

## MEETING MINUTES

### Riley-Purgatory-Bluff Creek Watershed District

December 9, 2020, RPBCWD 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: Amy Bakkum, Administrative Assistant  
Claire Bleser, RPBCWD Administrator  
Zach Dickhausen, Water Resources Technician II  
Terry Jeffery, Watershed Planning Manager  
B Lauer, Groundwater and Stewardship Program Coordinator  
Josh Maxwell, Water Resources Coordinator  
Louis Smith, Attorney, Smith Partners  
Scott Sobiech, Engineer, Barr Engineering Company

Other attendees: Brandon Barnes  
Elizabeth Henley  
Matt Lindon  
Jan Neville  
Barbara Strand  
Marilyn Torkelson  
Maggie Weiss

*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 Wednesday, December 9, 2020, Board of Managers Regular  
2 Monthly Meeting and Public Hearing at 7:02 p.m. The meeting was held remotely via meeting  
3 platform Zoom.

#### 2. Approval of Agenda

4 Manager Koch requested moving from the Consent Agenda to Action Items 10a – Accept  
5 November Staff Report, 10c – Accept November Construction Report, and 10d – Approve  
6 Annual Communication. Manager Ziegler moved to approve the agenda as amended. Manager  
7 Crafton seconded the motion.

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

9

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

10

### 3. Rice Marsh Lake Public Hearing

11 President Ward opened the public hearing. Administrator Bleser summarized the project as one  
 12 that will capture neighborhood water that would drain to Rich Marsh Lake. Engineer Sobiech  
 13 presented a PowerPoint presentation “Rice Marsh Lake Subwatershed 12a Water Quality  
 14 Improvement Project.” He displayed a map showing the proposed location of the BMP and  
 15 shared historical information about the project including findings from the Use Attainability  
 16 Analysis (UAA). Engineer Sobiech explained the UAA determined the internal and external loads  
 17 to Rice Marsh Lake need to be managed. He reminded the Board that Rice Marsh Lake is  
 18 impaired for excess nutrients.

19 Engineer Sobiech stated that although Rice Marsh Lake in 2019 and 2020 achieved the MPCA’s  
 20 shallow lake standard, the 2020 mean total phosphorous concentration was approximately 38%  
 21 higher than the 2019 concentration. He pointed out the MPCA uses a 10-year average to  
 22 determine impairments, and Rice Marsh Lake’s ten-year average total phosphorous concentration  
 23 is higher than the MPCA’s shallow lake standard. Engineer Sobiech explained the focus for the  
 24 BMP is on Rice Marsh Lake subwatershed 12a because it contributes the largest inflow of  
 25 phosphorous to the lake. He said the estimated phosphorous loading from the approximate 240-  
 26 acre subwatershed RML 12 is 232 pounds per year, which is 32% of the total phosphorous load.

27 Engineer Sobiech talked about the existing stormwater pond’s performance, describing how the  
 28 pond is underperforming in capturing phosphorous. He summarized the BMPs reviewed as part of  
 29 the Rice Marsh Lake feasibility study and presented the recommended option: A Manufactured  
 30 Treatment Device (MTD) such as the Kraken Filter. Engineer Sobiech explained the MTD is  
 31 projected to remove the highest amount of total phosphorous, 40 to 60 pounds, providing the  
 32 greatest load reduction to the lake at the lowest cost per pound of phosphorous removed. Engineer  
 33 Sobiech said the City of Chanhassen supports the MTD option as well as taking on the long-term  
 34 maintenance of it. He noted if the Board orders the project, the District will need to develop and  
 35 enter into a cooperative agreement with the City.

36 Manager Koch asked if this is the right time for the District to undertake this project given the  
 37 lake met the MPCA standards in 2019 and 2020 and the alum treatment is working as intended.  
 38 Manager Pedersen asked if the pond overflow goes directly into Rice Marsh Lake. Engineer  
 39 Sobiech replied that all the pond discharge drains into Rice Marsh Lake.

40 President Ward asked for further comments from the public and managers. No further comments  
 41 were offered. Manager Crafton moved to adjourn the public hearing. Manager Ziegler seconded  
 42 the motion. Upon a roll call vote, the motion carried 5-0 as follows:

43

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

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**4. Update on Task Order 26: Identifying and Prioritizing Flood Risk Mitigation Projects (Bloomington Flood Mapping and Prioritization Tool)**

45 Engineer Sobiech introduced Mr. Brandon Barnes, senior engineer with Barr Engineering, to  
 46 present on the progress of Task Order 26. Mr. Barnes provided an update on Task Order 26 –  
 47 Identifying and Prioritizing Flood Risk Mitigation Project, work undertaken by Barr at the  
 48 direction of the District and working in collaboration with the City of Bloomington, Nine Mile  
 49 Creek Watershed District, and the Richfield-Bloomington Watershed Management Organization.

