent on an
 195 individual permit is charged back to each individual permit applicant. Mr.
 196 Sobiech clarified that right now the District only looks at downstream impacts
 197 when a variance is involved as the District's stormwater rule right now is not
 198 written to look at downstream adverse impacts.

199 Manager Crafton commented that when water is sent downstream, it disrupts the
 200 water cycle, even if total phosphorus and total suspended solids have been
 201 removed.

202 President Pedersen suggested putting this topic in the District's 10-year planning
 203 cycle.

204 Manager Duevel moved to approve Permit 2025-052 Minnetonka High School
 205 Parking Lot Improvements as Presented in the Recommended Board Action
 206 Section of the Permit Review Report. Manager Stovring seconded the motion.
 207 The motion carried with no managers opposing.

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 209 ii. **Approve Permit 2026-021 Oak Point Elementary Improvements Project as**
 210 **Presented in the Recommended Board Action Section of the Permit Review**
 211 **Report**

Manager Duevel said he pulled this permit off of the Consent Agenda because he has a question about whether the applicant has a credit, or will they be required to come back if they have a new permit or how will it work. Mr. Sobiech said the applicant's project is proposing a reuse system and the applicant is finally taking a campus-wide look. He said they will have a bank of future abstraction credits, and when a future project comes up, the applicant will need to demonstrate they are compliant with all of the applicable District criteria, including abstraction, based on monitoring data of the actual system. Mr. Sobiech explained it is not de facto approval, the applicant will need to bring the future projects to the District for review.

Manager Duevel moved to approve Permit 2026-021 Oak Point Elementary Improvement Project as Presented in the Recommended Board Action Section of the Permit Review Report. Manager Stovring seconded the motion. The motion carried with no managers opposing.

iii. Approve Permit 2026-003 Prairie Hill Church Expansion Project as Presented in the Recommended Board Action Section of the Permit Review Report

Mr. Sobiech introduced Andrew Hartmann to present the permit review. Mr. Hartmann explained the proposed project is an expansion of and an addition to the existing church as well as some parking lot changes and an expansion of the infiltration basin.

Mr. Hartmann said the project meets the District's rate control and abstraction requirements under its stormwater management rule and it is the opinion of the District Engineer that the expanded capacity of the infiltration basin will fulfill stormwater management for the addition to the property.

Manager Duevel moved to approve Permit 2026-003 as presented in the recommended Board Action section of the Permit Review Report. Manager Crafton seconded the motion. The motion carried with no managers objecting.

b. Resolution 26-021 Accepting the March and April Treasurer's Reports and Approving Payment of the Bills

Manager Duevel moved to adopt Resolution 26-021 Accepting the March and April Treasurer's Reports and Payment of the Bills. Manager Crafton seconded the motion. Manager Crafton said she plans to abstain from the report. She said the report was 110 pages. She said she does not like the categories going across the top, and it is a lot of sliced information.

Manager Duevel said he would like the report to be a topic on the next meeting of the Audit and Finance Committee. Administrator Jeffery said there is a lot of information in the report that is useful to him and it would be helpful if the managers offer comments on

what they would like to see in the report. Manager Duevel said he is hearing that there could be a version of the Treasurer's report prepared for the Board, which might include less detail than the full version. President Pedersen said she is hearing consensus to direct the report discussion back to the Audit and Finance Committee to propose what is included in the Treasurer's Report that comes in front of the Board. The motion carried with no managers opposing and Manager Crafton abstaining.

c. Approve Variance from Rule B for Modification to 2025-017: Chanhassen 2025 Street Reconstruction as Presented in the Potential Board Variance Action Section of the Permit Review Report

Mr. Sobiech displayed the presentation, "Permit 2025-017 Frontier Trail Reconstruction Modification Request." He explained that the project was conditionally approved in May 2025, and now the City of Chanhassen is requesting a second permit modification, the first modification request to stabilize Kerber Ravine was conditionally approved in August 2025.

Mr. Sobiech explained the City would like to reshape a pond, put in a control structure in place of the natural outlet, and construct a berm between the pond and roadway, all to rehab the pond so it provides better stormwater management from a water quality perspective. He said this project would change the control level of the pond, and by filling a little of the pond, raising the level of the pond, the City is not able to provide the compensatory storage completely below the existing flood elevation.

Mr. Sobiech explained the project provides the compensatory storage but it is not below the existing flood elevation and instead is above the Flood elevation. He went through his review of the variance request, noting the review focused on the changes, which triggered review against the District's floodplain rule and a few aspects of the stormwater rule, including the low floor criteria and the maintenance criteria.

Mr. Sobiech explained that the project proposes 197 cubic yards of fill below the 100-year flood elevation of the pond and increasing the normal water elevation from 911.43 feet to 914.4 feet. Mr. Sobiech said, as already noted, the result is that the full compensatory storage cannot be provided at or below the same flood elevation, and therefore not meeting the District's requirement. He pointed out that the applicant proposes a net increase in floodplain storage by detaining runoff above the new normal water elevation of the pond.