50 Mr. Barnes reviewed the District’s goals for the task order, including adding resolution to the  
 51 stormwater model, identifying flood-prone areas, and prioritizing flood-risk areas. He reviewed  
 52 the prioritization categories and displayed a map indicating the prioritized flood-prone areas  
 53 based on the initial prioritization scores. Mr. Barnes outlined recommended next steps, such as  
 54 preparing documentation, collaborating with other cities, conducting feasibility studies,  
 55 identifying project partners and funding sources, and implementing flood-risk reduction projects.

56

**5. Budget 2<sup>nd</sup> Meeting**

57 Administrator Bleser reminded the Board it directed staff to revisit its organizational chart and  
 58 staffing proposed for 2021. She highlighted the updates staff made to the chart compared to the  
 59 version the Board reviewed in September. Administrator Bleser recommended the District fill the

60 open Education and Outreach Coordinator position and hire the inspection and soil technician and  
 61 delay the hiring of the water resources technician until closer to the field season and delay the  
 62 hiring of the outreach manager until summer or fall. She talked about shifts in staff  
 63 responsibilities, current salaries, and proposed 2021 staff costs. Administrator Bleser said the  
 64 Personnel Committee recommends freezing merit increases for now and evaluating again in April  
 65 or May in relation to the economic climate in the spring.

66 Administrator Bleser said staff recommends the District levy for 2021 remains as adopted at  
 67 \$3,575,000 and the 2021 budget remains as adopted at \$7,045,000. Manager Koch commented he  
 68 believed the notice about this meeting agenda item was incorrect. He offered comments about  
 69 staffing and agreed with staff's and the Personnel Committee's recommendation regarding the  
 70 timing of hiring a water resources technician and outreach manager. There was discussion about  
 71 the anticipated cost savings of having the new District staff technician undertake inspections and  
 72 discussed staff costs and efficiency of District operations.

73 President Ward called for additional public or manager comments on the District's 2021 budget  
 74 and levy. Ms. Marilyn Torkelson submitted the question, "Will the soil technician be responsible  
 75 for implementing, measuring, or researching the soil health amendment recommendations?" Mr.  
 76 Jeffery said yes, it would be the responsibility of that position. He said that as the soil health  
 77 program is developed over time, the District will need to evaluate who would manage that  
 78 program.

79 President Ward called for further comments. No additional comments were raised. Manager  
 80 Ziegler moved to approve the District's 2021 budget and levy as previously adopted. Manager  
 81 Pedersen seconded the motion. Manager Koch commented he will vote no because he believe the  
 82 process was faulty but not because he has any reservations about the 2021 budget or levy.

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

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86

**6. Matters of General Public Interest**

87 Ms. Marilyn Torkelson, Eden Prairie resident, applauded the addition of the soil health  
 88 amendment and said she looks forward to discussing it as a member of the CAC. She voiced her  
 89 concerns about tilling because there can be compost that has of anaerobic bacteria and it is  
 90 important to get the mix of bacteria species correct. Ms. Torkelson referred to the five principles  
 91 of regenerative agriculture and talked about how those principles apply to soil health. She  
 92 emphasized the importance of research on soil health.

**7. Reading and Approval of Minutes**

93 **a. November 4, 2020, RPBCWD Board of Managers CAC Workshop and Monthly**  
 94 **Meeting**  
 95 Manager Ziegler moved to accept the minutes as presented. Manager Crafton seconded  
 96 the motion. Upon a roll call vote, the motion carried 5-0 as follows:

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

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**8. CAC**

99 Ms. Jan Neville stated the CAC looks forward to receiving feedback from the Board about the  
 100 CAC’s role. She said the CAC will meet virtually next week to determine 2021 officers and  
 101 meeting dates. There was discussion about the CAC membership, which decreased from 15  
 102 members to 10 members in 2020 and opening applications for additional CAC members.

103 Manager Koch moved for staff to open the CAC application process and send out the notice.  
 104 Manager Pedersen seconded the motion. Upon a roll call vote, the motion carried 5-0 as follows:

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<i>Manager</i>	<i>Action</i>
Crafton	Aye

Koch	Aye
Pedersen	Aye
Ward	Aye
Ziegler	Aye

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**9. Consent Agenda**

107 Manager Crafton moved to approve the Consent Agenda [as amended in agenda item 2]. Manager  
 108 Ziegler seconded the motion. The Consent Agenda included item b – Accept November  
 109 Engineer’s Report, e – Approve Permit 2020-057 Bluff 25 Culvert Rehab as presented in the  
 110 proposed Board action of the permit report, and f – Approve Permit 2020-065 Terry Pines Coffee  
 111 as presented in the proposed Board action of the permit report. Upon a roll call vote, the motion  
 112 carried 5-0 as follows:

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

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**10. Action Items**

**a. Pulled Consent Agenda Items**

**i. Accept November Staff Report**

116 Manager Koch asked for a staff update on what’s been done on the shoreline  
 117 assessment on Lotus Lake. Mr. Maxwell provided an update. Manager Koch  
 118 asked for a status report on what work remains for the Lower Riley Creek  
 119 Stabilization Project. Administrator Bleser talked about the work that is planned  
 120 for spring 2021.

121 Manager Pedersen moved to approve the November staff report. Manager Crafton  
 122 seconded the motion. Upon a roll call vote, the motion carried 5-0 as follows:

123

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

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**ii. Accept November Construction and Inspection Report**

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Manager Koch asked if the parties in noncompliance with their permits have remedied the violations. Mr. Jeffery responded that he has not reinspected those properties but plans to this week. Manager Pedersen requested staff include in the report the addresses of site inspections. Mr. Jeffery indicated staff can do so going forward. Manager Pedersen moved to accept the November Construction and Inspection report. Manager Ziegler seconded the motion.. Upon a roll call vote, the motion carried 5-0 as follows:

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

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**iii. Approve Annual Communication**

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Manager Koch asked staff to ensure the communication includes the District's 2020 numbers because the current version appears to use the 2021 numbers.

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Managers provided feedback on the draft annual communication and outlined several copyedits for staff to make.

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Manager Ziegler moved to approve distribution of the District’s annual communication with the changes recommended. Manager Pedersen seconded the motion. Upon a roll call vote, the motion carried 5-0 as follows:

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

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**b. Accept October Treasurer’s Report**

Manager Ziegler moved to accept the October Treasurer’s Report as presented. Manager Crafton seconded the motion. Manager Koch asked a few questions, and staff responded.

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

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

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**c. Approve Paying of the Bills**

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

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

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**d. Consider Task Order 34 for the Development of a Lotus Lake Vegetation Management Plan**

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Manager Pedersen moved to send Task Order 34 to the CAC for its review and comment.

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Manager Crafton seconded the motion. Manager Koch made an amendment to the motion

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to send the soil health and shoreline maintenance amendment to the CAC for review and

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feedback to the Board. President Ward noted the additional items raised by Manager

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Koch should be taken in order per the agenda. Manager Koch withdrew his amendment.

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

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

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## 11. Discussion Items

174 **a. Manager Reports**

175 **i. Personnel Committee**

176 Manager Pedersen reported on her research on salary increases and presented the  
 177 Committee’s recommendation that the Board hold discussing and acting on merit  
 178 increases until April or May 2021. Manager Koch requested the information  
 179 Manager Pedersen is discussing, and Administrator Bleser said she will forward  
 180 that information to the managers.

181 Manager Pedersen moved to approve hiring the full-time construction and erosion  
 182 inspection and soil technician. Manager Crafton seconded the motion. Manager  
 183 Koch made the friendly amendment to approve filling the District’s Education  
 184 and Outreach position as well. Managers Pedersen and Crafton accepted the  
 185 friendly amendment.

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

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

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190 **b. Administrator Report**

191 Administrator Bleser reported District staff will hold a virtual team retreat next week  
 192 with a focus on team effectiveness.

193 **c. Plan Amendments - Soil**

194 Manager Crafton talked about her requested revisions, which she shared with  
 195 Administrator Bleser, and requested staff put her revised version in front of the Board for  
 196 review and consideration. Manager Koch moved to refer the amendment to the CAC for  
 197 it its review and recommendation to the Board. Manager Crafton seconded the motion.

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

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

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**d. Rule Modification – Shoreline Maintenance**

Manager Koch moved to refer the rule modification – shoreline maintenance to the CAC for its review and recommendations to the Board. Manager Ziegler seconded the motion. Manager Koch noted he has comments on the draft and assumes he and all managers can forward any comments to the CAC. Upon a roll call vote, the motion as presented carried 5-0 as follows:

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

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**e. Other**

No other items were raised.

**12. Upcoming Board Topics**

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President Ward noted upcoming Board topics and events were listed on the meeting agenda. He clarified the Board’s January 2021 monthly meeting will be held on January 6, 2021, at 7:00 p.m. and pointed out tonight’s meeting agenda listed it as January 9,

216 which is a typo.

### 13. Upcoming Events

- 217 • Kiss the Ground Documentary Screening, December 10, 2020, 6:30 p.m., online
- 218 • Citizen Advisory Committee Meeting, December 14, 2020, 6:00 p.m., virtual meeting
- 219 • Personnel Committee Meeting, December 18, 2020, 9:00 a.m., virtual meeting
- 220 • Board of Managers Regular Meeting, January 6, 2021, 7:00 p.m., virtual

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### 14. Adjournment

222 Manager Crafton moved to adjourn the meeting. Manager Ziegler seconded the motion. Upon a  
223 roll call vote, the motion carried 5-0 as follows:

224

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

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226 The meeting adjourned at 9:15 p.m.

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Respectfully submitted,

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David Ziegler, Secretary