Mr. Sobiech said the proposed project will reduce the discharge rates relative to existing conditions, so the project is not reasonably likely to cause off-site adverse impacts. He reported that the proposed design provides adequate freeboard in conformance with the District's Rule J, subsection 3.6b for the 100-year event. Mr. Sobiech described the modeling results of the proposed project indicate that the 500-year rainfall event would result in a peak water surface elevation of 0.13 feet above the low floor elevation of the lowest structure. However, he pointed out, topography restricts inundation to within city drainage and utility easements, approximately 32 feet away from the lowest structure.

Mr. Sobiech summarized the technical measures the applicant incorporated into the project to alleviate the practical difficulty, including the creation of approximately four times more compensatory flood storage volume. He pointed out that the practical difficulty occurred by the applicant creating the circumstances by improving the existing stormwater pond.

Mr. Sobiech concluded that because the proposed project will result in a net increase in flood storage, reduce peak discharges, and maintain adequate freeboard, there is adequate technical basis for the managers to rely on to grant the requested variance. Mr. Sobiech added that if the variance request is granted, the managers may want to discuss with legal counsel a further condition that would require the applicant to provide written indemnification of the District, signed by a representative with authority to bind the City, from all claims and causes of action arising from the proposed increase in flood elevation.

Mr. Smith said it is a condition legal counsel usually recommends. He said the District Engineer has outlined that the risk is attenuated, but for consistency sake, when the Board is approving a variance and flood elevation is being increased, he recommends the District seek indemnification.

Manager Duevel moved to approve the variance from Rule B for modification to Permit 2025-017 Chanhassen 2025 Street Reconstruction as presented in the potential Board variance action section of the permit review report and including the K11 language of the permit review to require the applicant to provide written indemnification of the District, signed by a representative with authority to bind the City, from all claims and causes of action arising from the proposed increase in flood elevation. Manager Stovring seconded the motion. Upon a vote the motion carried with no managers opposing.

d. Approve Modification to 2025-017: Chanhassen 2025 Street Reconstruction as Presented in the Recommended Board Action Section of the Permit Review Report

Manager Crafton moved to approve the modification to Permit 2025-017 Chanhassen 2025 Street Reconstruction as presented in the Recommended Board Action section of the Permit Review Report. Manager Stovring seconded the motion. The motion carried with no managers opposing.

e. Approve the Variance Request and Permit 2026-004 Chanhassen Bluffs Community Center as Presented in the Recommended Board Action Section of the Permit Review Report

Mr. Sobiech displayed the presentation 2026-004 Chanhassen Bluff Community Center and explained this permit is being analyzed separate from the Avienda development, but the site is part of the larger Avienda development. He summarized the project includes the construction of a community center, parking lots, driveways, and sidewalks plus utilities and landscaping.

Mr. Sobiech said the applicant is seeking a variance from the District's floodplain rule. He said the proposed project fills an existing stormwater pond and so they cannot provide compensatory storage adjacent to that pond. He explained the applicant proposes providing the compensatory storage in another stormwater pond on the site. Mr. Sobiech said the Board has seen this type of variance request four or five times already for the Avienda development.

Manager Stovring moved to approve the variance to the District's floodplain rule regarding compensatory storage in same flood plain. Manager Duevel seconded. The motion carried with no managers opposing.

Manager Stovring moved to approve Permit 2026-004 Chanhassen Bluffs Community Center as presented in the Recommended Board Action Section of the Permit Review Report. Manager Duevel seconded. The motion carried with no managers opposing.

7. Discussion Items

a. Review Proposed Minnesota Watershed Resolution and Provide Direction to Delegate

Administrator Jeffery said staff drafted language based on the Board's comments at last month's meeting. He pointed out that the District's existing resolution is valid for one more year, if the managers would like to wait a year to put new language forward. He said if the Board would like to put forward the new language, he would format the approved language into the appropriate format required by Minnesota Watersheds.

Manager Crafton said she would like to see documentation added about whether it is greater than or less than 20 feet deep regarding prohibiting wake surfing.

Manager Nelson said she understands the proposed amendment to support the DNR coming up with operational limits based on the research that was done by the University of Minnesota. She clarified that the resolution is not about the Board telling them what the Board wants but asking the DNR to come up with what is supportable given the information they know. Manager Crafton said she thinks adding the St. Anthony Falls Laboratory (SAFL) footage would enhance the resolution because that standard would make it easier to implement something. Manager Stovring pointed out the language referencing the 20 feet is included in the proposed language.

Manager Stovring moved to approve submitting the proposed resolution to protect lake ecosystems and shoreline integrity from wake boat impacts to Minnesota Watersheds. Manager Nelson seconded the motion. The motion carried with no managers opposing.

8. Upcoming Board Topics

a. Ten-Year Plan Update – ongoing

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9. Upcoming Events

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a. District Creek Week – June 7 through June 13, 2026

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b. MN Watershed Summer Tour – August 25 and 26, 2026

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10. Adjourn

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Manager Crafton moved to adjourn the meeting. Manager Nelson seconded the motion. The motion carried with no managers opposing.

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The meeting adjourned at 8:53 p.m.

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Respectfully submitted,

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Jill Crafton, Secretary

